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From Independence to Hindraf: The Malaysian Indian Community and the negotiation for minority rights

Hindraf rally: Malaysian Hindu protestors at the November 2007 Rally, Ampang District, Kuala Lumpur (Source: http://www.malaysiakini.com/)

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Abstract

Title: From Independence to Hindraf – The Malaysian Indian Community and the negotiation for minority rights.

The Hindraf (Hindu Rights Action Force) Rally in November 2007 drew unprecedented global media attention upon the Indian community in Malaysia and its plight as a marginalised community for the past 50 years since Independence. The fact that the Hindraf leaders were petitioning the Queen of England to have their plight redressed metaphorically and actually demonstrates that the Indians understood the colonial era and the moment of Independence from the Empire as the point of genesis for their suffering. Analysts have accurately noted that the class action suit was a ploy for the group advocating Hindu Indians Rights in Malaysia to embarrass the incumbent UMNO-led Malaysian government. As civic space in Malaysia continued to narrow for non-Malay-Muslim minorities over the last fifty years beginning from the social bargain at independence to the NEP (affirmative action) to rising Islamisation, Indians, like other minorities, began to feel increasingly pressured by a lack of opportunities and freedom to practise their culture and religion. The Hindraf Rally in 2007 instigated my research in this area to understand the problems the Indians in Malaysia have endured and how Indian leadership and organisations over a span of 50 years have handled these problems. I undertook fieldwork in Malaysia from August 2009 to July 2010, interviewing journalists, prominent members of the Indian community, doing archival research and just talking and interacting with Malaysian Indians to understand the situation. The fact that Indians led by Hindraf lawyers were leading a protest in 2007, 50 years after Independence, suggests that Indian leaders and their organisations had been inept in the management and problem solving approaches against the backdrop of a state that was adamant to preserve the rights of only one ethnic group above all others. This thesis charts the history of the Malaysian Indian community through its organisations and leadership to understand the text and context of the Malaysian Indian predicament as a marginalised minority to track a slow, haphazard road to the Hindraf Rally. It aims to understand how and why the Hindraf Rally of November 2007 occurred and what it was a culmination of.

Keywords: Hindraf, Indians as a marginalised community, narrowing civic space in Malaysia, Islamisation.
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Hindraf supporters holding up pictures of Gandhi to demonstrate a peaceful protest but in choosing Gandhi as an icon they also reveal their links back to India. (Source: http://www.malaysiakini.com/)

Hindraf leader, P. Uthayakumar being arrested at his office before the November 2007 Rally.

(Source: http://www.malaysiakini.com/)
Introduction

November 25th 2007, a significant number of Indians 1 (mainly Hindu Tamils) demonstrated in the heart of Kuala Lumpur, at the Ampang District to submit a petition to the British High Commission. The petition was to urge Her Majesty to appoint a Queen’s Counsel to represent Malaysian Indians in a suit against the British government. Malaysian Indians were suing the British government for their frustrations and resentment, pent up over 50 years whilst being resident in post-independence Malaysia, with the claim for compensation.2 A claim was made that colonial Britain, while being responsible for importing labour from India into Malaya, had failed to dispense its duties to the minority Indian community of Malaya at the time of decolonization. Citing the Reid Commission Report of February 11th 1957 which accorded Malays with special privileges and failed to address the rights of the Indian community, the Indians felt that they had endured ‘apartheid’3 in post-colonial Malaysia as a result.

The force behind this protest demonstration was the Hindu Rights Action Force (Hindraf), a loose coalition of 30 Hindu/Indian organizations in Malaysia. Led by a team of lawyers, Hindraf chairman, Waythamoorthy and other Hindraf spokesmen have repeatedly brought up issues associated with the Reid Commission at Independence and its impact on minorities in Malaysia. Surprised that the Commission’s papers remain classified in Malaysia despite having been long declassified in England, Hindraf drew attention to a condition brought up during the Commission that, ‘the special privileges of the Malays should have been reviewed 15 years after

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1 It remains unclear as to the number of Indians that showed up for the November protest rally. Some sources quote as low as 8000 while others as high as 100 000. But the numbers were definitely significant in that the Malaysian government felt threatened by the numbers as demonstrated by the application of the FRU (Federal Reserve Units).


Independence. It has not happened after 50 years'. Waythamoorthy has made explicit how non-Muslim minorities in Malaysia have felt pressured into not questioning the social contract made in 1957 and stands firm in declaring that 'we are not immigrants and we have been always loyal to the country, so why are we being marginalised?'.

The Hindraf filed for compensation from the British government amounting to one million pounds sterling for every one of the two million Indian Malaysians. However as analysts have accurately noted, the class action suit was simply a ploy for the group advocating Hindu Indian Rights in Malaysia to capture international attention for their lobby and to embarrass the incumbent UMNO (United Malays national Organisation)-led Malaysian government. The actual reasons of discontent that were driving Hindraf had been made known in a letter of appeal to British Premier, Gordon Brown, some ten days earlier. The Hindraf legal adviser, P. Uthayakumar, cited several points of grievance in this letter of appeal, which include the demolition of Hindu places of worship, the disinclination of the UMNO government to hold an inquiry into the Kampung Medan 'mini genocide', March 2001, when some 100 Indians were slashed and killed, the disproportionately high number of Indians who were killed in police custody, and the discrimination endured by Indians in gaining admissions to higher institutes of learning or skills and training in Malaysia.

As a student of the Indian Diaspora, I watched these occurrences of November 25th, 2007 with interest and surprise. Surprise because since the British colonial stereotype of the South Indian migrants being 'malleable

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4 *Malaysiakini*, 30th July 2007, '18 demands for Indian Malaysian rights'.
5 Ibid.
6 *Malaysiakini*, 17th November 2007, 'Indians to petition Queen E via British Envoy'.
7 *Malaysiakini*, 23rd November 2007, 'Hindraf- a new face is born'.
...and easily manageable⁹, seemed to have stuck well into the post-colonial Malaysian era, one never heard of Indians in Malaysia being able to mobilize effectively before to protest their plight. Interest because the events and issues encapsulated in the November 25th episode highlighted the common plight of immigration and immigrants in their feelings of displacement, longing and belonging, nationality and citizenship, so vigorously discussed in the field of diaspora studies. After five decades of being resident in post-colonial Malaysia, the processes of assimilation have remained incomplete for these Indians and they have somehow been left out in the Malay (sian) imagination of nation building and myth making. Their appeal to the British government as the source of placation for their plight, though symbolic, and the fact that Indian protesters displayed images of Gandhi during the demonstration revealed that their sense of connection to the colonial era and to India as a motherland had not receded to a distant memory.

Media reports of the events described a people in defiance, shouting slogans of 'Makkal sakti' (people’s power), undeterred by repeated warnings and a court order which allowed the police to 'arrest on sight', yet they came out in the thousands. They stood up against tear gas and chemical-laced water cannons chanting slogans¹⁰ in both Tamil and English and decrying ketuanan Melayu (Malay hegemony). To me these acts though valiant were also signs of desperation. I saw it as a breakdown on the part of the Indian minority in being able to negotiate effectively for their rights, cultural and political, through the avenues of conventional politics in Malaysia. Hindraf had performed a daring feat of political activism in Malaysia through the demonstration and the class action suit. However, the question also remains as to why had this form of activism taken 50 years after Independence to materialize? Surely there must have been preceding instances, in the history of Malaya (sia) when these otherwise 'malleable' Indians would have taken matters into their own hands.


¹⁰ Malaysiakini, 26th November 2007, 'Fearless Indians fight for rights'.
This 'saffron rally', as dubbed by journalists, in November 2007 therefore instigates the inquiry as to how the Indian community in Malaysia, located in a post-colonial state of Malaysia that subscribes to an un-egalitarian mode of civic consciousness, which favours one particular ethnicity, the Malays, over the others, has been able to negotiate a civic space for itself. As this civic space continued to narrow over the last fifty years beginning from the 'social bargain' at Independence to the New Economic Policy /NEP (affirmative action) to rising Islamisation, non-Muslim non-Malays have begun to feel increasingly pressured by a lack of opportunities and freedom to choose culture and religion. The Hindraf rally of November 2007 was a demonstration that the Indians of Malaysia had been pressured to the point of defying the state to conduct illegal assembly in the heart of Kuala Lumpur. This thesis examines crucial moments in history such as the suppression of the trade union movement, the issues up for bargain at Independence, the effectiveness of Indian leaders in their actions within given circumstances and finally the emergence of non-governmental organisations to deal with community concerns where and when the state had failed to provide for minority communities. This is to understand how and to question if moments in Malaysian history as well as the agents and actors on the historical stage representing the Malaysian Indian community interacting with the Malaysian state, had acted throughout the previous five decades to have circumstances finally culminate in the Hindraf moment in 2007.

The feelings of being discriminated against and repression highlighted by the Hindraf activists were actualised within the microcosm of events surrounding the demonstration of 25th November 2007. Hindraf was formed in early 2006 as a response to the demolition of Hindu temples and the controversy surrounding religious conversion cases such as that of the Everest Climber, M.Moorthy.11 Hindraf tried repeatedly to create a space for negotiation with the UMNO government by setting resolutions, through letters of appeal and requests for the creation of legislation to protect non-Muslim religious and minority rights. When gatherings were initiated to meet with UMNO officials, 11 *Malaysiakini, 13th January 2006,* 'Hindu groups flay PM over 'eyewash".
such as that of September 12th 2007 when some 40 Malaysian Indians gathered outside the Parliament Building wanting to submit a protest note to Prime Minister Abdullah Ahmad Badawi\textsuperscript{12}, the Hindraf met with an indifferent government response. However the governmental authorities were quick in a knee jerk reaction when the Hindraf leaders announced on November 17th 2007 that they were planning to gather in the heart of Kuala Lumpur with some 100 000 supporters to hand over the petition meant for Queen Elizabeth II through the British High Commission.

Within two days of this announcement, the police raided the offices of two Hindraf lawyers, P.Uthayakumar and his brother Waythamoorthy, in search for published material entitled ‘50 years of violation of the Federal constitution by the Malaysian government’ deemed seditious under the Sedition Act.\textsuperscript{13} The police next rejected the Hindraf request for a permit to gather on November 25th thus deeming any activity on the stipulated date, illegal. The Indian political party in coalition with UMNO, Malayan Indian Congress (MIC), condemned the Hindraf rally and urged Indians not to attend. Two days before the rally, three Hindraf leaders, P. Uthayakumar, P. Waythamoorthy and V. Ganapathy Rao, were also arrested. Finally during the rally, protesters were randomly assaulted, arrested and charged with chemical-laced water cannon. However, gross injustice was really felt when 26 Indian protestors were rounded up at the rally and charged with attempted murder\textsuperscript{14}, accused of assaulting a policeman. This reaction of the Malaysian government to the November rally was revelatory of the authoritarian practices that had become endemic of the UMNO-led Malaysian government especially since the Mahathir era. It was obvious then as over the last 50

\textsuperscript{12} Malaysiakini, 12\textsuperscript{th} September 2007, ‘Message to PM: Don’t neglect poor Indians’.

\textsuperscript{13} Malaysiakini, 19\textsuperscript{th} November, 2007, ‘Police raid offices of two Hindraf lawyers’.

\textsuperscript{14} Malaysiakini, 5\textsuperscript{th} December 2007, ‘Attempted murder charge for Hindraf protestors’.

years, that Indians as a minority community in Malaysia were living and negotiating within a very tight civic space.

Who are the Indians of Malaysia?

Indian influences in Malaya and what is geographically known as Southeast Asia today have been recorded as early as the fourth and fifth centuries. The Southeast Asian region was known as Suvarna dvipa and Suvarna bumi (lands of gold) for Indian traders, Brahmins (Hindu priests) and Indian rulers looking to expand their influence. Although Arasaratnam notes that the Malay Peninsula did not witness Indianization on such an extensive scale as countries to the north and south, nonetheless there is early evidence of Indian presence and influence in Southern Kedah and the Province Wellesley region in the form of inscriptions in Indian script of the fourth and fifth centuries and later the existence of Buddhist and Hindu structures. This is not the era that we are centrally concerned with in this dissertation, but it is an important point of contact to acknowledge between Indian and Malay cultures. The ‘Era of Indianized States of Southeast Asia’ has impacted Malay culture in custom, ancient royal court practices and other aspects of ritual and spirituality. This is being purged in haste within the current contexts by Malaysian Malays, particularly with the advent of the dakwah movement, to practice a more Arabic version of Islam. Willford explains this through Barth’s theory of ‘Boundary maintenance’ between ethnicities. He writes that, ‘Malays experience recoil and fascinated unease when witnessing (Hindu) rituals that resemble those that a state sponsored Islamic ideology asks them to purge from their Malay culture and psyche. In this sense, assertive Tamil ritualism is both threatening and enticing and therefore produces a schismogenetic counter while vicariously objectifying the Other-

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that is, as wholly Other-as the surmounted past within the historiographic desire Malay Islamic modernism.\textsuperscript{17}

The Indian community, or should I say, Indian communities of Malaysia being discussed here were largely a result of British expansion into Malaysia. As the British first came to occupy the Straits Settlements they brought along Indian sepoys, lascarines and servants who had been recruited in India. The first commercial crops to be grown in these port settlements of Penang, Malacca and Singapore were cane and coffee and through a system of indenture, Indian labourers were brought in to work on these plantations. The Straits Settlements were used to jail convicts who had been captured in India. At times these convicts were used in public works and when their sentence was complete, they were released within the Straits Settlements instead of the British bearing the additional cost of shipping them back to India. The practice of jailing Indian convicts in the Straits Settlements was stopped in 1860 as the European business community began to protest.\textsuperscript{18} As the British intervention began to expand into the hinterland and more land for cash crop cultivation became available, the growth and population distribution of Indians in the Malay Peninsula hinterland became closely tied to the growth in production of rubber and later oil palm plantations. In 1911 the Indian population was at 270,000, in 1921 it was 470,000 and in 1931 at 625,000.\textsuperscript{19} The Great Depression, the overproduction of rubber in the late 1920s and finally the Japanese occupation were to affect the inflow of Indian immigrants to Malaya as their migration into the colony was closely tied to the commercial value and demand and supply forces in the production of rubber. Besides being plantation labourers, the British hired the Indians for public works, construction and as railway workers. Ninety percent of the labourers were of Tamil speaking origin. They came from Tamil areas such as North Arcot, South Arcot, Salem, Chingleput, Tanjore, Trichy and

\textsuperscript{17} Andrew C. Willford, \textit{Cage of Freedom, Tamil Identity and the Ethnic Fetish in Malaysia} (NUS Press, Singapore, 2007), 118.

\textsuperscript{18} Sinnapah Arasaratham, \textit{Indians in Malaysia and Singapore}, 28.

\textsuperscript{19} Ibid., 29.
Ramnad. There were a small number of Indian labourers who came from Telegu districts of North Madras and Malayalam districts of Malabar.20

The complexities of British administration and expansion of commercial interests required protection in the form of policing and auxiliary troop support. For these purposes the British relied heavily upon their experiences with the 'Martial classes of India'.21 The British recruited Punjabi Sikhs, Punjabi Mussulmans as well as some other North Indians including some Biharis to be policemen, to provide security services in various Government offices and banks and as technical personnel on the railways. It was common for these Punjabis to also double up as small- time money lenders and petty traders. These North Indians remained aloof of the South Indian labourers and associated closely with others of the same regional and linguistic community.

The educated Indians and the business communities also remained aloof and confined socialisation within their own economic class. Due to the positive experiences of British officers in having worked with Ceylonese subordinates while on a tour of duty in Ceylon and the network of schools created in north Ceylon by Christian missionaries, which created a pool of educated men with a good command in English, mathematics and accounting, British officers preferred to recruit Ceylonese for junior positions in the Government departments in the administration of Malaya. In 1947, there were 23000 Ceylonese clerks and subordinates in various aspects of British administration which extended to the railways, postal services, accounts division and even the Treasury.22 Soon Malayalees from Cochin and the Malabar districts of Madras, where there were similarly well organised systems of schools with access to higher education, began to seek opportunities in Malaya. They began arriving in the 1920s and were concentrated in the private sector, in the lower grades of clerical employment

20 Ibid., 25.

21 See Arunajeet Kaur, Sikhs in the policing of British Malaya and Straits Settlements (1874-1957), (Saarbrücken: VDM Verlag Dr. Müller, 2009).

22 Sinnapah Arasaratnam, Indians in Malaysia and Singapore, 33.
in European firms and plantations. Educated Indian Tamils were to follow suit and professionals such as doctors, lawyers, teachers and journalists began seeking opportunities in Malaya as well. But these educated classes were mainly concerned with the educational opportunities for their children and their continued prospects in Malaya and seldom involved in the affairs of the labouring classes.

There were also prosperous Indian business communities who arrived seeking opportunities in Malaya. There were other sub-ethnic Indian groups such as the Parsees, Sindhis, Marwaris and Gujerati traders and merchants who were by the 1940s able to establish the North Indian Chamber of Commerce. And of course there was the Nattukottai Chettiar community that had not only made its existence felt in Malaya but in most parts of Southeast Asia. The Chettiar community had its own religious and social customs that restricted their involvement with other Indian communities. As I will explain further in Chapter Two, these Indian immigrants who were arriving in Malaya did not embody a monolithic identity as Indians. They identified with their sub-ethnicities of being Tamils or Malayalees or Punjabi Sikhs. Their world views were further fragmented according to their village, linguistic and even caste subdivisions. It was the British who classified them in the various censuses as Indians and that too according to their geographic origin in India and their linguistic affiliation.

Early Indian migrants were first aligned to their family, then village kin, similar caste, linguistic orientation, sub-ethnic group and finally they only referred to each other as Indian in relation to the other ethnicities such as Chinese or Malays of Malaya. Beginning with caste orientation, social ritual with regards to commensality, marriage and other ceremonies segregated those of higher from the lower castes. Later it would become evident even in the political arena that caste affiliation began to play a significant role in even MIC politics as displayed in the 1980s and late 1990s (See chapter Four). The Tamil community and its concerns dominated the centre stage of Malaysian Indian politics. This was because the Tamils make up the largest percentage of the
Indian population in Malaysia and it was primarily the South Indians who predominated in the plantation economy as labourers.

Malaysian Indians were generally influenced by the variants of Hinduism that was consistent with their caste, class and sub-ethnic orientation. Upper caste Indians identified with the so-called, 'greater tradition' of Hinduism that encouraged imbibing Hindu philosophies from scripture such as the Vedas. Upper class, urban educated Indians followed suit in pursuing Hindu philosophy rather than ritual and looked at famous Hindu philosophers like Aurobindo and Vivekananda. South Indian Tamils and the Ceylon Tamils followed Tamil Saivism and the Telugus, the Vasnavite tradition while Northern Indians and Brahmins adhered to Vedantic traditions. The plantation labourers' lives were centred around the temple. In many cases, immigrants brought the soil of the traditional Hindu temples from their ancestral lands in India and implanted it on the grounds of the new temples. The unlettered plantation labourers also adhered to the 'lesser tradition' of Hinduism that was centred on ritual, trance and the worship of 'village deities' or 'minor deities'.

Rajoo24 and Wiebe and Mariappen25 write of the 'ethnic insularity' of the Indians on the plantations. To begin with, very few were educated and could relate to the complicated nuances of British governmental and later UMNO-led policies and procedures. The middle man, 'Mando', negotiated the position and views of the plantation workers based on his affiliation with the government or authorities of the day. Culturally the Indian labourers were preoccupied with the preservation of their own Indian identity, which assured them of social and communal security by maintaining links with kin in Malaysia and back in India. Their main concern was their own village of


24 Ibid.

origin (ur) or the region they came from. This attitude was encouraged by the British, who wanted the Indians to remain distinct and it helped communal representation when the Indians remained a separate and identifiable community. Wiebe and Mariappen, whose research was conducted at a plantation Pudthukuchi in the 1970s, describe the ethnic insularity of the Indians vis-a-vis the Malays and Chinese who were also resident on the plantation. The Chinese, Malays and Indians lived in segregated quarters, went to different schools on the plantation and maintained unhealthy stereotypes about each other's community, although there was no actual physical confrontation between the various ethnic groups. The sense of ethnic insularity and preoccupation with their cultural inheritance from India did not help the Malaysian Indian community in being rooted to a Malayan/Malaysian consciousness. Though in Chapter Two, I will demonstrate that there was a dichotomy between Malayan-born Indians and Indians from India in their orientation in loyalty and identity at the point of decolonization. In the early days there was ambivalence on the part of the Indian community in perceiving Malaya as a nation and homeland when ancestral ties and linkages were still fresh in communal memory. In later decades there is an assumption of a hyphenated identity. Malaysian–Indian that sutures Malaysian national markers, history and emblems with the Indian cultural consciousness. But through the Hindraf claim, it is obvious that Malaysian Indians expect the Malaysian state to honour Indians as well as the Malays as equal citizens.

In terms of political participation, studies conducted in the 1970s and 1980s, both Rajoo and Wiebe and Mariappen have highlighted the politically apathetic stance of the labourers. It was commonplace for the Malayan Indian Congress (MIC) party to form pacts with the 'Mandos' to rally up any number of labourers to vote for them. Until the 1970s, the Indian plantation labourers were aware of general details of the internal politics within MIC but they also maintained an interest in DMK, Tamil Nadu politics. And they

26 Ibid., 47.
27 Ibid., 91.
maintained fervour for Tamil films, particularly those that featured MGR (Maruthur Gopalan Ramachandran) and recently Rajnikanth, which to a certain level influenced individual and group personality. But there was never an actual attempt to engage with the Malaysian political scene. As it will be explained in Chapter One, the plantation labourers were active agents of change in the post-war Trade and Labour Union movement, but then again they were not lobbying for political change or civil rights. Their actions were driven by economic reasons of negotiating better wages and living standards.

The Indian Muslim community has long portrayed the shadows of assimilation and communal boundaries associated with ethnic integration in Malaysia. Indian Muslim traders have long been attributed with the Islamisation of the Southeast Asian region. In the 18th century, with the establishment of the Penang Settlement by the British, Indian Muslim petty businessmen also known as Chulias arrived to set up shops. There was a regular stream of spontaneous Indian Muslim migrants to the Malay Peninsula. Nagata gives an in-depth account of the significant arrival and settlement of Indian Muslims in Malaya but also highlights the grey areas that involved issues of commonality and distinction between Indian Muslims and the Malay community.28 The Malay community often accepted those of Islamic faith into the Malay community under the equation of masuk Islam / masuk Melayu (to embrace Islam is to become Malay) but the Malays maintained differentiation from the Indian Muslims by referring to them as Jawi Peranakan (Jawi in reference to Southeast Asian Muslims and Peranakan as being indigenous to the land) and there are also pejorative references to ‘Malays’ who have Indian ancestry being referred to as DKK, for Darah Keturunan Keling.29 Nonetheless, after Independence as the benefits of being Malay or bumiputera became obvious, many Indian


29 Ibid.

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Muslims took the option of assimilating into the Malay community to enjoy those benefits.

The life and times of Malaysian Indians has received consistent academic attention. Sandhu\textsuperscript{30}, Wiebe and Ramachandran\textsuperscript{31}, describe the life of the Indian plantation worker in Malaysia. The Indian labourers were made to work long hours in difficult circumstances, whereby they had to clear jungle growth for plantation land, subjecting them to snake and poisonous insect bites and diseases such as malaria, and they faced oppressive treatment by the planters and management of the plantation. Medical facilities were poor and opportunities and facilities for education on the plantation were meager. The harsh conditions of the plantation encouraged social problems such as excessive alcoholism amongst the labourers (partly due to the ready availability of \textit{toddy} peddlers on the plantation) and also wife/female, child abuse within the family unit. Jain describes life on the plantation as a ‘community sub-system’\textsuperscript{32} with the plantation becoming a total institution; one is born, educated, gets married, has children and finally dies without even having left the plantation. This would have naturally bred a sense of alienation amongst these Indian plantation laborers from the indigenous Malay (a/sian) people and retarded a sense of assimilation.

As mentioned earlier, there were Indians who arrived as auxiliaries of the Empire and as lower level civil servants. But any hope for upward social and professional mobility was hampered by colonial policy. As in other parts of the Empire, Indians were looked upon as ‘interlopers and middle men’\textsuperscript{33} to be excluded from ‘power and politics’.\textsuperscript{34} These policy impediments to Indian


\textsuperscript{31} SelvaKumar Ramachandran, \textit{Indian plantation labour in Malaysia}, (Malaysia, 1994).

\textsuperscript{32} Quoted in SelvaKumar Ramachandran, \textit{Indian plantation labour in Malaysia}, 18.


\textsuperscript{34} Ibid. 126.}
communal aspirations were to inevitably enmesh large portions of the Indian community into a poverty trap well into the post independence era largely due to their lack of adequate representation during and after the colonial era.

Rajoo\textsuperscript{35} and Nagarajan\textsuperscript{36} highlight that when the plantation economy gave way to fragmentation and ownership subdivisions, many Indians lost not only their livelihood but their entire world view as they were forced to relocate to urban areas. Lacking education and skills and in some instances, even adequate documentary evidence of their citizenship status, Indians found little opportunity for employment and social mobility. Setting up residence in squatter settlements, they were compelled to break out of their cocoons when they had to interact with Malays and according to Nagarajan, this led them to encounter further racism.

Puthucheary\textsuperscript{37}, Ramasamy\textsuperscript{38}, Jeyakumar\textsuperscript{39}, Thillainathan\textsuperscript{40} and Oorjitham\textsuperscript{41} have highlighted the depreciating economic circumstances of the Indians in Malaysia, focusing on the low wages of the Indian urban working class, the low level of household income of Indians, the impact of the New Economic


Policy (NEP) and the existence of subsequent barriers of entry for Indians to be in the Malaysian Public service, to attain tertiary education and in economic enterprise, therefore explaining the low percentage of Indian equity ownership.

In the issue of education, Tamil education and access to educational opportunities preoccupies the attention of the community. Marimuthu⁴², Arumugam⁴³ and Nadarajah⁴⁴ highlight the dilemma within the community in preserving Tamil language education (although it provides for limited opportunity for upward social mobility) versus scraping it. Activists use the state of Tamil language schools, being poorly funded and managed, as a moot point to highlight the UMNO government’s apathy, if not neglect, for the needs of the Indian community and culture. However, recent debates in the press regarding ethnic segregation in schooling systems have supported the idea of an integrated, national schooling system that takes all of Malaysia’s multi cultural communal needs on board. But the fact remains that the ethnic quota for university admissions stands against attempts of the Indian community to uplift itself and ensure greater professional and economic opportunities for the future.

A recent publication, by Appadurai and Dass entitled ‘Malaysian Indians; Looking forward’⁴⁵ pointed out detailed statistics of the Malaysian Indian income, education and social situation. In 2005, Malaysian Indians consisted of 7.5% of the Malaysian population, which is a significant decrease from 11.26% of the population at Independence. In 2000, 87.6% of the Malaysian Indian population was Tamil, with Hinduism being practised by 84.10% of the

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⁴³ K. Arumugum, “Tamil School education in Malaysia: Challenges and prospects in the new Millennium” in Rising India and Indian Communities in East Asia, ed. Kesavapany et al. (Singapore: ISEAS, 2008).

⁴⁴ M. Nadarajah, Another Malaysia is possible and other essays (Malaysia: Nohd publications, 2004).

Indian population. The Indian communities were largely concentrated in the states of Selangor, Perak and Johor. In 2000, the largest percentage of Indians at 12.8% earned the monthly gross household income of RM 2725, only 5 % earned RM 3456. Also in 2000, most Indians had only been educated up till primary school (33.10%) or lower secondary (28.20%). 7.15% had qualified from university and other tertiary institutions. This would explain why only 10.1% of the Indians were employed in professional fields when they largely dominated in the production (39.4%), agriculture (15.1%) and services (12.1%) sectors. However the most shocking statistics were those involving the percentage of convicted prisoners and crime, 9% of drug addiction crimes, 19.7% of murder convictions and 9.5 % of Juvenile crime are Indians. 13.37 % of convicted prisoners in Malaysia are Indians . These figures are out of proportion in terms of the Indian percentage of the population. Appadurai and Dass highlight that Indians as a minority endure political and economic marginalisation in Malaysia as their numbers within the Malaysian population do not ensure them significant representation or a vote bank in most constituencies, and ineffective measures by the MIC and the government has kept the Indian community depressed in Malaysia, in terms of the percentage economic equity of the country.

Beyond the socio- economic disadvantages of the Malaysian Indian community already highlighted, a stinging point for the Indian community in Malaysia has always been the negative stereotyping and representation of them in the press and media. Nadarajah46 highlights that despite statistical evidence, South Indians are made out to be violent and of a criminal nature. He discusses the issue of Tamil movies being cited by analysts in Malaysia as a major influence in inciting such adverse behaviour within the community. This accentuates the feelings of discrimination endured by Indians in post- independence Malaysia as they feel that Malaysians, in general, take pot shots at south Indians for their culture, language, circumstances and to some extent, even their phenotypical features.

46 M. Nadarajah, Another Malaysia is possible and other essays, 140.
However, the most recent form of discrimination Indians (and other non-Muslim minorities) have endured in Malaysia is due to the increasing Islamisation of Malaysian state and population. Wilford47 addresses this issue when highlighting that Tamils in Malaysia are experiencing a heightened sense of religiosity in response to ethnicity and religion, increasingly being used in a conflated state to legitimise the local political system.48 His publication precedes the Hindraf rally in November 2007, giving evidence that his observations were accurate, as Hindraf was inspired chiefly by the suppression of Hindu rights in Malaysia through the demolition of Hindu temples and controversies over religious conversions.

Supernor49, like other analysts, attributes blame for the Indian community’s plight to the Malaysian context that privileges the Malay Community ibumiputera (son of the soil), the inherent divisions within the community according to class and sub-ethnicities and finally an ineffective Indian leadership. However, in my study I attempt to explore the issue beyond these generalisations as reasons for failure. Although my study will analyse a post-colonial Malaysian society, it would be important to begin at the decolonizing moment, (post-war and well past 1957, possibly until 1969) as it is during this time that interest groups were forming and propagating their individual ‘nations of intent’.50 It is important to understand how Indians were negotiating their identity, cultural and national orientation from this moment onwards as it would have impacted their role as stakeholders in the Malaysian nation and hence their determination in agitating for rights and mobilising, politically or otherwise.

48 Ibid., 1.
49 Dennis E. Supernor, Tamils in Malaysia: Problems in Socio-Economic development for an immigrant minority group, Thesis PH.D. 1983 RICE UNIVERSITY.
Indian attempts at political mobilisation and negotiation of minority rights in Malaysia

Attempts to study political mobilisation and negotiation amongst Indians in Malaysia have been few and fragmented. Perhaps this is revelatory of the extent of political activity within the Malaysian Indian community itself. Scholars studying the indenture and migration of Indian plantation labour in other contexts, such as Lai\textsuperscript{51} and Carter\textsuperscript{52}, have observed reluctance amongst Indian labourers in the Empire to resist, at least in the conventional manner of protests and boycotts, the oppression experienced on the plantation. Lai posits several reasons for this: the sojourner’s mentality that was focused on remitting back earnings; ‘individual achievement and personal survival’; ineffective or ‘lackey’ leadership amongst Indians that served the goals of plantation management rather than labour; the inability to comprehend law and justice amongst labourers, hence disempowering them legally to have organised protest; and the psychological burden of having experienced the brutality and instruments of power employed by planters that kept labourers oppressed. This was true of the Indian labourers brought to Malaya as well. However, the influence of communism (through interaction with mainly Chinese labour in Malaya) and the advent of Indian nationalism were able to rouse the Indian population to significant political activity, culminating first in the 1941 Klang strikes.

In contrast Stenson\textsuperscript{53} and Brown\textsuperscript{54} both observe that the efforts made by the Indian community to express discontent and to lobby minority rights were

\textsuperscript{51} Brij Lal V., \textit{Cholo jahaji} (Canberra: Division of Pacific and Asian History, Australian National University and Fiji Museum, 2000).


\textsuperscript{53} Michael Stenson, \textit{Class, Race and Colonialism in Malaysia: The Indian Case} (Queensland, University of Queensland Press, 1980).

fraught by divisions of class and subethnic concerns. Ramasamy\textsuperscript{55}, Stenson and Brown observe that the Labour and Trade Union Movement was to flourish in the immediate post-war context having benefitted from the experience of being mobilised with the Indian National Army (INA) and the influence of the Malayan People's Anti Japanese Army (MPAJA), which was essentially communist in nature in its post-war manifestations. But Emergency regulations enforced by the British Military Administration were quick to quell the fervour of Indian involvement in union activities and the formation of the National Union of Plantation Workers in 1954, aimed as being the centralised and united labour organisation, ushered in an era of moderate activism.

The greater force in mobilising Indian labour was Tamil nationalism. The predominantly South Indian Plantation Labour was deeply influenced by Tamil nationalism which had two strands; Ampalavanar\textsuperscript{56} and Arasaratnam\textsuperscript{57} note the significance of the manifestations of Dravidianism in the efforts of Malayan Indians to establish the Pan-Malayan Dravidian Federation (PMDF) in 1932 and Dravida Kalagams in Ipoh and Singapore in 1946. Many South Indian labourers were influenced by the teachings of Ramasamy Naicker, and this was reflected in the attitudes of the labourers to affect a Tamil separatism of sorts by not adhering to the leadership of certain middle-class Indian political organisations, such as the Indian Associations and subsequently the MIC, which were in the initial stages dominated by the Ceylonese and Northern Indians. Tamil Nationalism also took a militant manifestation in the formation of \textit{Thondar Padai}, which was a Tamil youth movement, inspired initially by Indian Congress nationalism but that gravitated increasingly towards greater emphasis on Tamil-ness and class unity.


\textsuperscript{56} Rajeswary Ampalavanar, \textit{The Indian minority and political change in Malaya 1945-1957}, 33.

\textsuperscript{57} Arasaratnam Sinappah, \textit{Indians in Malaysia and Singapore}, 129.
Ampalavanar highlights the second strand of Tamil Nationalism, which took root among the Tamil journalists, businessmen, school teachers and relatively high caste labourers, who had been alienated from the militant PMDF. Their principal organisations include the Tamil Reform Association of Malaya and Singapore, the Tamils Representative Council, Tamil Pannai and the Tamil Reform Association, but their activities were largely apolitical, focusing instead on social and religious reform.

While the labouring classes took to the Labour Unions, the Indian middle classes consisting of civil servants, lawyers, clerks and businessmen expressed their concerns through representation in the various Colonial Administrative Councils and through the formation of associations and political parties. Even this group, which Ampalavanar dubs the 'elite factions'58 was composed of two factions. There was the conservative faction, the wealthy, English-educated professionals, separated from the Indian masses by class, ethnic, caste and cultural distinctions. The great majority were Ceylon Tamils, Bengalis or Malayalees who primarily lobbied their own interests such as English language educational privileges for their children and greater representation on colonial administrative councils, and as a result they were alienated from the larger Indian community which was of the labouring class. The second elite faction was composed of radical nationalists. The majority were lawyers, heavily influenced by the ideology of the Indian National Congress. In the 1920s and the 1930s, they dominated Indian Associations throughout Malaya and Singapore, but it was not until the formation of the Central Indian Association of Malaya (CIAM) in 1936 that they became an effective political force.

The CIAM and arguably the Malayan (sian) Indian Congress, MIC, formed in 1946 were largely impotent organisations, in negotiating Indian rights for two reasons. They did not enjoy the support of the Indian masses, largely the working class, who viewed them with suspicion, and they were ambivalent about crucial issues of citizenship and nationality from the outset of their creation, unsure if it was Indian or Malayan decolonization that they should

be involved in. MIC was only able to obtain some degree of support from the general Indian population when firstly the party underwent a Tamilisation in 1954 with the election of V.T Sambathan as president and secondly, in April 1955 when it became a full partner of the Alliance, which became the government after Independence.

The story of the political mobilisation of Indians in Malaysia, as told by scholars stops there, told only from Independence to 1957. Ampalavanar’s work on *The Indian minority and political change (1945-1957)*, Stenson’s on *Class, race and colonialism in West Malaysia - The Indian case* and Ramasamy’s on *Plantation Labour, Unions, Capital, and the State in Peninsular Malaysia* are seminal works in understanding the account of Indian activism in Malaya(sia) during the pre-colonial era, but there is an absence in contextualisation of these accounts against the central debates of the survival of ethnic minorities in colonial and post-colonial environments. This context includes the forces of dominant nationalism in Malaysia and its impact on minorities; space(s) of representation; political, economic, judicial, cultural for minorities in Malaysia, national and transnational imaginings of the minority (immigrant) people.

Some fragmented attempts at scholarly analysis have been made to understand the state of political mobilization and activism amongst Indians in the post-colonial context. In a later work, Brown\(^59\) attempts to analyse the effectiveness of primarily Indian leaders of the MIC, account for the performance of the Indian political elite in elections up to the seventies and primarily cites the political system in Malaysia, communalism for the ineffectiveness of Indian leadership. Ramasamy\(^60\), when discussing issues of Indian political representation, reinforces the limitations endured by Indians as a result of the politics of Malay hegemony and the inabilitys of the


MIC to represent the needs and causes of the Indians and places hope for the future of Indians in the flourishing Malaysian civil society. Anbalakan61 tries to understand the attempts at socio economic self help by the Indians by analysing early failures such as the National Land Finance Cooperative Societies (NLFCA) established by V. T Sambathan in 1960, the creation of Great Alloniers Trading Corporation (GATCO) in 1967 by NUPW, Nesa, a multi- purpose cooperative formed by Manickavasagam in 1974 and later Majujaya and the Maika holdings which were created to increase Indian equity ownership in the corporate sector. Anbalakan cites the predominance of factionalism, power mongering and mismanagement as the reasons for the ineffectiveness of these endeavours at self help.

In reviewing the literature on Indians in Malaysia, it is obvious that no scholarly attempt has been made to account and analyze Indian responses to peak political and economically defining moments. Such as reaction to the events of the 1969 ethnic clashes, the formation of the National Operations Council (NOC) which was to initiate affirmative action in Malaysia, such as the New Economic Policy (NEP) in 1971 and was continued as the National development Policy in 1990, the increasing practices of authoritarianism and patronage during the Mahathir era, the proliferation of the Malaysian Civil society as a result of Reformasi of the late 1990s and finally increasing processes of Islamisation in Malaysia. Each phase of Malaysian history, as mentioned here, impacted the non-Muslim/Malay minorities significantly. Recent, journalist’s editorials, blog spots and other media reveal a rising consciousness amongst the Chinese and Indians of Malaysia that they have conceded too much over the last 50 years, but while the Chinese persist to predominate in the corporate sector, with the exception of a small group of successful millionaires and professionals, the Indians remain the underclass that they were when they first arrived under the auspices of the British Empire.

This thesis will analyze the continuities and disjuncture that escalated the marginalization of Indians to the present state, as exemplified by the Hindraf episode. It will analyze 1) how the Indians mobilized themselves during these significant historical phases 2) under what circumstances they could or could not mobilize, 3) how effective were their efforts, organizations and leaders. Realizing the complexities of the Indian community that consists of many sub-ethnicities, I will focus my attention primarily on the Tamils, who form 80% of the Malaysian Indian population.

**Malaysia as hostland or homeland for Indians**

Is there a Malayan/Malaysian consciousness and what is it? Sumit Mandal writes of “everyday teh tarik nationalism” and the existence of transethnic solidarities between Malaysians that transcend the race rhetoric of the Barisan Nasional government and the elite to refer to “a variety of efforts whereby the Malaysians actively participate in society without respect to ethnic background and by rejecting primordial notions of ethnicity.” These efforts include the social and cultural activities of arts groups, religious communities, civic and business groups. However, in the perspective of minority lobby groups like the Hindraf, social and cultural activities, while aesthetically pleasing and admirable in the creation of interstitial spaces whereby token reverence is given to blurred racial boundaries and multiracial harmony, do not percolate everyday realities in Malaysian life sufficiently to ensure equal opportunity and due respect for Hindu custom, culture and religion.

In examining the historical trajectory of Malayan nationalism/Malaysian nationalism, beginning from the creation of UMNO in response to the Malayan Union proposal, to the formation of Federation and the Merdeka Constitution, the following chapters will explain that it was a Malay

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63 Teh tarik refers to sweet milky tea usually served in Malaysian coffee-shops. Here it is a metaphor to explain the everyday political realities and perception of the common Malaysians.

nationalism that emerged within the Malayan context rather than a Malayan nationalism. The United Malay National Organization (UMNO) was not formed to release Malaya from the yoke of British Imperialism as much as to ensure and protect Malay special privileges and rights. Anthony Reid in expressing the dilemmas of Southeast Asian nationalisms acknowledges that countries in these regions attempt to foster nationalisms that are essentially built along a core, usually an ethnic core with a civic path encapsulated by a territory, as instituted by the colonial authorities.\(^6\) In the case of Malaysia, its core culture is a 'Malayness' which predominates in the Malaysian national consciousness. This has two implications: 1) that Malaysian national consciousness is a fragmented one with Malays as the core and the other communities on the periphery, each beholding their own 'nation of intent'\(^6\) for Malaysia 2) that Malaysian national consciousness is not one which promises inclusivity. It has exclusive rights for the sons of the soil (bumiputeras) versus migrant communities (pendatang) essentially in reference to the Chinese and Indians, though the latter communities have been settled on Malaysian soil for generations and centuries. This raises the questions so often asked in migration literature which address issues of belonging, assimilation, continuities and disjuncture from the original land of migration. In the case of many Malaysian Indians, they no longer have family in India, they have no interest or stake in Indian national or Tamil Nadu politics except for general knowledge, and most exercise cultural affiliation with India through religious practice and customs as handed down from their ancestors. Visiting Indian nationals from the sub-continent claim that even they do not practice the religion or culture, or speak the language the way Malaysian Indians do. In short, Malaysia is the only home Malaysian Indians have, yet they are considered foreign and with a secondary stake in the national consciousness of Malaysia.


Given this context, one wonders if it is even reasonable to apply models of multiculturalism as espoused by Kymlicka and more recently Madood that are premised on liberal democratic principles. In examining the literature on Malaysian multiculturalism, Cheah Boon Kheng, Shamsul, Kahn and Loh, Ackerman and Lee, Lim Teck Ghee, Alberto Gomes and Azly Rahman, the absence of discussion on the position of Indians in multicultural Malaysia is conspicuous. The dialogue that ensues is usually about the Malays and their primary ‘Other’, the Chinese. There could be several reasons for this: 1) the diversity of the Malaysian Indian community does not allow an academic to commit to any generalizations; 2) in comparison to the Chinese, the Indians are considered insignificant numerically; 3) the Indian community has not come out in an open confrontation with the Malay as the Chinese have in the magnitude as exemplified in the 1969 riots; and 4) the MIC has been ‘enough’ political representation for the Indians and there is no other story to tell where the political evolution of the Malaysian Indian community is concerned. However, this thesis will demonstrate that there needs to be more academic engagement with the Malaysian Indians as a case study of minority rights, cultural and political acceptance and assimilation.

Chapter outline

Each chapter in this dissertation examines an agent or event in the history of the Malaysian Indian community that attempts to explain the Malaysian Indian plight and the eventual Hindraf phenomenon.

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Chapter one focuses on the labouring class and plantation workers amongst the Malaysian Indian population. This class formed the bulk of the Indian population. Unlettered, poor and contracted into plantation work, they had very little access to upward mobility, socially and economically. Settled in estates that kept them insular from the rest of the Malayan population, these labourers had few opportunities for integration into the Malayan social, political and economic fabric. Nonetheless, during the post-war, Trade and Labour Union Movement, this class of Indians proved to be key agents for the community to bargain and ameliorate the position of at least those within the same class bracket. However, the Union movement was quickly thwarted by colonial Emergency policies and regulations and the potential that the Indian labouring population (especially Indian union leaders) could have actualized as power brokers was not to be.

Chapter two discusses the decolonizing moment for Malaya. This moment is a metaphorical reference for a span of twelve years starting from the Mac Michael treaties in 1945 to the transfer of power from the British in 1957. It is also within this time bracket that India attained its Independence from the British and the Indian communities living all over the Empire were put into a quandary over citizenship status, investment or asset placement and even job security. This chapter looks at how the middle class Indians attempted to negotiate political and minority rights on behalf of the Malayan Indian community during this crucial phase that was to form the basis of Malayan (sian) national consciousness to present times.

Chapter three looks at key agents in the Malaysian Indian community by examining the effectiveness of the leadership of Sambanthan and Manickasavagam. These two leaders were at the helm of the main political organization representing the Malaysian Indian community, the Malaysian Indian Congress (MIC). The MIC as a component party of the Alliance and later National Front (Barisan Nasional) attained a virtual monopoly over the Indian community within a political mileu that was essentially a 'one-party electoral system'. This would put leaders like Sambanthan and
Manickasavagam in a pivotal position in determining the fate of Indians in Malaysia.

Chapter four extends from the previous chapter in analyzing another MIC leader, Samy Vellu. He held leadership of the MIC for thirty years, determining the fate of generations of Malaysian Indians. But most importantly, Malaysians, Indians and non-Indians alike view him as the villain who has perpetrated the community's woes. This chapter aims to analyze if there is truth to this sentiment.

Chapter five examines the alternatives to the MIC, alternative Indian political parties, Indian Opposition parliamentarians and the emergence of Indian Non-governmental Organization (NGOs). The chapter highlights the strengths and limitations of these organizations and personalities but it also demonstrates a build-up of political consciousness within the Indian community against the backdrop of Reformasi in Malaysia and rising Islamisation.

In Chapter six there is an in-depth discussion of the Hindraf phenomenon. From its inception to the current moment, the chapter examines the Hindraf agenda, the reaction it has received from the Malaysian state and what that symbolizes for the Malaysian Indians.

The Hindraf rally in November 2007 had manifold effects. It resurrected questions amongst reflective Malaysians as to what their national identity was all about. While there were instances of support for the Hindraf cause, mostly covert, there was disillusionment that a significant protest for minority rights had occurred along racial/ethnic lines or divide yet again. Within the Indian community, the rally was an eruption of long-simmering discontent. This thesis traces this discontent through five decades in post-colonial Malaysia. Hindraf was suppressed quickly through state measures. But its importance to the Malaysian Indian community and to the Malaysian multi-cultural milieu cannot be underestimated. While it symbolized an awakening and mobilization on an unprecedented scale on the part of the Indians, it was
also a reflection of the cracks and ruptures the long-standing Malaysian ‘social contract’ can no longer withstand.

**Methodology**

During my fieldwork stage, I began with the Singapore National Archives and the Arkib Negara Kuala Lumpur to look for documents on Indians in Malaya/Malaysia. The Singapore National Archives had recently restructured to focus solely on a Singaporean perspective and documents such as the Federated Malay States Annual reports had been removed from Open access. I found the Oral history recordings on the Indian Community interesting, again the focus was on Singapore but I was able to gain interesting perspectives on the Indian National Army and Japanese Occupation. The Arkib Negara was not as helpful either. There were some records of Colonial Office documents pertaining to the Indian plantation and labouring community which have been analyzed in Chapter 1. There was largely a dearth of a paper trail with regards to the community and I had to rely heavily on newspaper sources, primarily the New Straits Times Archive at Bungsar, Kuala Lumpur, to piece together a narrative. I also looked at Tamil dailies, which had been placed in the Arkib Negara and the Malaysian National Library, such as the Nanban, Osai and the Tamil Nesan to confirm the reports and editorials in the English dailies. The New Straits Times Archive also had records of speeches made by parliamentarians such as Sambanthan and Manickasavagam (See Chapter three).

After the late 1980s, the English and local dailies became a less reliable source of information regarding ground sentiment and an actual reporting of events, as the component parties of the Barsian Nasional and the MIC had bought into the shares of the various newspapers. To relate the events discussed in Chapter 5 and 6 I turned to Internet sources that had emerged largely out of the IT revolution and Reformasi era of the 1990s. The Malayasiakini, though shunned by Malaysian bureaucrats, was a rich source of information in attaining knowledge of ground sentiment (through its Vox Populi) and giving blow by blow accounts of events and controversies as
they unfolded. The Hindraf had set up its own webpage/s and I avidly read the blogs of famous bloggers like Raja Petra and Anwar Ibrahim amongst others. I also met with heads of various Indian NGOs, visited the MIC headquarters, interviewed key leaders of Indian organizations and long serving Indian journalists to attain their perspectives and attain annual reports of the various organizations. The Singapore Malaysia Collection of the National University of Singapore Library was also helpful in acquiring annual reports, documents and published works of Malaysian Opposition Parliamentarians.

However, as I surveyed the material on the topic, I became very conscious of my/ the authorial voice that I would assume in this dissertation. Being a minority Indian of Punjabi ethnicity from Singapore, I did not consider myself an insider or giving an insider's perspective on the Malaysian (South) Indian community. This, I hoped, would give me detachment from the issues concerned and to present an analytical survey of the subject matter rather than an emotive one. It has not been easy to achieve either. Born and bred in Singapore, I had grown up amidst a multicultural mix of ethnicities that was not unlike Malaysia's. Tamils form the majority of the Indian population in Singapore as in Malaysia. I had Malay, Chinese and Tamil friends in school and while I took Malay as a second language, I and my family felt a greater closeness and association with Tamil culture due to the fact that shopping belts in Singapore, such as Serangoon Road, created a familiarity with Tamil dress, cuisine and community. Later, my only sibling was to marry a Ceylonese wife in typical South Indian fashion and ceremony which was to herald a deeper understanding and respect for Hinduism, Hindu gods and Tamil culture. As I spoke to Malaysian Indians, visited their temples, ate their food and listened to their stories and experiences, I felt more and more like an insider. I too believed in their gods and felt sadness at the temple demolitions and one does not need to be South Indian in Malaysia, just human, to understand marginalization, denial of opportunities and human rights, for all of us have encountered this at some point, just in varying degrees and contexts.
Pictures of early Indian migrants to Malaya at work on the plantations and their dwelling.

Chapter 1 – Indian labour efforts at resistance - A subaltern people mobilize in Malaya

For decades throughout colonization and after independence, Indian (South Indian) plantation labour formed the bulk of the Malayan Indian population. As a people within a distinct class, made significant by the large numbers in their ranks, these plantation labourers had agency, if properly mobilized, to negotiate economic, political and social rights for the Indians in Malaya. However, this chapter will demonstrate that Indian plantation labourers were seldom rallied on ideational motives but instead on practical short-term needs, while the level of oppression endured over decades silenced the majority of this population into a certain apathy which required literate middlemen to instigate and garner their support. The South Indian plantation labour could have become a potent tool in the hands of forthcoming Malaya (sian) Indian leaders but the lack of planning and explored potential as well as state policy to suppress communism during the Malayan Emergency (1948-1960) cut that possibility short. Given the legacy and impact of the South Indian labourer on successive generations of Indians in Malaya/Malaysia in negotiating rights, space and identity, this chapter attempts to understand how the depressed labourer was able to express emancipation, or not, in the face of a hierarchy of power brokers above him. Was there any early form of articulation or demonstration at resistance, or even accommodation and why? What were the influences and factors that instigated these efforts at resistance over the decades of English Imperial domination and finally how did these efforts interact with the labourers’ binary, power elites, to establish into a fully fledged creation and participation in a union movement.

Indian labour in Malaya

Early references to South Indian labour in the Straits Settlements of Penang, Singapore and Malacca show that Indians were migrating for work as far back as 1794. Sir Francis Light, the founder of Penang, referred to them as ‘chuliah’, people from the ports of the Coromandel Coast, who were shopkeepers or coolies. ‘About one thousand are settled here, some with
families. The vessels from the coast bring over annually 1500 or 2000 men, who by traffic and various kinds of labour obtain a few dollars with which they return to their homes and are succeeded by others.\(^1\) Another reference to them shows that by 1867 the Straits Settlements was actually a popular destination for Tamil labourers:

The Straits Settlements have been the favorite resort of Kling immigrants from the earliest period of their establishment, Ceylon although close at hand being an inferior field in their estimation. They arrive in the Straits in August and September in native vessels, queer looking brigs and barks, mostly from ports of Madras, as Cuddalore, Carrica, Nagore and Nagapatnam, the southwest monsoon which prevails at this season carrying them across in six or seven days to Pinang, which is always the first port of call in the Straits.\(^2\)

They came to work on sugar, indigo, coffee and pepper plantations. The British were keen to accept them as labour as they were easily affordable and value for money. A British official claimed that, 'No class of men can here subsist on less that a Chuliah can, ...since his savings are rarely spent on the spot, but sent to his family in India while the Chinese and Malays spend their liberally enough.'\(^3\) As British expansion into the Malayan hinterland continued, European planters invested in coffee and later rubber which required more recruitment of South Indian labour. Ampalavanar notes that by 1901 the Indian population in the Straits Settlements and the Federated Malay States was approximately 120 000 and by 1947 it was at 600 000.\(^4\) Besides the Straits Settlements, Indian labour was concentrated mainly in the states of Perak and Selangor where there was excessive


\(^2\) Ibid., 57.

The South Indian was also referred to as *Kling*.

\(^3\) Ibid., 17.

cultivation of rubber. A significant percentage of Indians also lived in Johore and Kedah as estate labourers.\(^5\)

The migration of South Indian labour to Malaya was part of the wider voluntary or involuntary movement of Indian labour that fanned out in the Pacific, Asia and Africa\(^6\) under the auspices of the British Empire. After the abolition of slavery in 1833, Indian statutory or indentured labour was a desirable mode of labour recruitment as it appeared to have none of the negative moral connotations of the former. The arrival and settlement of Indian labour to Malaya has been adequately documented.\(^7\) Although earlier in this chapter I demonstrated that the Malayan territories were a popular destination for South Indian labour, historians like Sandhu and Arasaratnam explain that the circumstances of travel, terms and conditions of contract and settlement in Malaya was indeed, as Tinker termed it, a ‘New system of slavery’.\(^8\) The Indian labourer who came to Malaya was mainly Tamil speaking but there were also Malayalees and Telegus. Sandhu described the South Indian labourer in Malaya, within the context of Imperial rule, as a …peasant, particularly the untouchable and low caste Madrasi, was considered the most satisfactory type of labourer, especially for light, simple repetitive tasks. He was malleable, worked well under supervision and was easily manageable...he was the most amenable to the comparatively lowly paid and rather regimented life of estates and government departments ...he was already adjusted to a low

\(^{5}\) Indians in the Malayan Economy (India, Office of the Economic Adviser, Delhi: Manager of Pubs, 1950).

\(^{6}\) See works of Brij V Lai, Kenneth Gillion, Marina Carter, Bill Freund and Sircar K.K.


\(^{8}\) Hugh Tinker, A new system of slavery; the export of Indian labour overseas, 1830-1920 (London: Oxford University Press, 1974).
standard of living, was a British subject, accustomed to British rule and well-behaved and docile. These people had neither the skill nor the enterprise to rise above the level of manual labour. Primitive and ill-organized they never appear to have known the art of collective bargaining. They were therefore also especially desirable as the back-leg counterpoise to the more progressive labouring elements such as the Chinese.

Sandhu's description reveals race prejudices and stereotyping that was common of the colonial era and of colonial historians who studied that era of race relations and Imperial policy towards the various races/communities in Malaya. But nonetheless the above description does depict the South Indian labourer on the Malayan plantation as typical of the general understanding of a subaltern class of people; he/she was considered 'of inferior rank' in terms of 'class, caste, age, gender and office'. Complete in their silence, the South Indian labouring class of Malaya has left no insight to their consciousness through letters or journals, while researchers have had to infer through official state documentation or as ethnographers, live amidst them at the labour lines or settlements to understand their motivations and psyche.

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12 Marina Carter's work on *Voices from indenture: experiences of Indian migrants in the British empire*, (London: Leicester University Press, 1996) is helpful but it focuses on the Mauritian experience and does not reflect the different nuances of life on the Malayan plantation.
The commodification of the South Indian labourer

The conditions under which the South Indian labourer was recruited and employed on the plantations were of dire misery. In order to maximize profits, the British planters and the Malayan colonial authorities dehumanized the whole process. The Tamil labourer was very much like a commodity which had to be regulated according to principles of demand and supply. This was particularly evident in the trajectory of legislation which was employed to firstly, to meet the labour demand due to expanding European investments in cash crops in the Straits Settlements and Malaya and secondly to keep wages depressed.

As investments in cash crops intensified, the Indian immigration ordinance was passed in 1884 to repeal restrictions on the emigration of indentured labour. This was later extended to remove restrictions on the emigration of non-indentured labourers to Malaya. The Straits Settlements Government took steps to create cheaper passages to provide a stimulus to emigration when it granted a subsidy to the line of steamers which plied from Negapatnam, and to regulate recruitment and medical standards of labourers, it opened a depot at Negapatnam in 1890. As recruitment agents continually recruited from the same territories in South India, labour was difficult to attain and crimping was rampant by other employers in Malaya, thus making the high demand for South Indian labour an issue. Attempts were made to reduce contracts, increase wages, remove restriction from the import of free labour, provide free tickets of passage, and license recruiters but it was only in 1907 that the Indian Immigration Committee was set up to manage the Indian estate labour force. The Indian Immigration Committee

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15 Ibid., 100.

16 Or poaching labour from another estate

17 J Norman Parmer, *Colonial labour policy and administration; a history of labour in the rubber plantation industry in Malaya, 1910-1941* (Locust Valley, N.Y: Published for the Association for Asian Studies by J.J. Augustin, 1960), 38.
was also to manage a fund, the Indian Immigration Fund. Although the Immigration Committee and Fund were established to some extent as a measure against malpractices of recruitment and employment, Parmer states that the Superintendent of Indian immigration made it clear that the ‘Committee’s immediate task was to devise a comprehensive scheme to import labour on a large scale. Concerted action by employers was necessary if the demand for labour was to be met. Failure to meet demand, would increase wages and thus “spoil the market”.

In the 1900s, there were three methods of recruitment: indenture, kangany and free or independent labour. All modes of recruitment were used for Tamil labour in the plantations, public works and even the railways. The indentured labourer endured the worst plight. An indentured labourer was initially paid, for an adult male 14 cents per day during the first year, 16 cents per day during the second and subsequent years. A female or boy under 16 years of age was paid 10 cents per day for the first year and 12 cents per day for the subsequent years. This was half of what a free labourer earned and a fraction of the pay of the Chinese or Javanese labourer. It was acknowledged that the indentured labourer’s wages ‘are so much below the market rate’ but efforts were made that amenities and facilities such as housing, medical attention and rations were given just enough to keep labour at optimum efficiency. The exactitude with which specifications were laid

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18 The Tamil Immigration Fund Enactment was passed in 1908. It was undertaken so that employers of Indian labour would bear the cost of importing labour instead of the offsetting costs by making large deductions from the labourer’s wages. Amongst other things, it included the cost of the sea passage and allowance for recruiting expenses.


20 Correspondence regarding the supply of Indian labour, the Resident – General, FMS to the High Commissioner, 27th November 1906. Reference Number: 1957/0137625 (Arkib Negara Malaysia)

21 Report on the proceedings of a Commission appointed to consider the question of the encouragement of Indian immigration to the Federated Malay States, 1900. Reference Number: 1957/0098620 (Arkib Negara Malaysia)

22 An Enactment for the protection of Indian immigrants, 1884. State of Selangor. Reference Number: 1957/003590 (Arkib Negara Malaysia)

23 Quoted in R.N Jackson, Immigrant labour and the development of Malaya, 1786-1920, 59.
down in Immigration Enactments as to the kind of labourer that was required and how he/she was to be sustained, objectified the labourer. For instance the ‘Rules under the Indian Immigration Enactment of 1904’ specifies the type of labourer that was required;

Rules under Section 24

1) The immigrant should be free from contagious disease and in a fit state of health to perform six hundred days of field labour

2) The immigrant should be between the ages of 15 and 45

3) Fakirs, Brahmins and Beggars should be rejected

4) Cases of hernia, hydrocele and enlarged testicles should be rejected

5) Cases of ophthalmia or of diseased eyelids, cataract, double or single and of spots of the cornea should be rejected

6) Short stature or slimness is not an objection if the immigrant be wiry and strong and able to handle agricultural implements well...

Such documents continued to tabulate the space allotted for accommodation, the number of clothing items each labourer was to receive, even the amount of food to be rationed was specified according to diet scales in ounces and pounds. There were debates amongst British officials if labourers were to be given rations or cooked food since the latter would ensure that they were getting adequate nutrition. Decisions over providing mosquito nets to prevent malaria were put down to ascertaining the ‘sick rate …returns of the death rate ‘and working out ‘the loss resulting to Government owing to the sickness among its labour force’.

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25 Ibid.

26 Report on the proceedings of a Commission appointed to consider the question of the encouragement of Indian Immigration to the Federated Malay States, 1900. Reference Number: 1957/0098620 (Arkib Negara Malaysia).
System of subordination

The South Indian labourer was oppressed within a complex system of power networks that at the first instance rendered him incapable of resistance. To begin with, recruitment from Madras was conducted from a pool of people who were subordinate by caste. Rajakrishnan Ramasamy traces the descent of caste oppression as it was practised in Madras amongst the labouring classes. He notes that bonded and underemployed landless labourers in South India were called *padiyals, pannaiyals* or *adimais* who were usually relegated to the position of slaves. These labourers were mainly drawn from the ranks of the aboriginal and untouchable section of the population and their bondage was not restricted to the bonded labourer alone but was extended to include his family.\(^{27}\) It became hereditary and they were subjected to the attitude of the landlord called *mirasdar*, who was usually from the higher caste and compelled the labourer to bondage through the inevitability of borrowing money from him. The Tamil labourers who came to Malaya were a mix of lower castes, amongst them being *Pariahs, Pallas, Padayachis* and *Goundans*. Ramasamy states that the *Padaiyachi* and *Goundar* were people of the *Vanniyar*. They were full time ‘free’ wage labourers and small scale landowners and they were in the middle-ranking category in the caste hierarchy.\(^{28}\)

Eventually Ramasamy observes that a twofold caste tier system developed in Malaysia, identified in Tamil terms as *Tamilar* and *Paraiyar*. Members of the non-Brahmin category, excepting those of the barber and washerman castes, are classified as *uyarntajati*, or higher caste and they are referred to as *Tamilar* (Tamils). Castes like *Vellalar, Vanniyar, Goundar, Nadar, Muthurajah, Kallar* and *Maravar* come under this classification. All lower castes are collectively referred to as *Pariyar* or *talntajati* (lower caste). The

\(^{27}\)Rajakrishnan A/L Ramasamy, *Caste Consciousness among the Indian Tamils in Malaysia: A case study of four rural and three urban settlements* (MA dissertation for the degree of Masters of Arts, University of Malaya, 1979), 17.

\(^{28}\)Ibid.,38.
category of Paraiyar, refers not only to Paraiyar but also to Pallar and Chakkiliyar. It is under the classification talintajati or lower caste that members of Pariyar or barber caste and Vannar or washerman caste are included.29

Caste differentiation was enacted on the plantation settlement particularly through separation in commensality. Lower castes could not cook food for occasions such as funerals and weddings. Although there might have been interaction at the work place or social sites, many limitations were imposed in the confines of the home. The most denigrating form of alienation that the lower castes were to endure was the stereotyping of the lower castes as backward, argumentative and prone to violence.30 The differentiation in caste created a diverse cultural background and as Lal points out in another context 'hindered the development of common interests and values'31 and also due to their 'lowly status in their own communities, they lacked leadership and organisational skills'.32 The British understood this and took care that the system of caste was kept intact, although they justified it under the concern for the labourer in preserving his culture should he return to India and re-assimilate to its social orientation.33

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29 Ibid., 92.
30 Ibid., 115.
32 Ibid.
33 Report on the proceedings of a Commission appointed to consider the question of the encouragement of Indian immigration to the Federated Malay States, 1900. Reference Number: 1957/0098620 (Arkib Negara Malaysia) 'We desire to impress upon the Government our opinion that as a general rule caste obligations are less strictly observed in the Malay Peninsula that in India and Ceylon. We are inclined to believe that the value for the labourer to the country of his adoption is lessened by such relaxation of the standard of religion in which he has been brought up and we conceive it to be of importance that an effort should be made to induce the more influential members of the Tamil Community in the Federated Malay States to impress upon new comers that it is highly desirable that their entry into a foreign country should not be made occasion or the excuse for relaxation of that social discipline which is a necessary factor of daily life in their own country'
Life on the plantation itself caused barriers to mobilisation. Munro highlights the 'authoritarian character of the plantation as an institution, which depended in large part for its success on coercive ability'. The plantation labourers lived where they worked, on the plantation estate lines or in plantation settlements. The plantations were self-contained 'subsystems'—they were complete with their own clinic, provision shop, liquor (toddy) shop and later schools. It was possible for generations of Tamil labourers to be born, marry and die without having left the plantation. The plantation provided security of employment but also created a sense of insularity in the world view of the labourer that would later deny him the necessary knowledge in applying for citizenship or lobbying for rights on a national level. Within this insular existence, the labourers were 'taught subservience' through a management style that imposed a hierarchical structure. The plantation was under the leadership of a manager or planter who would have been European. He was called the peria dorai, lord and/or master even to the extent of being father and mother. Below the peria dorai was the staff made up of the Krani (clerk), Kepala (heads of division assigned to weeding or tapping) who were usually Malayalees or Syrian Christians while the labourers were Tamil. This organisation not only served to impose discipline and authority but also ensured that the heads were not of common ethnicity with the labourers to sufficiently organise themselves for resistance.

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35 K. Ravindra, South Indians on the plantation frontier in Malaya,

36 There is a significant number of Indians who do not have a Mykad, identification papers declaring citizenship in Malaysia. They are effectively stateless and as a result are denied employment.


39 Ibid., 252.
Early resistance

Munro highlights that though there was an absence of outright strikes and organised protests, the plantation workers had other forms of resistance such as 'desertion, assault, murder, shirking, malingering, feigning incomprehension of orders and destruction of crops and employers' property'. Desertions were commonplace from the 1870s. Jackson notes that employers in Province Wellesley had difficulties making labourers complete their contracts. In 1871, there were 106 cases registered in court, 179 in 1873, which increased fourfold by the 1880s to 586. The British were aware of these forms of disobedience and made attempts to legalise punishment for the different 'offences':

Any Statute Immigrant who shall without reasonable excuse neglect to labour as required by the employer, such labour being reasonable and proper, shall be liable to a fine not exceeding fifty cents for each day during which such neglect shall continue ....a Statute immigrant who is unlawfully absent from the estate of his employer shall be liable to a fine not exceeding fifty cents.

Similarly the document tabulates fines and punishment for desertion, malingering including wilfully injuring oneself so as to not work, selling of rations.

Ramasamy notes that between 1933 to 1937, as the price of rubber increased, this encouraged greater assisted migration of Indian labour to Malaya, keeping wages depressed. This caused a number of strikes to occur. He cites the Labour Department Annual report of 1934 indicating that eight strikes occurred in the Federated Malay States and two in Johore.

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40 Doug Munro, Patterns of Resistance and Accommodation.
41 Quoted in R.N Jackson, Immigrant labour and the development of Malaya, 1786-1920, 66-67
1936, labourers conducted a strike when they heard one of the estate staff was practising witchcraft. Another strike in 1936 occurred in Nova Scotia Estate because of the conduct of one of the subordinate staff. A third on the Selamat Estate was due to a dispute between two workers and a subordinate staff.44

Similarly strikes in other years occurred when workers were unduly punished, due to caste or even personal disputes between staff and labourers. The strikes involved the general stoppage of work instead of organised resistance and protests. This pattern of desertion and strike is in line with the assertion of Subaltern theory that there was a lack to 'any one voice consciousness'45 and that there was no structure or united purpose in these forms of disobedience, hence displaying an absence of class consciousness and identity. It is evident that the lack of educational and other resources hampered the labourers’ ability to challenge the state or become a force to lobby minority rights for the Indian community. This remained the case until there was a third party intervention in the form of the English-educated Indian elite who were inspired by Indian nationalism and Indian Congress ideology in particular.46 The Central Indian Association of Malaya (C.I.A.M) which was formed in 1936 was considered to be the ‘best organised and supported body of Malayan Indian business and professional persons to appear to that date.’47 Its formation was influenced by political leaders and ideas from India as demonstrated by C.I.A.M’s action in organising Nehru’s visit to Malaya in 1937.48 But Stenson writes that C.I.A.M

44 ibid.


46 In the 1930s the Indian elite were influenced by the nationalistic zeal in India and were forming Indian Associations for cultural and welfare purposes. These associations were divided into two camps; the English educated elite who supported the Indian Congress Party and the Tamil educated Indians who supported the Dravidian movement in Madras. See, P. Ramasamy 1994, Ampalavanar 1981, Stenson 1970, for greater detail.

47 J Norman Parmer, Colonial labour policy and administration, 65.

48 P. Ramasamy, Plantation labour, unions, capital, and the state in Peninsular Malaysia, 49.
was largely 'an elitist group comprising of various associations and because those representatives were almost all English-speaking north Indians or Malayalam, the CIAM had little direct influence upon the mainly Tamil speaking labourers'.

C.I.A.M took specific initiatives to involve itself in the life of the plantation labourer. They were concerned with labour wage rates. Petitions and delegations to the Indian government proved successful when they were able to assist in the ending of assisted emigration of unskilled Indian labourers in June 1938. This endowed the unskilled labourers with 'a more permanent scarcity value and thus the possibility of bargaining for their services'.

The activities of C.I.A.M were to have an effect in the development of associations run by Tamil and English-educated lower administrative and professional groups and significantly involved labourers. These associations had an effect on kangany (labour) and estate school teachers who were in the 1930s associating themselves with the labourers due to disenchantment with the managers, having lost their recruiting purposes and hence their supervisory roles on the estates.

The most significant involvement the C.I.A.M had with the Indian labourers involved the Klang strikes of February – May 1941. After the Depression and the increase in demand for rubber due to the advent of war, the Indian labourers felt that wages needed to be increased to keep pace with the higher cost of living. At the end of 1940, wages for Indian labourers were still at the 1928 level whilst Chinese labourers were keeping the market rate of

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50 Ibid.

51 Ibid.

52 These associations focused on welfare and lifestyle such as the abolishment of toddy drinking, marriage reform and improvement of health but they played a major role in the actual act of organising and grouping labourers as part of active organisations and instituting the process of belonging and gaining membership to a unified grouping.
employment at 70 cents or even a dollar\textsuperscript{53} per hour. C.I.A.M's president, N. Raghavan, made a representation for the increase in wages. This was met by the United Planting Association of Malaya (UPAM) with only a 5 cent increase in wages. This was dismissed by an associate body of C.I.A.M, Klang Indian District Union. Under the leadership of R.H Nathan, a Malayan-born Indian and sub-editor of the daily \textit{Tamil Nesan}, there were a series of strikes over the three months. The strikes, were sparked by the failure of the Controller to offer reasonable concessions over wage increases and later due to the arrest of Nathan himself.\textsuperscript{54} The strikes, which assumed a violent nature, were stopped by a battalion of Indian troops stationed in Ipoh making numerous baton charges and firing on labour gatherings. The labourers and the strike leaders displayed symbols of the Indian nationalist struggle such as the Congress flag, Gandhi’s portrait, Gandhi caps and Indian homespun cloth, but as Stenson notes there is little evidence to suggest that the labourers had actually infused political ideology and class consciousness or were even aware of the issues they were being rallied to strike for. Strikes were conducted in a limited area in the Klang region and were particularly significant when Nathan was arrested, suggesting victimisation of a cherished leader rather than fighting for class amelioration. Stenson suggests that some labourers might have participated in strikes out of fear due to the violence of certain parties carrying weapons.

It is interesting to note that C.I.A.M did not survive the next phase in Malayan history, which was a vital disruption to colonial state structures. The Japanese occupation was to introduce new ideas such as the ‘Greater Eastern Co-prosperity Sphere’ and leaders like Subhas Chandra Bose, who instilled a fresh perspective to the Asian labourers’ world view and esteem.

\textsuperscript{53} Ibid., 28.

The Japanese occupation and the Indian National Army

The Japanese Occupation was to instigate a political consciousness amongst the Malayan Indian population, although the political orientation encouraged by key protagonists during this era, such as Subhas Chandra Bose, was India-centric. There were some educated Indians in Malaya who were initially enthralled by the idea of the Japanese invading British territories and were inquisitive over how an Asiatic nation like Japan could hold sway over a British European colony. But many were soon disenchanted after witnessing the brutalities administered upon the local Malayan population by the initial Japanese invading Army. The significance of the Japanese Occupation, in terms of political development amongst local Indians, lay in the formation of the Indian National Army (INA).

The Indian National Army initially took shape when a Japanese Officer, Major Fujiwara, established contact with the anti-British Indian Independence League in Bangkok in late 1941. Together with the help of a Sikh priest, Pritam Singh, who had formerly conducted anti-British activities in India, the Japanese intention was to subvert Indian troops within the British Army battalions stationed in Malaya. The Japanese signed a treaty with the Indian Independence League (IIL) on 4th December 1941, before the outbreak of war in Malaya. The Japanese promised to give all possible help to

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55 A young Gujerati shop assistant, Kothari Girishchandra, who had arrived in Malaya, Ipoh in 1941 was initially excited to witness Japanese rule due to the camaraderie that he felt with the Japanese as Asians and was expressed in Japanese propaganda, 'Asia for the Asiatics'. Oral History Records, Singapore National Archives, Accession number: 000549/23/09-10.

56 Dr Menon KR talks about the beheading and massacre of particularly the Chinese population at the hands of the initial Japanese troops. He notes that even though the Japanese were later to have a conciliatory attitude towards the Malays and Indians but the initial actions of the Japanese invaders was cruel to all local inhabitants who did not comply with them. Oral History Records, Singapore National Archives, Accession number: 000025/09/05-06.

There is also the fact that the Indian labouring classes suffered the worst plight during the war after they were sent off to work on the Death Railway in Siam by the thousands. Dependants of workers who were left behind had no source of food and sustenance and were actually scavenging for food on rubbish dumps and jungle fringes.

Indian nationalists in their struggle for the independence and assured the latter that they had no political, economic, cultural or religious ambitions in India; besides they promised that the Japanese army would honour the lives, property and freedom of Indians in the region.\textsuperscript{58} In return, the Indian Independence League agreed 'that its members would advance with the Japanese Army into Southern Siam and later into Malaya, where they would arouse anti-British feelings through their propaganda ...they would promote co-operation between the Indian residents and the Japanese Army in the zones of military operation'.\textsuperscript{59} The INA had its official start when a Captain Mohan Singh ceremoniously accepted the surrender of Indian POWs at Farrer Park in Singapore on 17\textsuperscript{th} February 1942. There were 40 000 to 50 000 surrendered Indian troops at the Race Course who became the nucleus of the INA. Rash Behari Bose was appointed leader of the Indian Independence Movement in the Far East and of the INA.

The initial progress of the INA and the Indian Independence League was slow. The Indian troops assembled at Farrer Park in 1942 who had 'gone wild with the idea of Indian Independence, and the National Army ....cheered Mohan Singh at the end of his speech most enthusiastically'\textsuperscript{60} were aware of the realities of being Prisoners of War under the Japanese, having to endure torture, hard labour and lack of food and supplies, and had enlisted in the INA to escape this suffering. Even the local Malayan Indian civilian population chose to join Indian Independence League (IIL) or the INA to escape the humiliation inflicted on the other races such as the Chinese, who endured face slapping at sentry points, rape and torture. Accounts of local Indians reveal that 'outwardly everybody was in favour of INA but inwardly they were not'.\textsuperscript{61} Many expressed doubt over the ability of Rash Behari Bose


\textsuperscript{59} Ibid.

\textsuperscript{60} T.R. Sareen, \textit{Select Documents on Indian National Army} (Delhi: Agam Prakashan, 1988), 95.

\textsuperscript{61} Dr Menon KR, Oral History Records. Singapore National Archives Accession no 000025/09/05-06.
to lead the Indian Freedom struggle from the Far East as he was seen as too much of a Japanese sympathizer.\textsuperscript{62}

Nonetheless, the processes were started in orienteering Indians towards nationalist ideologies, propaganda work and political activism. For instance, local Indian labourers were exposed to espionage work as they were organized as part of the Indian fifth columnists. South Indian rubber tappers, who were familiar with the local paths, assisted the invasion of the Japanese army on foot into Northern Malaya.\textsuperscript{63} On 24\textsuperscript{th} October 1942, the Indian Independence League devised an outline of a propaganda scheme, making special references to the need for instigating anti-British feelings amongst the overseas Indians and mobilizing their support for the liberation of India.\textsuperscript{64} The object of the propaganda was ‘to prepare India to overthrow the British rule and to establish Swaraj or self-rule’.\textsuperscript{65} The aim of the propaganda was to strengthen anti-British feelings, and arouse patriotism (towards India). The scheme was to educate the local Indians on conducting strikes, terrorizing the British officials, non-cooperation with the British, and stirring up revolt.\textsuperscript{66} The means of the propaganda was through radio, press, leaflets, books, pamphlets, booklets, pictures and cartoons.\textsuperscript{67} The propaganda scheme was even to instruct on the secrets of successful propaganda which entailed emphasis on repetition, focusing on personalities and facts, built around a slogan, specific objectives and concealment of motive.\textsuperscript{68}

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\item \textsuperscript{62} Damodaran s/o Kesavan, Oral History Records, Singapore National Archives Accession no 000127/05/03-04 & Naidu Lakshmi, Oral History Records, Singapore National Archives Accession no 000266/04/01-02.
\item \textsuperscript{63} T.R. Sareen, \textit{Select documents on Indian National Army}, 99.
\item \textsuperscript{64} F. No 101, INA papers published in T.R. Sareen, \textit{Indian National Army; A documentary Study (in 5 volumes) Volume 1} (New Delhi: Gyan Publishing House, 2004), 191.
\item \textsuperscript{65} Ibid.
\item \textsuperscript{66} Ibid., 193.
\item \textsuperscript{67} Ibid.
\item \textsuperscript{68} Ibid., 200-201.
\end{itemize}
The INA gained popularity and momentum especially after Subhas Chandra Bose took over in 1943. It was his personal dynamism, oratorical skills, and his record as a freedom fighter in India previously that inspired otherwise apathetic Indians amongst the locals to join the IIL and INA with renewed enthusiasm. At a huge rally held in Singapore on 4th July 1943, Subhas Chandra Bose, while referring to India as 'Motherland', announced his intentions and plans for Indians in East Asia, ‘The thing the Indians at home and abroad have to do today is clear. They have to build a structure enabling them to work for an independent India under unified direction. The aim of this structure is to organize the Indians in a manner which will enable them to rise in arms against British imperialism ...I have an idea of mobilizing all our resources effectively, an idea which impels me to organize a provisional government is to direct the effort to revolutionize India and realize the ideal of an independent India’.  

In another speech also delivered in Singapore on 21st October 1943, Bose announced the Provisional Government of Free India. He explained the program of ‘Total mobilization’ of all resources of Indians in East Asia–resources in men, money and materials.

He proceeded to establish departments for military bureau, recruitment, training supplies, finance, publicity, press, propaganda, women, education and culture. His work in the department of recruitment for the Azad Hind Fauj (INA) was particularly noticeable. It was carried out in a systematic way and was not aligned to British military ideology that only recruited the ‘Martial classes’. As a result, at least 18 000 civilians enlisted, mostly Tamils from South India. Tens of thousands of civilians participated in the local branches of the Indian Independence League that provided support to the INA. Bose was successful in raising funds and resources from the local.


71 Ibid., 3.
Indians. He appealed to the All Malai Chettiars\textsuperscript{72} to contribute while the common man even gave up his personal belongings and gold to the cause of the INA. Eventually the Azad Hind Bank was able to raise 200 million rupees from Malaya and Burma.\textsuperscript{73}

Although the INA was to face defeat in its aims, the magnitude of mobilization of the local Indians and the inculcation of nationalist ideology ignited political consciousness amongst Malayan Indians. Ramasamy writes that the activities of the Indian Independence League and the Indian National Army gave the Indians a sense of ‘unprecedented solidarity. Never before had the Indian community been so united in a single movement like the Indian independence movement in Malaya’\textsuperscript{74}. There was a mass mobilization of Indians during the Occupation years involving all classes and sub-communal groups. Thousands of labourers were part of the Army and there was the formation of a volunteer corps in the estates, Thondar Padai that was revived after the war.\textsuperscript{75} The focus of being under one Indian nationalist ideology of Subhas Chandra Bose had mobilized the Indians in Malaya on an unprecedented scale.

### Post-war Indian labour militancy

The Japanese Occupation had a significant psychological impact on the Indian labouring classes of Malaya. There were events which led to a deepening of class segregation, which was to alter the dynamics of the plantation hierarchy during the Occupation. As the European planters abandoned their positions during the war, their positions of authority were held by the former estate clerks (kirani) and the Kangany. Ramasamy refers to them as the ‘middle class intermediaries’\textsuperscript{76}. The Japanese saw the Indian

\textsuperscript{72} Ibid., 139.

\textsuperscript{73} Ibid., 9.

\textsuperscript{74} P. Ramasamy, “Indian War memory in Malaysia” in War and memory in Malaysia and Singapore, ed. P. Lim Pui Huen et al. (Singapore: Institute of Southeast Asian Studies, 2000), 99.

\textsuperscript{75} Ibid.

\textsuperscript{76} Ibid., 92.
labourers as just another economic resource to manipulate for their purposes of reconstruction and development. While they courted the Indian middle class as collaborators against the British they also used them to control and manage the Indian labour.

These middle class intermediaries, already separated from the labourers in being Malayalees or Ceylonese instead of Tamil, were accused of hate acts and cruelty towards the labourers during the war. Jain, Stenson and Ramasamy document that middle class management on estates conducted an unfair distribution of food, leading to many labourers having to starve and scavenge. The management also deliberately chose husbands amongst newlywed couples to leave for assignments of hard labour so that the management could exploit the women, and extended random acts of cruelty such as beatings, molestation of women labourers and other forms of violence. The defeat of the British at the hands of an Asian power had also demonstrated to the wider population of Malaya that the British were not invincible and hence the previous respect accrued to the peria dorai was not returned after the Occupation. After the Occupation, the Indian labourers rejected the returned authority of the keranis and kanganys through petitions requesting the transfer of Asian managerial staff, even by assaulting them or staging strikes in disobedience. Stenson writes that this sort of behaviour was significant in marking the rejection of 'the humiliations and indignities which had been characteristic of the pre war- estate structure...but also managerial paternalism.' This reluctance to accept the supervisory authority of pre-war estate structures was an indication that the Indian labouring class was beginning to capitalize on a new-found sense of esteem in group action within its class grouping. Was this then the beginning of class consciousness for the Indian labourers of Malaya?


78 M.R. Stenson, *Industrial Conflict in Malaya, prelude to the communist revolt of 1948*. 95.
Indians amongst the working class began to demonstrate a capacity to work in their own rational interests when there emerged a new 'settled' generation after the war. After 1938, immigration of Indian labourers had been halted and there was a lack of migrant mobility during the war which had bred a generation either born in Malaya or who had been schooled in India amidst the nationalist fervour of the country. The INA, which had entrusted leadership to junior ranks, recruited from the labourers, had provided the necessary boon of entrusting organizational skills and vision to mobilize in class interests. Some Indians who had been part of the Indian National Army joined the Malayan Communist Party after the war as a means of continuing the struggle against the British. This generation eschewed the passive attitude of subservience and addiction to toddy (alcohol) on the plantation. As Indian labourers began to shed the 'Bird of passage' mentality in saving up to return to India, they began to consolidate in terms of class group interests that manifested in the form of prominent leaders, organizations and resistance efforts. Examples of these would be the development of Indian Labour Unions, which were organized on a district basis and catered to all types of workers. Unions were established in the states of Perak, Johore, Kedah and Negri Sembilan. Prominent Indians emerged to lead unions whether they were ethnically based or not, such as S. A Ganapathy, C.V.S Krishnamoorthy and P Veerasenam.

The intensity with which the Thondar Padai was revived after the war by A. M Samy, an ex-INIA member who organized Tamil youths in several estates, was another example of resistance efforts that were organized by the labouring class. Thondar Padai made the enforcement of toddy prohibition its main concern. Talks were organized amongst older members of estates

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79 Ibid., 92.
80 Ibid., 100.
81 Leong Yee Fong, Labour and trade unionism in Colonial Malaya; A study of the Socio-Economic and political bases of the Malayan Labour Movement, 1930-1957 (Pulau Pinang: Penerbit Universiti Sains Malaysia, 1999), 146.
82 Ibid., 150.
to instil a sense of struggle for economic and social reform. The members of Thondar Padai projected a sense of militancy by wearing uniforms, conducting drills and carrying sticks. They enforced this sense of militancy by setting up informal courts to punish labourers engaging in drinking alcohol and picketed toddy shops. But of grave concern to the British authorities was their involvement with labour unrest and strikes.83

The immediate period after the war in Malaya witnessed the return of the British Military Administration (BMA). The purpose of the administration was to bring about a period of economic reconstruction and social and political stability. There was great expectation on the part of the local inhabitants that the BMA would return prosperity to the country. This was, of course, unfulfilled when the BMA failed even to provide adequate food necessities such as rice. Rationing was conducted inefficiently which caused the black market to flourish.84 The hardships of the post-war era were further compounded by the onset of a communist insurgency in Malaya. These factors led to the proliferation of the General Labour Unions (GLUs) in the immediate post-war era. These GLUs were mainly affiliated with the Chinese dominated Malayan Communist Party.85 Gamba and Jomo & Todd state that the GLUs were successful in gaining worker's benefits in terms of raised

83 Ibid., 151.
85 In contrast to the Indians, the Chinese labourer was able to strike a better deal in terms of wages and lifestyle. This had to do with the fact that they were able to organize themselves under trade guilds and clan associations that allowed them to negotiate for higher wages in groups or organizations. By the 1920s, the Far Eastern Bureau of the Comintern had also been successful in calculating Chinese 'national' pride through establishing schools and secret Labour Unions and associations in Malaya. In 1928 the Nanyang Communist party, later the Malayan Communist Party, was established. The MCP offered military assistance to the British during the Japanese Occupation through the organization of the Malayan People's Anti Japanese Army (MPAJA) but refused to surrender arms after the war, leading them to take on British rule through combat in the jungles and through the establishment of trade/labour unions throughout Malaya as well as forming political parties such as the Malayan democratic union and the Malayan Nationalist party. The Chinese underclass in Malaya was self conscious of their group and ideological solidarities. Unlike the Indians, by the post-war era, the Chinese had refined their operations in negotiating for rights and wages.
wages and improved worker conditions. In fact 'the GLUs became virtually the only means by which workers could hope to improve his or her own lot(sic)' 86 The GLUs in Singapore confederated under the Singapore General Labour Union (SGLU) while the Pan - Malayan General labour Union (PMGLU) was formed to coordinate the activities of the Malay Peninsula.

The Indian labour demonstrated some semblance of class consciousness by joining or merging with the GLUs when they were courted actively by the otherwise Chinese-led union activists. But this did not mean that there was a disengagement from ethnic alliances. Indian labour remained largely entrenched within a strong Tamil identity and unity and in many cases they formed an Indian section to these GLUs. Stenson writes that 'both Chinese and Indian communities were united by a sense of common suffering which encouraged the development of worker solidarity and perhaps in urban areas a genuine feeling of class consciousness. Workers did not share a common distinctive culture and they were in main, still employed in separate racial groups.' 87 Indians were basically slow to catch on to communist beliefs and ideologies and remained largely aligned to India-centric notions of nationalism. The GLUs were aware of this and supported the expression of Indian nationalistic feelings in the Indian sector of the unions to ensure an Indian support base.

The Indian trade unions, with the exception of the Negri Sembilan Indian Labour Union 88 came under the direction of the PMGLU due to the willingness of the Indian Labour Union leaders to collaborate. Firstly, the PMGLU offered positions, financial assistance and physical support 89 to Indian labour leaders. This in turn shored up these Union leaders in the eyes of the Indian labouring community as power brokers since they refused the

86 K.S Jomo & Patricia Todd, *Trade Unions and the State in Peninsular Malaysia*, 73.
87 M.R. Stenson, *Industrial Conflict in Malaya, prelude to the communist revolt of 1948*. 110.
88 Ibid.
89 Ibid., 111.
leadership of the English-educated Malayan Indians who had established themselves in the political party arena instead. This last point also demonstrates that the pre-war fissures amongst the Indians according to class and sub-ethnicity or sub-communalism, which were united under the INA, were returned in the post-war era. The post-war revival of the separatist Dravidian movement\(^{90}\) could also be blamed for the reassertion of sub-communalism.\(^{91}\)

The post-war period till the Emergency in 1948 was marked by an era of militant unionism especially displayed by the Indian community.\(^{92}\) The Chinese, though staunch supporters of the Malayan Communist Party (MCP), were generally more prosperous and hence slower to mobilize for strike action. The Indians, as already discussed in this chapter, were a more depressed underclass. As Indian labourers mainly bore the brunt of wage depression and lived in squalid conditions on the labour lines, they were easier to rouse into action. The period from early 1946 to 1948 witnessed many strikes conducted by urban and plantation labourers. The Indians were mobilized together with the Chinese to demand better wage, work and living conditions, but there were some strikes that were particular to the Indian community, such as those involving the prohibition of the sale of *toddy* and demanding cash advances from management to celebrate religious festivals like *Thaipusam*.\(^{93}\) The colonial government on the advice of the planters and the United Planting Association of Malaya (UPAM) soon moved to curb

\(^{90}\) The Dravidian movement in Malaya took root when its founder in South India, E.V Ramasamy Naicker, visited Malaya in 1930s. The Dravidian movement eschews Aryanic interpretations of Hindu practices, removal of caste and focuses on the believe and dissemination of Tamil culture. Ramasamy Naicker’s visit led to the founding of the Adi Dravida associations. The associations were apolitical and focused on the removal of social ills amongst Tamils such as alcoholism and family violence as hoped to enhance the image of the Tamil community in Malaya. Some researches such as Ramasamy 1994, believe that the Dravida movement could have also bordered on Tamil chauvinism.

\(^{91}\) Ibid., 123.

\(^{92}\) The story of S. Ganapathy, the trade unionist who was hanged in 1949 by the British, convicted for the possession of firearms, is emblematic of the intensity with which Indian labourers/working class participated in the Union movement.

\(^{93}\) See Ramasamy 1994, 67-81.
strikes organized by the left-wing unions. By mid-1947, the colonial government had begun to initiate legislation to control the powers of the PMGLU. John Brazier, the Trade Union Adviser of Malaya (TUAM), suggested initiatives to nurture a 'responsible' unionism that was apolitical and focused on labour rights. He enforced registration of unions and initiated setting up alternative unions to the left that would moderate the trade union activity of Malaya. There was also the establishment of a Department of Labour that was to supervise the activities and needs of workers more closely. Furthermore, faced by the radical opposition from the Communists in urban as well as jungle settings in Malaya, the British declared a state of Emergency in June 1948 that was to deal a death blow to militant trade unionism.

For the Indian labourers, having established labour unions and attained leadership of these organizations as a form of class mobilization, their platform to power and active amelioration of their Subaltern position was short-lived. Emergency regulations instilled fear in the hearts of labourers and union leaders. Plantation labourers were suspected of Communist involvement due to their close proximity to Communist hideouts in the jungles. The estate management with the help of the police force took advantage of these suspicions of Communist involvement by deterring any hostility in the form of organized activity against management. Indian labourers took to disassociating with Communists and Communism as they equally feared the Communist terrorists who were cruel in their acts of extortion and coercion.94

Nonetheless, plantation labour needs necessitated the amalgamation of various plantation unions into the National Union of Plantation Workers (NUPW) in 1954. More than half of the membership of the NUPW was Indian and it was led by P.P. Narayanan. The NUPW remained strictly apolitical and focused mainly on social welfare issues. It ran a Tamil bi-weekly paper the

94 See Sinnapah Arasaratnam, Indians in Malaysia and Singapore (Kuala Lumpur: Oxford University Press, 1979), 140.
Sangamani, which aimed at educating labour opinion. The NUPW continued to exist in Malaya well after independence. It was later involved in serious labour plantation issues of land fragmentation and aimed to negotiate labour rights but researchers conclude that it was premised on 'accommodation'\(^5\) rather than negotiation of labour rights. There was an absence of grass root leadership and 'worker emancipation through the building of worker owned homes and the provision of progressive education in government run schools were presented but never pushed.' \(^6\)

**Conclusion**

The British exercised complete hegemony over the Indian labouring class. Their presence in Malaya, their livelihood, their world view, was at the complete behest of Imperial domination. The process of suppression was so complete that the Indian subaltern labourer seldom had the presence of mind to resist and when he did so it was in desperation and reaction to circumstances of low wages and mistreatment. Even when third parties did intervene, such as the educated Indian middle class, efforts to mobilize remained fragmented and lacked focus. The era of unionism did provide recourse for the Indian labouring classes but the looming spectre of Communism upon the Union movement caused the British to take swift measures to subdue and moderate trade unionism. There was no consideration that Indian labour would lose a hard-won platform of power negotiation through its suppression. This entire phenomenon proves the words of Guha as quoted by Lazarus that,

> 'For a majority of the colonized, ...and above all for those (mostly peasant) members of the subaltern classes living at some remove from the administrative and increasingly urban centres of power, colonialism was experienced pre-eminently in terms of dominance, that is, along lines of material, physical, and economic exaction:

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6 Ibid.
conquest, taxation, conscription, forced labour, eviction, dispossession, etc. There was comparatively little attempt on the part of the colonial establishment to seek hegemony among these subaltern classes, that is to win their ideological, moral, cultural, and intellectual support for the colonial enterprise.\textsuperscript{97}

The latter part of the quotation suggests a marginalization of the Indian labour community. I would demonstrate in the next chapter that this marginalization of Indian labourers within the context of Malaya also extended to the entire Malayan Indian community. It is as though, through association with its labourers, the Indian middle class and educated elite were also not wooed in the political and ideological processes of the Malayan state.

\textsuperscript{97} Lazarus, Neil. \textit{Nationalism and Cultural Practice in the Postcolonial World} (Australia: Cambridge University press, 1999), 90.
Chapter 2 - Malayan Indians in the decolonising moment

In 1945 when colonial rule resumed after the war, the colonial masters were faced with the awareness that circumstances had altered notions of location and belonging amongst ethnic communities—previously considered of migrant mentalities, inter-ethnic relations as well as notions of loyalty/acquiescence to colonial rule. As with other colonies, the British were returning to meet expectations of political reform and eventual self-government. In the case of Malaya, they felt obliged to acknowledge the contributions of migrant communities who had played a pivotal role in developing the economy of the country, especially the Chinese who had endured tremendous suffering during the Japanese occupation and had assisted war efforts through resistance movements such as the Malayan People’s Anti-Japanese Army (MPAJA). Further, there were undertones implying that the British were piqued about the alleged collaboration between Malay Rulers with the Japanese and the involvement of Malays in Fifth Column activities.

It was not a reversal of Malay privileges that the British were seeking, rather, they were interested in instituting a Westminster-style parliamentary system to foster a ‘constitutional unity’ in Malaya which would have eventually required an electorate with equal rights. Aware of the separateness of the Malays, Chinese and Indians, and with the development of their respective disparate nationalisms, Admiral Lord Mountbatten wanted ‘to break down racial sectionalism in every way open to us, politically, economically and socially and to endeavour to substitute for it the idea of Malayan citizenship... by getting Malays, Chinese or Indians, to combine together to deal as citizens (and not as racial communities) with the local problems of Malaya in the same light.’ Yet the British were also aware that this would be problematic as ‘endeavouring to admit non-Malay communities to a political equality with the Malays in the state territories. We (in reference to Colonial

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2 Ibid., CO 825/42/3, no 5 Directive on policy in Malaya; letter (reply) from Admiral Mountbatten to Mr Stanley.
rule) shall make certain of estranging the Malays unless we can assure them of not only in the political and social field, which will prevent such “equality” inevitability resulting in their submergence.\(^3\)

The dilemma discussed above took up a space of negotiation that lasted 12 years. From the McMichael treaties (October 1945), the Malayan Union, Federation of Malaya agreement, Member System, Elections at the Federal Legislative Council, the National Conference and Convention, the Reid Commission and the creation of the *Merdeka* Constitution with the transfer of power on August 31st 1957, is the 12 year period which I term the decolonising moment for Malaya. The 12 years in question are termed a moment in the metaphorical sense in that it was in this period that the rules of the game, as in the distribution of power and the mechanisms by which Malayan/Malaysian people and organisations would become subject to, were put into place and the manner in which the power brokers for the Indian community could/could not ‘seize’ the moment comes into question. Power was preserved such that Malay privileges were retained through Article 153 in the *Merdeka* Constitution which allowed them to harness legitimacy and create unquestioned assumptions in decades to come of their centrality to state and governance.\(^4\) The decisions made in this epoch-making time generated the rules which were henceforth to become ‘the means to

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\(^3\) Ibid, CO 825/42/3, no 27 Directive on policy in Malaya: letter (reply) from Mr Stanley to Admiral Mountbatten.

\(^4\) ‘Article 153 privileges: Article 153 provides a scheme of preferential treatment for Malays (and the Natives of Sabah and Sarawak) in a number of specified areas. The yang di-Pertuan Agong may, in order to promote the purposes of Article 153, reserve such proportion as he deems reasonable of-
-positions in the public service
-scholarships, educational or training privileges or special facilities
-permits or licenses for the operation of any trade or business required by federal law; and
-places in institutions of higher learning providing education after MCE

Malay privileges are entrenched against repeal in two ways. First, any Bill to abolish or curtail them may be caught by the law of sedition. Second under article 159(5), any amendment to Article 153 will require a special two-thirds majority of the total membership of each House of parliament plus the consent of the Conference of Rulers. The above terms of Article 153 is a recent rendition as described in the following publication; Shad Saleem Faruqi, *Document of destiny: The Constitution of the Federation of Malaysia* (Kuala Lumpur: Star publications, 2008), 689.
capturing advantage\(^5\) by equipped parties post Independence. Sharp, Routledge, Philo and Paddison encapsulate the significance of this moment for the future when stating that ‘Within such a “game”, the more powerful have the advantage of not only setting the rules, but also of interpreting (and reinterpreting) what is their meaning. The power of resistance in such cases becomes effectively marginalised’.\(^6\)

This chapter discusses how the Indian community navigated its rights and position at the negotiating table in Malaya during these twelve years. The Indians of Malaya, like any other Indian migrant community within the British Empire, experienced psychological, social, economic and political dilemma when they were forced to decide at the Independence of India and the decolonisation moment regarding issues of belonging, settlement and citizenship. Hence it is crucial to ask what the nationalism of the Malayan Indians was and what was their ‘nation of intent’\(^7\) for Malaya?

**The decolonising moment**

The decolonising moment exists within the umbrella era of the post-colonial, marking the transitory space of time when the colonial passes into the post-colonial, bringing with it epoch-making consequences for the latter. It is situated within the post-colonial time and discussed within the theoretical category of post-colonialism. It is part of the ‘new period and a closure of a certain historical event or age, officially stamped with dates’\(^8\) as well as the dialogue of post-colonialism that deals with the impact of colonial pasts in representations, modes of domination and contemporary struggles.

Catherine Hall describes the ‘post colonial moment’ on a global scale as ‘the

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6 Ibid. This is witnessed at pivotal moments in Malaysian history when Malay/Muslim supremacy is refored with the creation of the Bumiputera policy after 1969 and the escalation of islamism in Malaysia marked in early 2000s when Mahathir openly declares Malaysia an Islamic State.


movements of peoples on an unprecedented scale, the break-up of Empires and decolonisation, the creation of a new Europe and other power blocs, the destruction of old nations and the reformation of new ones. Stuart Hall localises it somewhat when reducing the 'distinctive moment' to 'independence from direct colonial rule, the formation of new nation states, forms of economic development dominated by the growth of indigenous capital and their relations of neo-colonial dependency on the developed capitalist world, and the politics which arise from emergence of powerful local elites'. Both perspectives converge on portraying a moment of flux of bodies, identities, belonging and/or versus situated-ness, of properties and capital. What happened, then, at the decolonising moment for migrant Indian communities?

Vijay Mishra discusses the type of Indian migrant communities which is of importance in this chapter, that of the 'old (exclusive) Indian diaspora' that is, the diaspora which 'began as part of British imperial movement of labour to the colonies' and which is marked by its exclusivism because they 'created relatively self-contained little Indias in the colonies'. What happened to this diaspora at the point of fragmentation of the British Empire when considering Ashcroft, Griffiths and Tiffin's premise that a diaspora of, for example the African people, presupposes a monolithic unity? Where "diaspora" seems to refer to dispersion, diffusion and heterogeneity, migration movement and scattering, the very term may enhance monolithic

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11 Ibid.


13 Ibid.

14 Ibid.
notions of culture and identity'. The old Indian diaspora is premised on the monolithic Indian identity as imagined by the British colonial authorities. Peoples of Gujarat, Madras, Bihar, and Punjab migrated to parts of the Empire such as Malaya, the Pacific and parts of Africa according to the economic and security needs of British colonial capitalism.

The old Indian diaspora was a phenomenon of colonialism and so was the identity they carried as Indians into host colonies. Sunil Khilnani suggests the construction of the monolithic Indian identity and what made the self-invention of an Indian national community was the fact of alien conquest and colonial subjection. For example, 'the Greeks, who first named the land Indica, to travelers, traders and invaders and then most comprehensively to the British, who in their train spotting way darted across the subcontinent mapping, tabulating and classifying the territory and people that gradually came into their possession.' Khilnani quotes Lord Curzon as he reiterated this point that India had no natural frontiers and that it was the precision of the colonial administrative techniques that brought India forward as a unified and bounded space. 'It was the British interest in determining geographical boundaries that by an Act of Parliament in 1899 converted 'India' from the name of a cultural region into a precise, pink territory.'

Emmanuel S. Nelson describes the complexity of Indian identity, 'For India, clearly, is not a culturally monolithic entity; it is, on the contrary, a staggering compendium of a multitude of ethnicities, languages, and traditions. To speak of an Indian diaspora, then, is to insist on a claim to an essential psychological and historical unity that undergrids the spectacular Indian mosaic.' The 'psychological and historical unity' for the old Indian diaspora at the point of decolonization was that of being a British subject of the Empire

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17 Quoted in Ibid.

versus the new (border) Indian diaspora of 'late capital'\(^{19}\) which Mishra marks by its 'mobility'\(^{20}\) but would probably hold the consciousness of being / or having been citizens of the Indian nation state. There was an enlarged political spatial belonging in the minds of the British Indian subject in that he could travel with just health certificates and establish businesses and property in any part of the Empire while professing a cultural identity from a place of origin on the Indian subcontinent.

This was to change on 15\(^{th}\) August 1947 when India became independent. Then, Indians all over the world began the process of giving up their old status as British subjects and becoming new citizens of India or rather the country that was now to host them. Sahadevan highlights that Indians in other colonies attained several statuses as 'citizens of the country of their adoption, holders of valid British passports but without local citizenship and as people of stateless category.'\(^{21}\) The new requirements of citizenship such as deciding which country to belong to, India or the colony of host; the rush for passports and citizenship cards; the creation of borders and trespassable property; these created a chaotic post-colonial situation for the Indian communities in the old diaspora that was to last for decades after.

For the most part Indians became the internal problem of host countries' indigenous governments that did not grant them equal rights. Burma's and Indo-China's nationalisation policies led Indian businessmen, particularly the Chettiar community, to lose vast amounts of property. Sri Lanka refused to give Tamils citizenship, arguing they were 'birds of passage and a transient population'.\(^{22}\) Kenyan Indians faced with the process of Africanisation feared deportation, which became a reality for the Indians in Uganda when Idi Amin,

\(^{19}\) Vijay Mishra, 'The Diasporic Imaginary; theorizing the Indian diaspora' in The Post-Colonial Studies Reader, 447.

\(^{20}\) Ibid., 448.


\(^{22}\) Ibid., 121.
in 1972 ordered the expulsion of ‘aliens of Asian origin in ninety days’. It was a case of displacement of people and identities. Throughout the colonial migratory and settlement period, the old diaspora had demonstrated a ‘psychological unity’ in orientation towards British India and subsequently the Indian independence struggle, identifying with Nehru and Gandhi. And upon Independence in 1947, the old Indian diaspora was told to associate with the host colony/country and their respective nationalisms if they did not choose Indian citizenship. Nehru wished that ‘we do not like any country to ill-treat Indian nationals. They should be given all the rights of citizenship. India’s connection will be cultural and not political’. But he also advised that ‘overseas Indians should completely associate themselves with the indigenous people of the country, to give primary consideration to the interests of the original inhabitants and not to develop vested interests, not to demand any special rights and privileges and to extend their undivided loyalty to the country of their residence’. Nehru’s wishes did not create ideal situations for the old Indian diaspora. In the case of Malaya and many other countries, Indians lost in the game of loyalty as they were seen as transient and enamoured with Congress ideology and symbolism, and they lost out being minorities (not always affluent), in the inability to demand for special rights, in not having reservations or even a voice in schools, legislatures and the government service of host countries, thus compromising their future rights.

Confusion over Citizenship.

Indians in Malaya demonstrated indecision over where they belonged in the decolonisation moment. Indian businessmen, after witnessing the nationalisation of properties and businesses in other former colonies such as Ceylon, Burma and Indo-China, feared the confiscation of their property and began to relocate their money to India. *The Straits Times* reported in 1951 that ‘Indian businessmen in Malaya are selling out and transferring much of

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23 Ibid., 29.

24 Ibid., 59.
their wealth to India'. The rate of transfer was at $29,000,000 a year, amounting to a total flight of capital of $666,000,000. The Indian government also facilitated this movement of investments by relaxing taxation on remittances, and the prospects of India’s upcoming plans to industrialise proved attractive for overseas Indians investment. The local Malayan press portrayed this as a ‘Sell out’ on the part of the Indian community towards Malaya. In 1953, Malay leaders expressed concern that thousands of Indians were coming into Malaya to beat the deadline of an Immigration Bill that was to restrict the inflow of immigrants. Dato Onn highlighted that ‘Ships were steaming to and from India non-stop in an effort to bring in thousands of immigrants.’ Other Malay leaders expressed alarm that Malaya, which was ‘still considered a land of milk and honey’, would attract more of the working class from India and depress further already ‘low standards of living, wages and hours’. The response of the office of the representative of the Government of India in Malaya, M Gopala Menon, was to refute the allegation of an abnormal flux of Indians. He claimed that ‘the present heavy passenger traffic was not a one-way traffic. Ships bound for India were also fully loaded’. Further, that ‘A considerable proportion of the Indians now arriving were old residents. Many of them, who would normally have returned after Aug 1, hurried back because they feared that under the new Immigration Ordinance they might be barred’. While the movement of capital and people between India and Malaya proved disconcerting to local Malay leaders over fears of being crowded out or a flight of capital this demonstrated the distress of the Indian community in first trying to make

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25 *The Straits Times*, 19th June 1951.

26 Ibid.

27 Ibid.

28 *The Straits Times*, 16th July 1953.

29 Ibid.

30 Ibid.

31 *The Straits Times*, 24th July 1953.
sense of the shifting regulations between territories and second, their need to safeguard property and livelihoods in the chaos of the moment.

Meanwhile, the Indian-educated elite of Malaya tried to make sense of the processes of the citizenship that was being offered to the Malayan Indian community. Due to Malay opposition to the Malayan Union proposals of 1946 which would have nullified the sovereignty of the Sultans of the various Malay States, and transferred full power and jurisdiction to Britain as well as accruing more equitable citizenship rights to non-Malays \(^{32}\)( more on this later in the chapter), the British offered Federal Citizenship by application in 1948 to non-Malays on terms that required them to ‘a) either be born in any of the territories now to be comprised in the federation and has been resident in any one or more of such territories for eight out of twelve years preceding his application or he has been resident in any one or more of such territories for fifteen years out of the twenty years immediately preceding his application ...c) that he has an adequate knowledge of the Malay or English language’. \(^{33}\)

The Government still remained in the hands of the High Commissioner who was a representative of the British government. Thus while Malay nationality and belonging was safeguarded under the jurisdiction of the respective Sultans, the citizenship offered to non-Malays was restricted to political participation rather than nationality. This created much apprehension and confusion in the minds of the Indian elite in envisioning a sense of peoplehood for the Indian community in Malaya. In 1951, Mr R Ramani, President of the Federation of Indian Organisations, highlighted the Indian dilemma in acquiring Citizenship of the Federation of Malaya. He pointed out that all Indians in this country would love to regard themselves as political heirs to the sovereign republic of India. Further he noted, that in matters of political or economic importance it did not appear that the Indian( in Malaya)


Under the Federation Agreement, Malay rights were protected through ‘The Conference of Rulers’ comprising of the Sultans who assured that changes to salaries and reorganisations in the civil service as well changes to immigration regulations had to have the approval of this body. See Gordon P. Means, *Malaysian Politics*, 57.
was required to pull his full weight.34 This demonstrates that India was still the primary focus for Indian identity in Malaya and the fact that since Indians were not being given equal privileges in Malaya there was reluctance on their part to acquire citizenship.

The problem was compounded for the Indians in Malaya when they were forced ‘to choose’ as the Government of India, in explaining the implications for its draft constitution for Indians overseas, discouraged dual citizenship.35 In an article titled ‘Indians must choose nationality’ in The Straits Times, John Thivy, first president of the Malayan Indian Congress Party and the Union of India’s representative in Malaya, in August 1947 noted that it was left to Indians themselves to decide whether they wanted to be British or Indian citizens.36 He explained the changes in circumstances during travel between India and Malaya in that up till Independence travel between Malaya had been easily accomplished on the Immigration Department’s identification certificate but Indians now entering Singapore and Malaya might have to do so on the same footing as other Dominion subjects, by passport and visa, to demonstrate that India and Malaya had become two separate political entities and that Indians could only belong to either one at a time. The matter was discussed by the Indian High Commissioner, Mr Krishna Menon with the Colonial Office in London as to the status of Indian

34 The Straits Times, 2nd September 1951.
Article 5 of the Indian Draft Constitution.
   a) Every person who or either of parents or any of whose grandparents was born in the territory of India as defined in this constitution and who has not made his permanent abode in any foreign state after the first day of April 1947.

   b) Every person who or either of whose parents or any of whose grandparents was born in India as defined in the Government of India Act 1935 (as originally enacted) or in Burma Ceylon or Malaya and who has his domicile in the territory of India a defined constitution shall be a citizen of India provided he has not acquired the citizenship of any foreign state before the date of commencement of this Constitution. – Indian daily Mail 2nd May 1948.
36 The Straits Times, 23rd August 1947.
nationals in Malaya. The Indian educated elite of Malaya such as K.P.K Menon, a lawyer, highlighted the reservation of this class of people when asking questions regarding the position of Indian professional men and government servants such as lawyers when dealing with legislation like the ‘Singapore Advocates and Solicitors Ordinance to the effect that any advocate or solicitor who ceases to be a British subject after Dec 31 1935, may be struck off the rolls’. Mr Menon speculated as to what the attitude of the Government of Malaya would be regarding Indian lawyers in the country.

Indian leaders exhorted Indians in Malaya to maintain a primary allegiance to Malaya and to stop giving the impression to the local Malay leaders that they were transients. At a ceremony at the Ramakrishna Mission orphanage, Thivy said that Indians must stop the bird of passage attitude. Indians must give something to Malaya for posterity, something to remember Indians by. ‘In this country Indians must not only think of earning a living and take back as much as they can but contribute and give generously for the social service’. On another occasion other leaders explained the obligation and position of the role of local-born Indians

In that long and narrow passage in that corridor of time, Indians have had as conspicuous a hand in the building up of this land as had the Malays and the Chinese. Malaya was once a land of peace and plenty — a prize in the orient. Does it surprise you therefore that nurtured with the ideal that the lot of the people of Malaya, be it plenty or lean, rich or poor, peace or strife, must be the lot of Indians born and bred in this country... its members feel they are Malayan first and Indians after. We have always felt that we must actively share with the peoples in this country the task of building up this land...we

37 The Straits Times, 4th February 1948.
38 Ibid.
39 Ibid.
40 Ibid.
41 Indian Daily Mail, 8th September 1947.
cannot be the proverbial bird of passage. If this country is good enough to live in and to make money out of, it is good enough to die by.42

Nevertheless, the Indian leaders themselves were confused in terms of instilling a sense of Malayan Indian community when presented with the facts that they had a Malayan Federal citizenship without a nationality. R Ramani explained the situation thus:

Citizenship is like a coat, but nationality is in our bones ...the citizenship that is offered to us in Malaya is something that is not coextensive with nationality. Citizenship is a quality that a person acquires by being in residence in a particular country for a particular number of years, whereas nationality is an attribute which is born in him, which is part of his blood and bones by reason of the fact that either he is born in the soil of his country or born elsewhere of parents who were born in the home country...there are no nationals of Malaya. One can only be the subject of the ruler of a state by birth or naturalisation. When you begin to discuss the question of the rights of a particular person in Malaya and call him in certain events a federal citizen it is likely to confuse constitutional pundits ...that this is a new concept of nationality introduced in Malaya.43

In response to the dubious situation of having a citizenship but not a nationality, the Constitutional Assembly drafting committee of the Nehru government responded to Ramani's views by announcing that \textit{Indian nationals in Malaya, irrespective of whether they are enjoying Federal citizenship, will be entitled to an Indian citizenship which carries nationality with it on their making such declaration and getting themselves registered as Indian nationals with the representative of the Government of India}.44 Was this then a reversal of India's non-acceptance of dual citizenship policy? The content of this declaration remained vague and as Malayan Indian leaders attempted to negotiate this for the common Indian in Malaya they were

\begin{itemize}
  \item[42] \textit{Indian Daily Mail}, 16th September 1947.
  \item[43] \textit{Indian Daily Mail}, 11th August 1949.
  \item[44] \textit{Indian Daily Mail}, 1st August 1949.
\end{itemize}
viewed with suspicion by local Malays as being able to enjoy double privileges in having a foot in separate camps. This was exemplified by their response to the MIC president’s use of the ‘silk shirt and khaddar shirt’ analogy in 1951.

Citizenship is like wearing a silk shirt. There is no difficulty and there is nothing to lose. The silk shirt may be worn here. When we go back to India, the khaddar shirt may be worn. However, one should see that the silk shirt is carefully preserved against decay.45

This analogy was perceived to be in poor taste as it cheapened the feelings of endearment towards Malaya as home, which was understandably emotive for the Malays.

In terms of citizenship concerns, Indians understood that it was a tricky situation. They did not have equal status in Malaya and whenever they showed attachment with India, they were seen as being disloyal towards Malaya. This left them feeling resentful as expressed by Dr J. Samuel, President of the Federation of Indian organisations, ‘We’ve been side-stepped’.46 He claimed that that Indian contribution to Malaya was not acknowledged through the Federal citizenship which allowed only thirty percent of Indians to be eligible for citizenship and this was to further compromise the political clout of the Indians when only a small proportion of Indians possessed the necessary citizenship documents to be eligible as an elector in the various elections that were held between 1948 and 1957.47

Throughout the decolonisation moment, a representative body of Indians, the MIC, lobbied for a reduction of years in the residence qualifications, to be more lenient on the language qualifications of Malay and English, as many

45 MIC working Committee minutes of meeting 29th April 1951, Reference number:2006/0015418 (Arkib Negara Malaysia).
46 The Straits Times, 15th November 1952.
Indian labourers would have been disqualified and stand for citizenship with nationality – ‘One Nation, One Nationality and One People’. But for a number of reasons, Indians were never able to form a significant voice in the Malayan political arena.

An uncertain sense of belonging to Malaya

Indians never felt they were stakeholders in the policy and decision-making arena. This had to do with the Anglo-Malay tacit understanding to preserve Malay rights and domination in the civil service. Indians were scarcely represented on the Federal and State Councils and experienced difficulties in entering the public service in Malaya. Stenson notes that English-educated Indians in Malaya were fully aware of the discrimination they encountered in being denied entry to the Malayan Civil Service. During the Depression, the colonial government of the Malaya States shocked educated Indians when they took to large-scale retrenchment of Indian clerks and administrators. Their welfare was not taken into account when placing restrictions of already limited educational facilities to non-Malays. But the ‘political impotency’ of the educated Indians was really demonstrated when the Chettys, affected by land alienation legislation for the Malays, relied on a Chinese, Tan Cheng Lock, to represent their concerns. On occasion when the Government of India appealed to the Government of the Federated Malay States as to why there was no representation of Indians in the Federal and State councils and

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49 Ibid. also The Straits Times Article 21st March 1949 – ‘Give us Malayan nationality, Congress wants Citizenship clause changed. The Malayan Indian Congress decided today to ask federation Government to amend the citizenship clause of the federation Agreement and provide for Malayan nationality instead of citizenship...’


51 Ibid., 43.

52 Ibid.
to remove the restrictions on Indians entering the public service in Malaya, the reply was the following:

The whole question of the constitution of the Federal Council both as regards representation and extension of membership is now under the consideration of the government, but owing partly to the extraordinary diversity of races, and partly to the peculiar political constitution of these States, it is necessary to proceed with extreme caution in introducing any modification of the existing order. The Indian educated community, even including Government officials, is very small. It comes from all parts of India, and is in no way representative of the agricultural labourer from the Madras Presidency. On all these grounds, it is felt by this government that the time has scarcely come for the appointment of an Indian member on the Council.53

The Malayan Civil Service to which this examination gives admission is a combined service for the Colony of the Straits Settlements, and the Federated and Unfederated Malay States, in which British Officers are assisting the Malay Sultans and Rulers in the Government of their country. In connection with the admission of persons of other races into the higher ranks of the Civil Service arises the question of the legitimate aspirations of the Malays. It may be fairly said that the counterpart of the Indianisation of the services in India is the Malayanisation of the services in Malaya, and the gradual substitution of Malay for European officers in administrative posts is the declared policy of the Government both in the Federated and Unfederated Malay States.54

After much lobbying by the Indian government Malayan Indians were able to win representation for Indians on the Straits Settlements Legislative Council and by 1928 a representative, N. Veerasamy, was appointed to the Federal Legislative Council. By 1931, the State Councils of States with

53 Extract from a letter from the Chief Secretary to Government, F.M.S to the secretary to the Government of India, dated 28th July 1922. Reference number: Sel 516/23 (Arkib Negara Malaysia).

54 Extract from a letter from the Chief Secretary to Government, F.M.S to the Chief Secretary to Government of India, dated the 30th November 1922. Reference number: Sel 516/23 (Arkib Negara Malaysia).
concentrations of the Indian population had one Indian representative. Nonetheless, the colonial government in Malaya was quick to add the caveat that the divided nature of the Indian community according to sub-communities did not mean that the Indian representative on the Councils were representative of the entire community. Arasaratnam notes that when the High Commissioner appointed Veerasamy, he was only representing the Hindu community and that he reserved the right to nominate a Ceylonese representative to represent Ceylonese Hindus. Hence the educated Indians felt that even though they managed to attain representation in the respective councils, by highlighting the issue of sub-communal tendencies amongst the Indians, the British were diluting their sense of power in representing the needs of the Indian community and this was played out when they tried to lobby for rights for the Indians in Malaya, such as land settlement for Indians.

The Indian elite expressed the view that it was necessary for Indians to have ownership of land in Malaya in order to see themselves as settlers and stakeholders in the economic and political future of the country. The Shastri report on Indian labour explained the issue from the Indian perspective thus:

It is the settlers themselves who by their own exertions open and develop the land, and it must be clearly understood that they have as permanent a stake in the welfare of the country as any mine or estate owner. Their title therefore must be permanent and unassailable, and in any future political development which may take place they must receive recognition as permanent independent inhabitants of Malaya. It is only if these conditions are fulfilled that such settlements can be expected to flourish, and these conditions can only be guaranteed if the land is originally allotted by Government.

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Later, the issue of Malayan-born Indians arose, the argument being that they had no political and social affinity to India and should be allotted land in Malaya to settle down as permanent residents of Malaya:

The facts are that previously some South Indians had come to Malaya and remained for irregular periods before returning home. The situation is now very different, the days of immigration of unskilled labour form India are over and many of those who came here long ago have lost the desire to go back to India. Their children were born here and these children feel themselves to be very much more the citizens of this country than the children of their fathers or grandfather's village in India. Many long resident or locally born South Indians would far rather settle down in Malaya if they had a reasonable chance to own land and become self supporting farmers.

The colonial government in Malaya maintained a steady practice until the Emergency in the post-war era not to allot land settlements to the Indians. They had several reasons for this. The colonial government only wished to accept Indian labour migrants as workers on plantations. They did not wish the Indians to eschew employment as wage earners and to go into small farming and compete with the Malays. The colonial government was also not prepared to carry the financial burden of acquiring land and preparing it for settlement. Instead they dismissed it as the responsibility of the estate owners. But it was really an editorial in *The Straits Times* in 1933 that illuminated the policy and attitude of the British Government in Malaya towards Indian labour migrants through the issue of land settlement:

Our correspondent is under the delusion that Indian immigrants have a moral right to land in Malaya, based upon the work they have done in developing the country and providing labour for its industries. This argument convinces nobody. The Indian labourer comes here as a temporary labourer

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58 *Indian Daily Mail*, 5th November 1953.


and not a settler. The inducements held out to him, under normal conditions and higher wages than are obtainable in his own country...our correspondent cannot or will not see the reasonableness of the strong objection felt by the Malay race to any policy which would result in a polyglot peasantry or in a countryside semi-Indian or semi Chinese in character...The fact is that the only races which are welcome to the Malays in their own States, as permanent settlers, are those which inhabit the countries of the Malay Archipelago. Those races are capable of complete and harmonious assimilation into the peasantry of the Malay States, whereas the Tamil or Chinese remain distinct and inassimilable from generation to generation...the 1931 census shows 131,500 local-born Indians...Nearly all those "local Born" Indians are children of immigrant labourers, who have every intention of taking themselves and their families back to their own country at some future date...If Immigration from India dries up, Malaya will have to look to China; if the latter country fails us we shall have to look to Java; and if Java fails us we shall have to make extensive use of our internal supply of labour...We want Chinese and Indians as labourers, not as settlers...But the Malay States are Malay States, and they desire to preserve the racial, social, religious and economic uniformity of their peasantry for exactly the same reasons as those which inspire nationalists of India and China to insist upon their own rights in their own countries.  

The tone of the above abstract indicates certain assumptions about the Indian labourers. First that they were in Malaya lured by the prospects of making money and a higher standard of living, thus negating any contribution they made in the economic development of the country. Second that Indians were thought of as transients, dismissing the fact that these labourers seldom had much savings to restart a life back in India. The editorial makes clear that preservation of Malay rights is central to the policy of the government and thus it was suitable to keep Indians and Chinese transient and not as settlers so as not to upset the socio-cultural ethos of the Malay States. There was also no obligation towards the Indian labourer due to the

61 The Straits Times, 2nd September 1933.
perception of the easy ability to replace Indians as labour with other communities.

There were sporadic settlements or plots of garden given to the Indian labourers by the estates, such as the Chua Settlement, in Negri Sembilan, set up in 1932. But it was only during the Emergency, in 1953, that Sir Gerald Templer, High Commissioner to the Malay States, encouraged a scheme for the landless and offered land for purchase to the Indian labourers. The High Commissioner’s main concern was that it was dangerous having a floating population of Indian labourers as they could become easy targets for subversion by the Communists. Land was allotted to Indian labourers by the government, such as a sixty-acre plot in Sungei Buaya Estate, Kuala Langat and at Sungei Burong in the Tanjong Karang rice areas. It was reported that Indians could purchase land (2 acres) for about eighty dollars, the price of a bicycle. The Indians who took up the offer purchased 2 acre plots to grow vegetables. But the scheme largely proved unpopular due to a number of reasons. In 1955, the MIC revealed that Indian labourers had financial problems in bearing the initial cost of preparing the land and subsisting till harvest times. The Indian worker had little or practically no money. The land offered to the Indians was also far from their estate lines. A. Balakrishnan, former president of the Penang Indian Congress, claimed that the government land offer to Indians was just

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63 The Straits Times, 10th July 1953.

64 The Straits Times, 11th July 1953.

65 The Straits Times, 23rd December 1953.

66 The Straits Times, 19th July 1953.

67 Ibid.

68 President address by K.L Devaser at the ninth annual conference of the Malayan Indian Congress, 21st May 1955. Reference number: 2006/0015418 (Arkib Negara Malaysia).
a 'paper plan'. No concrete plans were made to make the scheme popular, and land was not available in places that were heavily populated with Indians such as in Penang, Province Wellesley and throughout the North of Malaya.

The Indian Immigration Fund was frequently brought up in connection with the land settlement issue. Since it was felt that most Indian labourers were unable to finance the purchase and development of land, Indian officials urged the use of the Indian Immigration Fund to help settle Indian labour on Malayan land. Major A.S Roman, former assistant commissioner of labour, said that ‘It would be an act of gratitude and also be to the advantage of both capital and labour to settle Indian labour in or near plantations.’ Instead, the colonial government announced that after the war, the Indian Immigration Fund was to be used to recruit indigenous labour since migration from India had been ceased. This was met with protest from the Indian community. The MIC took up the cause announcing that the obligations of the fund had not been fulfilled;

The Indian Immigration Fund according to the legal provisions governing its disbursement is an obligation undertaken by the government and employers of this country to the Indian government to recruit labour from that country. The Indian Immigration Fund was an assurance from this country that the Indian labourers will be provided with amenities as long as they are in this country...in spite of the great contribution the Indian labourers had made to the employers in way of profits the living conditions of the labourers had not been improved to any great extent during the past several decades.

The Colonial government expressed different sentiments about the Indian Immigration Fund;

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69 *The Straits Times*, 22nd December 1953.

70 Ibid.


72 *The Malay Mail*, 23rd March 1949.

No part of the Fund has been raised from labourers’ wages. It has been built up by assessment paid by employers of Indian labour (including the Malayan Governments) from their own resources. The obligation on the employer and the method of calculation of the assessment payable are clearly laid down in the Labour Code. The Fund is the property of those employers who created it and have since sustained it.  

As long as the Indian Government continued the labour recruitment, this Fund had its intrinsic value. Since the government of India discontinued recruitment and persistently insisted on the indefinite continuance of the ban, the value and the aim of the Fund automatically ceased. The labourer’s wages have been fixed at a standard rate by the Government and the planters have not even attempted to appropriate any part of the wages towards this fund. Thus it will be seen that neither the Government of India nor the Indians have any ground for grumbling if the Indian immigration Fund is utilised for the recruitment of any other labour force anywhere.

The issue of the Indian Immigration Fund revealed the discrepancy between the Indian community’s expectations and governmental policy and practice. While the British thought that there were legal grounds to reassess the Immigration Fund and reassign it to different purposes, the Malayan Indian community felt that their needs were being neglected.

Even in education and language, which are vital components in nation-building, the Indian community felt their needs were not taken into consideration. In 1950, the Barnes report was published proposing the transformation of all schools into national schools in which all children will be taught English or Malay. The Chinese rejected this report, fearing that it would dilute the importance of Chinese heritage. The High Commissioner, Henry Gurney, appointed another committee, to consider the needs of the Chinese, the Fenn Wu committee. The Fenn Wu committee proposed the

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74 The Sunday Mail, 20th March 1949.

75 The Malay Mail, 23rd March 1949.

76 Memorandum on Indian Education in the Federation of Malaya, 31st August 1951, Indian education Committee Reference Number: 2006/0014449 (Arkib Negara Malaysia).
consideration of the diversity of cultures in Malaysia and to have diverse school systems for the different communities. Indian officials, already piqued that they were excluded from consultation, stated that these proposals promoted sectionalism.\textsuperscript{77} Instead they formed an Indian Education Committee under K.L Devaser and proposed an education system based in ‘Malaya as a culture, not Malay but Malayan, in the same sense as is envisaged for Malayan nationalism’.\textsuperscript{78} It advocated the learning of three languages, mother tongue in the first three years of education, English to be introduced in the fourth year and Romanised Malay in the fifth.\textsuperscript{79} The Committee also advocated the teaching of religious education relevant to the different communities and for the textbooks to be based on Malayan background. Despite these efforts the government still went on supporting the recommendations of the Barnes report with its concept of the national school, but provided facilities for the teaching of Chinese or Tamil where fifteen or more pupils requested it.\textsuperscript{80}

A fractured identity

The Indian community in Malaysia could never boast a united stand on issues as it was wrought with sub-communal divisions, class identities and power struggles. Although the Chinese and Malays were also divided according to ideology and class, the divisions within the Indian community were significant in that they fragmented further the clout of a minority community in making a concerted representation over issues, and these divisions were exploited by the British to override the concerns and demand, of the community in Malaya.


\textsuperscript{78} Memorandum on Indian Education in the Federation of Malaya, 31\textsuperscript{st} August 1951, Indian education Committee. Reference Number: 2006/0014449(Arkip Negra Malaysia).

\textsuperscript{79} Ibid.

\textsuperscript{80} Rajeswary Ampalavanar, \textit{The Indian minority and political change in Malaya 1945-1957}, 131.
The fragmented Indian identity was already evident before the 1930s. The various sub-communal identities played out in the different Indian nationalisms. The Northern Indians, especially the Punjabis, were influenced by the Ghadr Movement (early 1900s) that led the Malayan States Guides to refuse service in East Africa during the First World War. The Indian Muslim merchant community was influenced by the Khilafat movement (1919-1924) while the Tamils were divided according to caste, the Brahmin Tamils supporting Indian Congress ideology, while the non-Brahmin Tamils were partisan towards the Dravidian movement preached by Ramasamy Naicker.81.

After the war the Ceylon Tamil separatism and Tamil sub-nationalism became particularly obvious. The Ceylon Tamils had acquired a privileged position within the government service. Stenson writes that the Ceylon Tamils were intent on improving their qualifications, status and salaries.82 Compared to the Tamils from India, who were mainly from the labouring class, the Ceylon Tamils maintained a sense of superiority due to their educational status. The Ceylon Tamils were also chosen by the British authorities between 1935 and 1938 to represent Hindu interests on State Councils. This created further antagonism between the Ceylon Tamils and the Indians. The Ceylonese established the Ceylon Federation of Malaya, on 30th December 1945.83 When the MIC attempted to integrate the Ceylonese in 1947, Thuraisingam, the president of the Ceylon federation of Malaya, made it clear that the Ceylonese had been recognised as a minority community with separate representation. He, therefore, told the then MIC

81 See Michael Stenson, Class, Race and Colonialism in West Malaysia, The Indian case, 40.

82 Ibid., 74.

president John Thivy ‘to leave us alone to enjoy the rights we have obtained through our own efforts and to look elsewhere for members’.  

Tamil sub-nationalism became more intense with the efforts of G. Sarangapany, editor of the *Tamil Murasu*. On the event of the 69th birthday of Ramasamy Naicker, Sarangapany made the following speech revealing sentiments and aspirations of the Tamil community in Malaysia. Particular references were made to the MIC as not being representative of the Indian Community, since most presidents before the election of the V.T Sambanthan in 1955 were Northern Indians;

> We are always ousted out under the pretext of being a section although we form eighty to ninety percent of the Indian population in Malaya and non-Tamils are appointed to represent the Community. Now it is time to put an end to this usurpation of our rights. Any Indian organisation which is not fully represented by Tamils who form the bulk of the Indian population but which is dominated by the other sections of the Indian community is not at all representative body and is not entitled to speak on behalf of the Indian community. The Malayan Indian Congress is not adequately represented by the Tamils but are dominated by other sections as will be seen from the composition and personnel of their executive bodies where the majority of the primary members, namely Tamils are poorly represented. The remedy is in the hands of the Tamils. They must join the Congress in still larger numbers and demand and secure proper representation for themselves on various executive bodies.  

The Chettyars and the Tamil Muslims also remained aloof from the general Indian community. Stenson writes that the Chettyars in Malaya remained clannish and apolitical. This could have been because they were a specific community of money lenders who had their own customs and traditions that tied them to their home base in South India closely. A number of Tamil

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85 *Indian Daily Mail*, 20th April 1948.

Muslims assimilated into the Malay community. There was the precedence of a distinct community of the Jawi Peranakan in Malaya that was made up of Muslim merchants marrying into the Malay community. The portions of the Muslim community that remained Indian, however, felt excluded by the Indian community in Malaya in terms of representation in organisations and the Indian/Tamil press. In the 1930s they formed their own Tamil newspaper, *Desa Nesan*, which was continued into the 1950s.87

Another division that emerged after the war was that of the Malaya-born Indians and Indians who maintained a stronger affinity with India and were frequently dubbed foreigners. Sentiments ran high against foreign Indians as expressed by R Jumabhoy, president of the Indian Chamber of Commerce. Under *The Straits Times* report subheading of ‘Birds of passage should not dabble in politics’88 Jumabhoy commented that ‘the Malayan government was not looking after the interests of Indians and that Indians should look to India ...to those Indians who have come here merely to earn their living and can only be considered as birds of passage, I should ask them not to interfere with local politics’.89 The MIC was ambivalent over its policy to keep membership restricted to Malaya-born Indians or to Indians in general. The president of MIC, Budh Singh, in 1949 recommended restricting membership of the Congress to only Indians professing loyalty to Malaya.90 In 1951, under the presidency of Devaser, the MIC supported the move of the proposed ‘Congress of Indian Organisations’ to protect the interest of all Indians not only the domiciled ones.91 Nonetheless, there was a section of Malayan Indians who were keen to secure separate representation and a pre-war organisation, the Malayan Indian Association (MIA), representing only domiciled and local-born Indians, was revived in 1947 under G.V Thaver.

87 Ibid., 75.

88 *The Straits Times*, 11th May 1951.

89 Ibid.

90 *Indian Daily Mail*, 12th July 1949.

91 *The Straits Times*, 20th May 1951.
This organisation was preoccupied with land settlement issues and took a very hard stand against the involvement of foreign Indians in local politics. In 1953, P.A Das, president of the Penang and Kedah branch of the Malayan Indian Association, 'warned the Government of the danger of handing over a large settled population to what might prove to be alien political control...A line must be drawn sooner or later between foreigners and others who have rights in Malaya. We have become increasingly aware that in Malaya there are many individuals who are still very conscious of their country yet remain active members of political parties which exert considerable pressure on the more settled population of this country.' 92

MIC struggled to remain the representative body of the Indians.93 But besides the MIA, the Indian councillors on the various Federal and state councils, who were not part of the MIC, decided to form the Federation of Indian Organisations (FIO) as a parallel organisation to the MIC. Naturally the MIC opposed this. In a confidential memorandum, the MIC listed its objections to FIO:

a) That such an organisation would bring in conflict of interest.

b) That it would be trespass into the field of many existing organisations.

c) From the motive of the move, the MIC strongly fears that the interests of the labouring masses will not be safeguarded.

d) That it will be a parallel organisation to our Congress which is well established on a Pan-Malayan basis and is capable of voicing the entire masses in the country irrespective of interests, class or creed.

92 The Straits Times, 4th October 1953.

93 MIC was formed on 3rd August 1946 during a three day conference of Indian organizations in Malaya held at the Chettyar's Hall, Sri Thandayathupani Temple, Sentul from 3rd - 5th August 1946. It was John A. Thivy who together with his close associates pioneered the formation of the political organization MIC. During this three day conference there was much deliberation if MIC should have a labour wing as this was the era of trade and labour unionism and as explained in the previous chapter, Indians in the labouring class played a major role in the movement. Three months before MIC was formed, UMNO representing the Malay community was founded to protest against the Malayan Union and later the Malayan Chinese Association (MCA) was formed by Tan Cheng Lock on 27th February 1949.
e) This is a stunt by the convenors, most of whom are members of the State, Settlement or Federal Councils, to canvass support from the people for the forthcoming elections.

f) In light of the move, the MIC is of the opinion that such a move will be injurious to the general interest of Indian masses.  

In light of the above comments, the formation of three organisations revealed fissiparous tendencies amongst the Indians. There was antagonism amongst the heads of the various organisations and rivalry for power. MIC remained the predominant organisation as the FIO and MIA remained relatively unpopular, due to the former not being able to rally the support of the labouring classes, and the latter because it had limited membership as India still remained appealing to Indians in Malaya. The lack of unity was realised by leaders but there were only failed attempts in 1951 at merger to shore up consolidated support in forthcoming elections, as MIC, due to its larger membership, asked for special privileges and there was indecision over membership and voting rights being restricted to local born or domiciled Indians.

An Indian ‘nation-of-intent’ for Malaya

What were the Indian elite envisioning for themselves and the community as residents in Malaya at the moment of decolonisation? What was their ‘nation-of-intent’ for Malaya? Tonnesson and Antlov refer to ‘nation-of-intent’ as ‘a vision of a territorial entity, a set of institutions, an ideal-type citizen and an identity profile that a group of social engineers have in mind and try to implement’. They arrive at this definition while examining the work of A.B Shamsul, who describes the different ‘nations-of-intent’ as imagined by

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94 Malayan Indian Congress Headquarters, Federation of Indian Organisations, Confidential, 14th July 1950 Reference Number: 2006/0015418 (Arkib Negara Malaysia).

95 Rajeswary Ampalavanar, The Indian minority and political change in Malaya 1945-1957, 163 - 167.

96 Ibid.

97 Stein Tonnesson et al., Asian forms of Nation, 37.
interested parties in Malaysia. The *bumiputera*\(^{98}\)-dominated national identity as defined by the government\(^{99}\) which is challenged by three groups; the non-*bumiputera* group which according to Shamsul is led by the Chinese but could also include the Indians, and two other *bumiputera* groups. Of concern is the non-*bumiputera*, which 'reject the *bumiputera*-based and *bumiputera*-defined national identity in preference for a more pluralised national identity, in which the culture of each ethnic group in Malaysia is accorded a position equal to that of *bumiputera*.\(^{100}\) Shamsul arrives at this analysis in 1996 but at the moment of decolonisation, at least for the Indian community and their elite, their identity profile and the political space which they occupied was a confused process of negotiation and bargaining with the Malays and Colonial government. The Indian elite consciousness in Malaya after the war, as explained earlier, was tied to the psychological unity of British India and ridding India and the rest of the Empire of the British. This was unlike the Malays who understood Malaya as their *watan* (nation) and associated homeland with Malaya, *Tanah Melayu* (Malay land).

When the Malayan Indian Congress was formed in August 1946, its orientation, aims and objectives were focused on India. John Thivy, the founder President of the MIC, revealed that the struggle for Indian Independence was due to two main reasons, the freedom of the mother country and to 'rid ourselves of the wrong of having permitted India to be the base from which Imperialism spread to other countries in East Asia.'\(^{101}\) Resolutions adopted at the inaugural meeting of the formation of the MIC revealed a propensity to concentrate on India and overseas Indians rather than remained focused on Indians in Malaya. Subramaniam writes that at best, resolutions adopted at the inaugural meeting of the Malayan Indian

\(^{98}\) Meaning sons of the soil in reference to the Malay community.

\(^{99}\) A.B. Shamsul, 'Nations-of-Intent in Malaysia' in *Asian forms of Nation*, 323.

\(^{100}\) A.B. Shamsul, 'Nations-of-Intent in Malaysia' in *Asian forms of Nation*, 324.

\(^{101}\) *Indian Daily Mail* 24\textsuperscript{th} May 1948 quoted in S. Subramaniam, *Politics of the Indians in Malaya 1945-1955*, 42.
Congress manifested a dualism.\textsuperscript{102} The Draft Constitution of the MIC in 1946 demonstrated that India drew greater attention from the Indians—out of twelve resolutions passed, only three resolutions were relevant to Malaya, that is ‘communal co-operation and endeavour for the independence of Malaya, the adoption of a progressive policy to secure for the Indian workers a reasonable share of the wealth and prosperity of this country and to fight for the language and cooperative associations of Indians—all Indians whether citizens or not’.\textsuperscript{103}

On 10\textsuperscript{th} October 1945, the British introduced the Malayan Union Scheme which, among other things, promised citizenship on the basis of \textit{jus soli}, that it could be claimed by all those born in Malaya or Singapore whether Malay, Chinese or Indian. The Malays took exception to this as it aimed to negate their special rights. Like the Chinese, the Indians were slow to respond to the Malayan Union scheme, but when the MIC did give a belated response through John Thivy, despite all past and future claims that were made by Indians with regards to their contribution to the development and prosperity to Malaya, Thivy conceded that the Malays had first right to Malaya. Thivy, in an address to the Pan-Malayan Conference in February 1947, declared that Indians were ‘solidly behind the Malays when the latter opposed the Union proposals’.\textsuperscript{104} Although the main issue was the deprivation of the Sultans of their sovereignty, and the further consolidation of Imperial powers, this act of concession and lack of realisation of the benefits of the Malayan Union scheme to non-Malays, set the tone for Indians to be secondary players at the table of negotiations for rights and belonging to Malaya. It was only when the British realised that the Malayan Union Scheme had generated an unprecedented level of political consciousness amongst the Malays and decided to enter into negotiations in a Working Committee in July 1946 comprising only of representatives of the Government, the Malay Sultans


\textsuperscript{103} Tamil Nesan, 8\textsuperscript{th} August 1946 quoted in Subramaniam, \textit{Politics of the Indians in Malaya 1945-1955}, 46.

\textsuperscript{104} Malaya Tribune, 24\textsuperscript{th} February 1947.
and representatives of the Malay Party UMNO, excluding non-Malays, that MIC cried foul that the British were beginning to resort to divide and rule policies. The significance of the Working Committee was not to be underestimated as recommendations from this committee led to the Federation of Malaya Agreement on 1st February 1948.

Subramaniam writes that ‘It is necessary and interesting to observe that when the other communities of Malaya, especially the Malays, were concerned with their privileged status and interests in the constitutional discussion, the MIC appeared to be overly concerned about principles of democracy and independence for the country.’ The MIC displayed a naivety about the political milieu at the moment of decolonisation which was communal. When they did realise the whole process was about communality they expressed dismay at the realisation that their voice would go unheeded as a minority. The Malays were united about the privileged position of the Malays and the Malay language whether it was a leftist, Islamic or British-educated elitist perspective of Malay Identity. The seminal work of Anthony Milner highlights that the concept of Malays as a race had begun with the works of Munshi Abdullah from the 19th century. This was further crystallised though the efforts of Eunos Abdullah through the Malay newspaper, the Utusan Melayu, introducing a specific political vocabulary that revolved around, bangsa (community/race), watan (nation) and ideas of affinity to soil and land (Tanah Melayu). At the time of decolonisation, the Malayan Union proposals aroused in the Malays quick political mobilisation which led to the creation of the political party, United Malay National Organisation (UMNO) in March 1946. Their swift action manifested first in the creation of communal boundaries. UMNO was keen to define who belonged to the

The Malays had derived ancestry from Thai, Burmese, Bugis and other Indonesian sub-cultures as well as Chinese and Indians. The issue of who was Malay was defined. ‘A Malay was a Muslim who habitually followed Malay customs and habits and spoke the Malay language.’ Malays also needed to be subjects of a state ruler since ‘the state monarchical culture was an integral part of Malay culture’. Second, with the establishment of boundaries manifested the process of ‘other-ing’, of primarily the Chinese and the Indian communities in whom Malays ‘had little faith of these communities intentions and loyalty towards Malaya’. Mauzy writes that ‘A key feature of Malay nationalism was its highly developed sense of “us versus them” and its keen purpose in defending everything considered Malay. The creation of a defined Malay identity allowed Malays subsequently to monopolise debates and negotiations in the years running up to Independence. The debates focused on Malay special rights and status while the non-Malays were excluded from political discussion and had to content with guarantees in terms of economic opportunity and rights of citizenship’.

The Chinese were also influenced by China in their homeland nationalisms. They had the alignment towards the Kuomintang Party and the creation of Kuomintang Malaya as well as the establishment of the Nanyang Communist Party, later renamed the Malayan Communist party. But in the inter-war years there were already Chinese who wanted to focus on a Malayan-


109 Ibid., 50.

110 Ibid.


112 Watson, C.W., “The Construction of the Post–Colonial Subject in Malaysia” in Asian forms of nation, Tonnesson et al. 300.

centred political identity. The Straits Chinese British Association (SCBA) was one such organisation. It fostered individuals like Tan Cheng Lock, who were to become key protagonists during the decolonisation moment and who proved that the Chinese were more formidable negotiators with the Malays and the British than the Indians during this era. There were reasons for this. The Chinese were numerically close in terms of population numbers to the Malays. They dominated the urban areas of Malaya and were further in control of private enterprise than any other community in Malaya.

Furthermore, against the background of the Emergency, the Chinese enjoyed the political patronage of the British, who were keen to offset the Chinese communist elements with the more moderate conservative elements of the Chinese community. The Malayan Chinese Association (MCA), which was formed on 27th February 1949, had the backing of the British High Commissioner, Henry Gurney, who was keen to install a conservative Chinese leadership within the community as a bulwark against the Chinese communists. This Chinese party was included in committees and high-level negotiations because the colonial administration needed the MCA to help initiate its Emergency initiatives such as the New Villages programme. Heng Pek Hoon writes that 'The Emergency brought Chinese politics in Malaysia to centre stage and set the conditions for the growth of the MCA as an indigenized party'. MCA representatives were invited to sit on the Federal War Council and all the Advisory Committees. Heng admits that 'the inclusion of MCA office holders on these various committees built an effective linkage and communication system between the Association and Government from the grass-roots to the national level'. The MCA also built up its grassroots support when the government encouraged the MCA to form branches in all squatter areas where communist activity was obvious. In


116 Ibid., 104.

117 Ibid., 105.
contrast to the British government’s patronage of the MCA was the attitude of the British to the Indian political elite, as explained earlier in the colonial government’s policy to deny Indians representation in the various Straits Settlements and Federation councils, who, the elite, by Tinker’s assertions were considered as ‘middlemen and interlopers’ and to be ‘disarmed whenever they got politically strong’.  

During the decolonisation moment, the MIC made certain ineffective turns and unhelpful alliances to gain representation. In certain instances, it did not help that the government did not see their representation as necessary. In registering their opposition against the Working Committee of July 1946, MIC joined the AMCJA coalition. The AMCJA coalition was a mixture of Chinese, Malay left and Indian organisations. In joining the AMCJA, the MIC was making a claim for non-Malay rights and single citizenship. When the Federation draft Constitution was announced, giving citizenship without nationality, a nominated legislature and Singapore as a separate political entity, the AMCJA staged a boycott and announced an alternative Constitution called the People’s Constitutional proposals. Of the various features of the AMCJA constitution, it hoped to initiate a ‘citizenship to be termed Malayan to be given automatically for all born in this country with equal political rights for all citizens’. Ampalavanar notes that even the AMCJA coalition had problems with the MIC because Indians were insistent that John Thivy should be president of the AMCJA, the MIC refused to accept the oath of exclusive allegiance to Malaya, and that they championed Indian National Congress and Nehru as anti-imperial leaders and symbols for a new ideology.

The MIC staged a constitutional boycott in March 1948 to oppose the Federation Agreement of February 1948 which ensured that Malays qualified

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for citizenship based on birth while non-Malays had to qualify based on a period of residency and language proficiency in English or Malay. This constitutional boycott alienated the Indian Councillors in the government and the Indian mercantile community, who found the MIC to be extremist in their attitude.121 This weakened the power base of the party. Also, the AMCJA, due to its leftist orientation, could not survive new Emergency regulations and came to an end in 1948. As the MIC came to the end of its era of boycott and chose to prepare for elections in the early 1950s, it aligned itself with a new political force, the Independence of Malaya Party (IMP), led by Dato Onn. The IMP was appealing to the MIC because it took a non-communal position. But once again the MIC realised that it was an unhelpful move as the IMP was trounced at the polls in comparison to the communal alliance of the UMNO–MCA coalition which was favoured by the Malayan electorate.122

Meanwhile, Indians felt that they were snubbed by the government in two instances. First was when the government formed the Communities Liaison Committee in January 1949. It began as the Sino Malay Good Will Committee and then was later expanded to include Thuraisingam, a Ceylonese.123 In 1953, the government introduced the Member system in preparation for self-government. There was Malay and Chinese representation but Indians were excluded. This was because the Indian who was offered the position, Ramani, declined and a Ceylonese was selected instead. In protest all five Indian Councillors on the Federal Legislative Council resigned. By the announcement of the Federal Elections Committee Report in February 1954, the MIC feared political oblivion. Due to the introduction of new regulations the significance of Indians in the electorate had diminished. The MIC realised that against the communal political milieu, they were going to be outperformed and decided to ask for 10 percent of seats to be reserved in the Legislative Council for Indians. The MIC had

121 Ibid.

122 This is in reference to the Municipal elections of 1952 and 1953 whereby IMP stood against the UMNO-MCA merger making up the Alliance.

123 Ibid., 109.
finally broken from its non-communal stance. To appeal their position the MIC played the minority card:

We are accused in certain quarters that by asking for representation in the Member System we are communal. Yet these very quarters have accepted their appointments in the Member System and have publicly declared that these appointments are a recognition of their communal organisations.\(^{124}\)

We are a minority in the country at the moment. Time must come and will come when we will talk of Malayans rather than Indians, Chinese, Malays and others. But at no time interests of the minority must be ignored. The majority communities must be generous and helpful to the minorities who in turn must be co-operated in the interests of the country as a whole.\(^{125}\)

The MIC was practically clutching at straws with futile strategy and ideology by 1954 until they joined the Alliance and won a landslide victory in the 1955 elections on the Alliance ticket. The Alliance had campaigned successfully in 1955, promising a final run up to Independence. Thereafter there was a general mode of acquiescence by Indian leaders to Malay demands and communal bargains. It is significant that even within the Alliance, MIC had to accept the heavy end of the bargain by only being allotted two seats on the Alliance ticket (despite forming 11\% of the Malayan population) at elections in comparison to MCA's fifteen tickets and UMNO's thirty five.\(^{126}\) The Alliance memorandum that was submitted to the Reid Constitutional Commission for consideration was also a contentious issue. The Alliance memorandum highlighted Malay special privileges and Malay to be recognised as the

\(^{124}\) Speech made by SGovinda Raj at MIC Selangor Meeting, 4\(^{th}\) October 1953. Reference number: 2006/0015418 (Arkib Negara Malaysia).

\(^{125}\) Speech made by S. Govinda Raj, Malayan Indian Congress Selangor 4\(^{th}\) April 1954. Reference number: 2006/0015418 (Arkib Negara Malaysia).

\(^{126}\) Rajeswary Ampalavanar, *The Indian minority and political change in Malaya* 1945-1957, 193.
national language. MIC party members called for a restriction for Malay privileges which was not brought up by the MIC president V. T Sambanthan at the Alliance National Council. This inconsistency was highlighted by Devaser, another Indian member of the council, which led to his suspension.\textsuperscript{127} Although Sambanthan of the MIC was not the exception, UMNO and MCA leaders also generally sidestepped those elements within their communities which they termed ‘radical’ to arrive at a consensus over what the Malaya’s Independence (Merdeka) Constitution was to be like.

**Conclusion**

The Merdeka Constitution which includes Article 153, stipulating Malay special privileges, set the stage for ethnic relations in post-colonial Malaysia, with Malay identity forming the primary nucleus for Malayan/ Malaysian national identity while recognising the cultural symbols of other ethnic groups peripherally.\textsuperscript{128} Out of the decolonising moment for Malaya emerged an ‘Asian form of Nation’,\textsuperscript{129} which was based on a hierarchy, with the Malay ethnic group situated in privileges and rights above the Chinese and Indians. The Indian nation-of-intent for Malaya was in the end a compromise of rights that were given away due to a fragmented sense of the individual with multiple loyalties and community, a period of flux and confusion, being excluded from colonial governmental policy, and internal divisions and power mongering from within the Indians themselves. Indians had a secondary position at the negotiating table during this decolonising moment. It was a post-colonial situation of displacement, a common story of a migrant community that could not understand that they were in pivotal moments throughout the Empire as in Malaya.

\textsuperscript{127} Tamil Nesan, 6\textsuperscript{th} September 1956.

\textsuperscript{128} A.B. Shamsul, ‘Nations-of-Intent in Malaysia’ in *Asian forms of Nation*, 323.

\textsuperscript{129} Tonnesson et al *Asian forms of Nation*, 25.
V.T. SAMBANTHAN (1955-1973)

V. Manickasavagam
1973-1978
Chapter 3 – Sambanthan and Manickavasagam within a tradition of elite accommodation (1959-1973)

The Malayan Indian Congress joined the Alliance in April 1955, thus completing the Alliance as the representative body of the major ethnicities in Malaya. The tapestry of events leading up to Independence in 1957 and beyond have led academics in Malaysian studies to postulate ‘an elite accommodation’ \(^1\) model or a ‘consociational democracy’ \(^2\), which was accounted by ‘elite coalescence’ \(^3\), to describe the Malayan/Malaysian political milieu. It was through negotiation of the elites from the component parties of the Alliance representing the Malays, Chinese and Indians that ‘the Bargain’ \(^4\) was struck, the Bargain being the concession to Malay political hegemony in return for unhindered economic activity (for particularly the Chinese) and revisions to the citizenship regulations granting \textit{jus soli} to non-Malays after 1957. ‘The Bargain’ was institutionalised in the Alliance memorandum to the Constitutional Commission of 1957 and subsequently incorporated into the Merdeka Constitution.

‘The Bargain’ was modified with the advent of Malay ‘ultras’ in the rank of the UMNO and in the wake of the 1969 ethnic riots. The Malay elite innovated and executed policy that further entrenched the supremacy of Malay rights through affirmative action proposed in the New Economic Policy (NEP) and the creation of a national identity (The Rukunegara) that presented the symbols and culture of the Malays as being paramount. In short, the already narrow civic space in which non-Malay/Muslim minority rights could manoeuvre in Malaysia was diminished further after 1969. Two Indian

leaders, presidents of the MIC, were to dominate the stage during this period of Malaysian history, V.T Sambanthan and after him, V. Manickavasagam. They were the key elites who sat at the negotiating table and decided as representatives of the MIC within the Alliance to coalesce with the Malay majority.

Gordon Means offers a five point model in signalling an ideal type of elite accommodation out of which three are highlighted here to understand the role of the ethnic elite representative: ‘1) that ethnic community is unified under a leadership which can authoritatively bargain for the interests of that community 2) that the leaders of each community have the capacity to secure compliance and ‘legitimacy’ for the bargains that are reached by elite negotiations 3) that there is sufficient trust and empathy among elites to be sensitive to the most vital concerns of other ethnic communities.’ 5 Indians were rarely unified in their political views due to the diversified cultural make up of the community. As to securing compliance for bargains reached, events explained in the previous chapter have already demonstrated the knee-jerk decisions arrived at by the Indian elite. With regards to being ‘sensitive to the most vital concerns of the other ethnic communities’, the Indian elite demonstrated this aptly when conceding from the outset the primacy of Malay hegemony, much to the chagrin of their Indian followers. Sambanthan and Manickavasagam, in representing a minority community, rife with internal sectional rivalry, were bound by circumstances that gave them very little space to make effective decisions and execute empowering initiatives for the Indian community. This chapter explains the crises endured during the time of Sambanthan and Manickavasagam and the dilemmas that enmeshed them. Sambanthan and Manickasavagam together with Samy Vellu (discussed in the next chapter), as presidents of the MIC, were key agents in formulating the direction and fate of the Malaysian Indian community over decades. Hence, it is crucial to assess their aims, successes and failures that inevitably impacted the community.

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Compromised beginnings

Chandra Muzaffar offers the following analysis to account for the political marginalisation of Indians in Malaysia from the outset:

The fact of the matter was that MIC did not really count. The Alliance could have won the 1955 election easily, without MIC support. Indeed, MIC candidates were returned from Malay majority constituencies with active help from the UMNO. In the formulation of proposals connected with the drafting of the 1957 Merdeka Constitution and in the actual negotiations for independence the MIC had hardly any significant role. When it came to controversial issues like jus soli, the special position of the Malays and the national language, the MIC merely echoed positions held by the MCA and other non-Malaya groups outside Alliance.6

The situation that Muzaffar describes hinges on the fact that Indians were a small percentage of the electorate. They formed 11.26% of the population in 1957.7 In 1954 the Malay Mail reported that MIC might not perform well in the 1955 elections due to the fact that ‘the Indians were not registering for citizenship to the extent as was expected’.8 This had to do with the great degree of insularity experienced by Indians on the plantation. They were poorly educated and had little access to upward social mobility. Few Indians on the plantations, besides the plantation school teachers and managers, could read the papers and understand the political shifts and developments that were occurring in Malaya. An article in the Tamil Nesan in 1950 reported a story, ‘No blessing from God to apply for an Identity card(IC)’ that gives an insight into the mind and motivations of the Indian plantation population, suffused with parochial particularities, with regards to applying for the necessary documentation for citizenship. The article describes the plight of an Indian lady, Suppamal, who failed to apply for an identity card because

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8 The Malay Mail, 2nd March 1954.
her God (Saamy) said: 'The time is not good, do not apply for an IC now.' She later added that 'last week Saamy came again to me and told me that the time is good now and that I should apply for an IC'.

The Indian literati, as explained in the previous chapter, were split into different factions and organisations such as the MIA, FIO and MIC. While MIC was able to dominate the political arena, it was hardly representative of the general Indian population comprised overwhelmingly of the labouring class. Muzaffar's analysis highlights the dispensability of the MIC to the Alliance. From the onset of negotiations in MIC to join the Alliance, MIC was placed in a compromised position. Ampalavanar writes that in 1954, Tunku Abdul Rahman was only keen to admit MIC to the Alliance if they were capable of attracting support at the municipal elections. Subsequently in the 1955 elections, MIC had disputes with the Alliance over seat allocation. This remained a problem in the state elections of Perak in November 1955 when MIC requested two seats and were allocated only one by the Alliance.

But it was the Bungsar seat fiasco in October 1957 which was to demonstrate aptly that MIC was not an equal partner in the Alliance. MIC was very much subject to the authority of UMNO and the MCA. The Bungsar fiasco began in October 1957, when the Alliance and MIC headquarters nominated Gurdial Singh, a North Indian, as the Alliance candidate for the Bungsar ward in the municipal elections. This disappointed the Tamils in the constituency who were supporting another Tamil, K. Gurupatham, to run for elections instead. As a measure of protest, the Bungsar MIC branch campaigned and voted for the Labour Party candidate V. David, who was a Tamil. V. David won and UMNO and MCA took disciplinary action by demanding the removal of the Selangor branch from MIC and Alliance. The

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9. Author's translation from Tamil to English from the article in Tamil Nesan 16th March 1950.
11. Ibid. 194.
12. Ibid.
Malay press editorials even went as far as campaigning for the expulsion of the MIC from the Alliance. Sambanthan had become president of the MIC by then and his adversary within the MIC, Devaser, blamed Sambanthan. In an editorial in *The Malay Mail*, 'MIC president wavered at critical time', Devaser wrote that the headquarters had interfered with the selection of the Congress candidate in the Bungsar ward and that the president had wavered when during the election campaign it had been obvious that that things were not going right.

The Bungsar fiasco demonstrated the constant dilemma of the MIC president, who on one hand, was subject to the undemocratic process within the Alliance selection of the Bungsar candidate, since the Bungsar Branch was not given a say in the selection of the candidate, and on the other, not being able to sustain the support of his subordinates within the party and the larger Indian community. The MIC leadership appears to have acted in isolation from the wider Indian political community in merging with the Alliance. There were internal divisions as reported in 1954 when delegates at the All-Malayan Indian Congress, which approved the merger with Alliance, declared the move unconstitutional. *The Straits Times* reported a delegate saying, 'The decision did not represent the wishes of the majority of the Indians in the Federation and at best was a decision of the MIC's Kuala Lumpur branches only...Many branches were not told in advance of the proposal to join up with the Alliance. Several delegates did not have the mandate from their branches to vote.' Other Indian elite in the MIA and FIO deplored the merger with Alliance as a sell out in that they expressed doubt over Indian minority status being incompatible with communal politics. Tamil Murasu expressed that MIC was 'picking crumbs from the table'. The Tamil editor, R. Venkatarajulu, of the *Tamil Nesan* predicted an eventual split between MIC and the Alliance when the Alliance 'will find out that Congress

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13 *The Malay Mail*, 26th December 1957.

14 *The Straits Times*, 19th October 1954.

15 Quoted in Rajeswary Ampalavanar *The Indian minority and political change in Malaya 1945-1957*, 192.
does not represent the majority of the Indians in this country... When it (MIC) joined the winning side (Alliance) I detested the organisation'. He further stressed that 'Malaya should be given self government only when the people speak and live as Malayan and not as communal bodies'.

The primary dilemma for the Indian elite of the MIC at Independence was that they held a weak position as part of the Alliance coalition, being representatives of only a minority community, and they were not able to rally sufficient support from the Indian community for initiatives and policy that they were compelled to acquiesce on. Hence, when Sambanthan took over as president of MIC, his leadership was dubbed 'lacklustre' because he did not have the personality to outwit the challenges presented by communal bargaining as would be seen in years to come.

Sambanthan portrayed the expendable position of Indian minority representation in the run up to Independence when he decided not to join the London Conference held from 18th January to 8th February 1956 to discuss constitutional reforms, transfer of power and an independent constitutional commission. The Alliance Party delegation was made up of the Chief Minister Tunku Abdul Rahman, Dato' Abdul Razak, H.S Lee and Dr Ismail A Rahman. The Tamil Nesan announced in its headlines, much to the shock of the Indian community, that 'Sambanthan refuses to go on the London delegation'. The article reported that the MIC personnel including the former MIC president, Devaser, expressed 'shock' over his decision to not join the delegation. Selangor State Branch Secretary, A Tharmalingam, commented, 'As the history of Malaya is being written, it must not be said

16 The Malay Mail, 13th December 1954.
18 Joseph M. Fernando, The Alliance Road to Independence (Kuala Lumpur: University of Malaya Press, 2009), 118.
19 Ibid., 121.
20 Tamil Nesan, 2nd November 1955.
that Indians did not play their role in getting Independence for Malaya. Sambanthan himself has articulated this on several occasions and now we must remind him of his own words'.

Sambanthan’s reply was that first, delegates had already been selected and by insisting on joining the team he might create unwanted problems, and second, the issue of race was not being discussed, only the constitution, so he did not have to be present. The Tunku voiced his admiration for Sambanthan by saying that Sambanthan had done his duty towards the Indians but ‘the trip to London was to discuss the constitution and that we only needed individuals with expert knowledge of the constitution’. These comments revealed two things: first, that Indians were only relevant in matters of communal representation. In the moment of the creation of Malayan national consciousness, reflected in constitution building, Indians were not on equal footing; there was no Malayan identity for Indians, they were just a community in Malaya. Second, Sambanthan did not have the political acumen to negotiate a position at the London talks. His acquiescence, maybe unknowingly, reflected that Indians were ignorant of Malayan life and could not comment effectively on the Constitution and hence they were denied representation at the crucial London talks.

Sambanthan’s silence on most issues affecting the nation and local politics after the MIC merger with the Alliance did not go unnoticed. In 1956, Devaser voiced in a report ‘Why MIC was keeping quiet when the future of Malaya was being determined’. He highlighted that the MIC was created even before the UMNO and had been vociferous in speaking up on issues of citizenship and a united national consciousness. The Indians in Malaya were aware of party perspectives and stands on national issues. But that had

21 Ibid. in author’s translation of Tamil press.

22 Ibid.

23 Tamil Nesan, 3rd November 1955.

24 Ibid.

25 Tamil Nesan, 20th April 1956.
changed under Sambanthan. As the country was discussing citizenship rights, national culture and language, and the formation of Malaysia, MIC had been resolutely silent.\textsuperscript{26} Devaser's comments could be seen in the light of political competition between adversaries but Sambanthan's silence over three main points- Malay special privileges, religion and citizenship qualification in the Alliance memorandum to the Reid Commission, threatened a split within the MIC party itself and piqued the Tamil ultras within the party.

MIC delegates to the Alliance National Council urged Sambanthan to mention to the Alliance that there should be no special privileges for the Malays in filling appointments in the public service and on land reservations.\textsuperscript{27} This point was important as it would affect educated Indians forming a majority in the public service, unlike the Chinese who were primarily in the private sector.\textsuperscript{28} Sambanthan failed to stress these points to the Alliance giving the impression that MIC supported the Alliance memorandum fully. Devaser, who was also part of the Alliance National Council, highlighted at meetings that Malays should only be awarded special privileges in trade and industry\textsuperscript{29} and had argued with Sambanthan at the National Council's meetings to represent these issues. The \textit{Tamil Nesan} reported that, 'Sambanthan ignored Party's orders'.\textsuperscript{30} In reaction to Sambanthan's reluctance to act, there were rumours that Devaser intended to resign from the party.\textsuperscript{31} Instead, Tunku Abdul Rahman criticised Devaser for revealing details of confidential proceedings of the council\textsuperscript{32} and the

\textsuperscript{26} Ibid.

\textsuperscript{27} \textit{The Straits Times}, 22\textsuperscript{nd} September 1956.

\textsuperscript{28} Rajeswary Ampalavanar, \textit{The Indian minority and political change in Malaya 1945-1957}, 196.

\textsuperscript{29} \textit{Tamil Nesan}, 6\textsuperscript{th} September 1956.

\textsuperscript{30} \textit{Tamil Nesan}, 6\textsuperscript{th} September 1956.

\textsuperscript{31} Ibid.

\textsuperscript{32} Rajeswary Ampalavanar, \textit{The Indian minority and political change in Malaya 1945-1957}, 196.
policy making committee of the MIC endorsed the suspension of Devaser by Sambanthan.\textsuperscript{33}

Sambanthan's reluctance to act and his suspension of Devaser undermined confidence in Sambanthan within the party. Tamil ultras were disappointed that Sambanthan had supported the memorandum's stand on Malay as a national language. Their opinions were voiced in an editorial:

\begin{quote}
It is MIC's duty to represent Indian rights in Malaya. UMNO and MCA are working diligently to protect their community's rights. The Chinese have formed committees comprising academics to study the education committee report. They have constructed many plans to protect their language. But it is a mystery as to why the MIC is silent.\textsuperscript{34}
\end{quote}

The MIC Selangor branch decided to launch boycotts of MIC meetings, "It is better for us not to attend the All Malaya Indian Congress Committee Meeting which is going to be conducted under a leader we have no confidence in ... rights for Indians were let down for the sake of pleasing the Malays."\textsuperscript{35} It is inevitable, given this trajectory of non-involvement on the part of Sambanthan and MIC during a pivotal moment in Malayan nation building, to question what Sambanthan's role was after all. Can he be taken as a Malayan/Malaysian pioneer determining national consciousness or were he and MIC only part of a token representation, possibly to please the Colonial Government that was handing over power? I find Sambanthan's silence since the MIC merger with the Alliance chilling, and a sombre revelation of the politics within the Alliance. The issue goes beyond accepting the explanation that Sambanthan maintained a silence over citizenship rights, national culture and language because he had a mild political personality. Rather, it also revealed the internal dynamics amongst the parties within the Alliance and the hierarchy of importance each communal party was assigned in relevance to state policy. Reflecting on Tunku's words, Sambanthan need

\textsuperscript{33} The Straits Times, 23\textsuperscript{rd} September 1956.

\textsuperscript{34} Tamil Nesam, 17\textsuperscript{th} August 1956.

\textsuperscript{35} Tamil Nesam, 21\textsuperscript{st} September 1956.
not have been an expert on constitutional matter to be present at the London Conference in February 1956. Sambanthan was an Indian and a leader of the Indian communal party but a Malayan Indian nonetheless. From the onset it is clear that the Malayan national identity that was coming to be was not an inclusive one.

**Sambanthan as leader**

In an article, 'My dhoti and I'\(^{36}\), Sambanthan explained why he always wore a simple white dhoti and shirt, even during his visits to Europe and Britain: 'I wear these clothes because it makes me feel closer to the people. As the leader of the Malayan Indian community I want to feel close to them.' But besides feeling closer to Malayan Indians, it also reflected the depth to which he was steeped in his Tamil cultural heritage. In fact, after the first eight years of MIC leaders being North Indians or Malyalee, Veerasamy Thirunyana Sambanthan, was elected president of the MIC because he was well-versed in the Tamil language and culture. He ushered in the Tamilisation of the party. Born to parents who were shopkeepers in Sungai Siput and land owners in the Perak area, Sambanthan attained his tertiary education at the Annamalai University in South India where he came in contact with the ideas of Mahatma Gandhi, Nehru and Subhas Chandra Bose.

When he returned to Malaya after his degree, he took an active interest in the plight of Indian plantation workers by ironically driving around his father's estate in the family Mercedes Benz.\(^{37}\) He understood the problems of the estate labourers to be the lack of funds for future investment and poor standards of education for the Tamil estate workers and their children. He sought to improve the life of plantation workers on his father's estate by collecting statistics regarding the estate workers from the Labour Office, visiting schools that had insufficient amenities and initiating English classes

\(^{36}\) *The Straits Times*, 28 November 1957.

for certain schools. Soon he was recognised as the head of the Indian Society of Sungai Siput and took bolder measures at social service through building the Mahatma Gandhi Tamil School in Sungai Siput in 1952. He started English education in this school and also a crèche and kindergarten. While seeing to the management of this school he had close interaction with the Subramaniam Temple in Sungai Siput, revealing a propensity to network effectively across the social and religious networks of the Indian community. This got him noticed by K. Saranggabani who promoted his candidature as president of MIC in 1955, through articles in the Tamil Murasu. Once elected, he used the Tamil language effectively to attract Tamils, who formed the bulk of the Indian population to the party and unite the party under new initiatives involving Tamil culture and language usage.

Sambanthan enjoyed a successful national profile as part of the Alliance cabinet ministers. He was appointed Minister of Labour (1955-57), Health (1957-59), Works, Posts and Telecommunications (1959-71) and National Unity (1972-74). But in 1958, MIC members began to voice apprehensions if Sambanthan would be able to perform the role of president of MIC and Minister simultaneously. In 1958, an emergency meeting of the MIC branch in South Province Wellesley passed a resolution calling for Sambanthan’s resignation in connection with disciplinary action taken against Province South. MIC spokesmen claimed that ‘Had Mr Sambanthan concentrated his entire time on the MIC; it is probable that the organisation would have been more effective...

38 Ibid.

39 Ibid.

40 Ibid.

41 Such as the organisation of Tamils Day held at Sungai Tinggi Estate, Tamil Nesan, 26th February 1959, as well as Ponggal and other Tamil festivals organised and funded by MIC.


43 The Straits Times, 20th January 1958.
Sambanthan enjoyed a strong mandate when it came to annual party presidential elections. In the fourth term, he won by a majority of 14,000 votes. His close rival, Devaser, polled 1540 votes. In the fifth term, he defeated another rival, E.J Johnson, by a majority of 11,092 votes. In 1968, signalling his fourteenth successive term, Sambanthan polled 29,136 votes against his nearest rival, M Kandasamy, a businessman. But these victories did not exclude the excessive politicking and power struggles Sambanthan had to encounter personally or mediate between branch members throughout Malaya. In the beginning Sambanthan's most zealous rival was K.L Devaser, former president of the MIC. On account of his suspension from the party, Devaser had the support of the youth groups of the MIC. Rebel groups in the MIC, in support of Devaser, moved to oust Sambanthan in 1958, which necessitated talks between the factions to find common ground. Sambanthan was also frequently enmeshed in legal proceedings against him. In September 1959, his opponent in the MIC presidential elections, E.J Johnson, took court action against Sambanthan, claiming that he was not eligible to contest elections as the Ipoh branch he represented had ceased to exist due to failure on the part of the branch members to pay membership dues. In 1960, A. Tharmalingam, an Alliance municipal councillor and former secretary of the MIC Selangor branch, brought legal action against Sambanthan because he wished to contest the letter of suspension he received in 1959, two days before the annual delegates’ conference. Tharmalingam felt that he had been suspended for no other reason but, ‘...had I been elected president of the Selangor branch, the

44 The Malay Mail, 26th May 1958.
45 The Sunday Times, 4th October 1959.
46 The Straits Times, 24th December 1968.
47 The Straits Times, 26th March 1958.
48 The Straits Times, 30th September 1959.
defendant (Dato Sambanthan) would have found me a dangerous opponent.49

Local branches engaged in infighting that put the MIC leadership in poor light within the Alliance. In 1958, two rival presidents of the Penang and Province Wellesley branch placed the Alliance in a quandary about who would be represented in the Penang state Alliance.50 In 1964, Sambanthan had to warn the Negri Sembilan branch against breaching orders in holding its annual delegates conference.51 Consensus building was difficult amongst the MIC members as demonstrated in the 1958 delegates' conference to amend the MIC constitution to bar non-citizens from holding authoritative posts in the party. The Straits Times reported the heated exchange between four hundred or more delegates from one hundred and six branches during this controversial meeting.52 At times MIC meetings were became violent and the Federal Reserve Unit (FRU) had to be called in to quell the situation.53

In response, Sambanthan often made melodramatic speeches that further exposed the power struggles within the party that were already getting attention in the local media: 'It is no use having anyone who is not resolute in his loyalty to the party. It is no use having as members anyone who has no sense of loyalty and who harbours treachery.'54 These power struggles diverted Sambanthan's time from effective management of the party. Having to deal with the incessant power struggles in a personal and party capacity, Sambanthan's incompetence in party management became obvious. In 1964 three hundred members of the Kelantan branch protested to

49 The Straits Times, 1st March 1960.
50 The Straits Times, 22nd May 1958.
51 The Straits Times, 24th January 1964.
52 The Straits Times, 15th February 1958.
54 The Straits Times, 11th September 1960.
Sambanthan over the 'unconstitutional and undemocratic procedures'\textsuperscript{55} of the branch leaders. It seemed that no general meeting had been held at the branch for two years, members were unaware of who the elected present secretary and committee members were and no subscriptions had been collected for the last five years.\textsuperscript{56} There was failure to execute membership renewal at branch level, party branches were becoming defunct due to lack of direction from headquarters and party leadership was losing touch with the grassroots.\textsuperscript{57} Things were to reach such a level of disarray that the MIC Annual General Assembly was not held for six years, between the 20\textsuperscript{th} Annual General Assembly on July 1967 and the 21\textsuperscript{st} Annual General Assembly in August 1973.\textsuperscript{58}

Due to his experience on his father's estate, Sambanthan was accurate in his diagnosis of the problems of the Indian community. His primary concern was with the life of Indians on the plantation. In an editorial entitled, 'A place of respect for the Indians'\textsuperscript{59}, Sambanthan highlighted his analysis of the situation and his concerns;

\begin{quote}
The future cannot be divorced completely from the past. Most Indians are workers and the majority live in plantations. Hitherto, the future of their children has not been thought of. Like their parents, the child faced the future as a tapper or weeder. Educational and social opportunities open to children in estates in the past have been such that escape from the environment was impossible...The Indian peasant who became the Indian worker in Malaya did not come here in quest of adventure. He was brought here by the breakdown of his village economy and the famine conditions in his native land. But his arrival in this country, no attempt was ever made to help him sink his roots here. His mind of the peasant was confused. He had come in expectation of quick gain and early returns. In this he was
\end{quote}

\textsuperscript{55} The Straits Times, 22\textsuperscript{nd} January 1964.
\textsuperscript{56} Ibid.
\textsuperscript{57} Basheer Hassan bin Abdul Kader, \textit{Intra Party Conflict}.
\textsuperscript{58} Ibid.
\textsuperscript{59} The Straits Times, 1\textsuperscript{st} September 1957.
disappointed. Frustration and malaria goaded each other, and the peasant broken by poverty became the docile estate worker. The Government evinced no interest in his future. No encouraged to have a stake in the country, the Indian estate worker, ruled by different degrades o supervisors according to personal whims, was unable to rise above his environment. ...A vast section of Indian children are still subject to the indifferent education that one obtains in single teacher, multi-standard schools all over the country.

The main problem affecting Indians on the plantation during Sambanthan's time was land fragmentation. Smaller investors were buying up pieces of land within larger territories that formerly belonged to European companies. Sambanthan spoke out against this land fragmentation, describing the purchases as the 'butchering of estates'. At an MIC delegates' conference, he said that more than 500 families would be thrown out of employment as a result of recent take-overs of long- standing rubber companies. From 1956 to 1961, several families had been uprooted from estates sold or bought from fragmentation. Sambanthan expressed concern over the displacement of the Indians on the plantations who had lived there for generations. His early initiatives entailed encouraging tappers to organise cooperatives. He claimed that the Indian plantation worker was not poor if $14,000,000 was spent collectively on an annual basis on the purchase of toddy and another six million on beer and samsu. He claimed that if only half of that was saved at least 10 000 acres of land could be purchased. He hoped to incorporate men from the National Union of Plantation Workers and executives of the Bank Negara to help in this scheme.

In May 1960, Sambanthan formed the National Land Finance Co-Operative Society (NLFCS). The NLFCS was formed with initial capital amounting to

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60 The Straits Times, 26th November 1961.


62 Ibid.
M$10 million. In 1965 Sambanthan announced that from $10 monthly instalments from workers, NLFCS had bought M$12 000,000 worth of estates that safeguarded the future of thousands. The plan was to purchase land in other districts as well such as that of Phin Soon Estate, after which there was the intention to undertake large-scale cropping with commercial crops. The NLFCS was seen as Sambanthan's main achievement but very quickly he was to run into opposition with the unions over the Co-operative. Ampalavanar cites three reasons for the opposition from the National Union of Plantation Workers (NUPW): that the trade unions would not be able to act competently if workers on an NLFCS plantation were to strike, NUPW did not have strong representation on the NLFCS board and that through the NLFCS, a political party, MIC was trying to take over the role of the Union. The matter involved personal differences between Sambanthan and the secretary general of the NUPW, P.P Narayanan. P.P Narayanan alleged that the NLFCS had coerced workers to give up their jewellery and post office savings to contribute towards the NLFCS. Furthermore, it was disconcerting to Union officials that MIC and particularly Sambanthan, a political figure, were involved in the running of the Society. Sambanthan's reply to these charges was that NLFCS had its own constitution and was governed by rules and regulations covered by the Co-Operative Ordinance. If Union officials felt embarrassed by Sambanthan's association with the Cooperative, he was 'ready to quit'. Also by 1973, NLFCS had incurred huge debts of $224 million. This was due to poor

63 Rajeswary Brown Ampalavanar, "The contemporary Indian political Elite in Malaysia" in Indian Communities in Southeast Asia, 240.

64 Speech by Dato V.T Sambanthan at Annual Conference of Perak MIC, 2nd May 1965. (New Straits Times archive).

65 Rajeswary Brown Ampalavanar, The contemporary Indian political Elite in Malaysia in Indian Communities in Southeast Asia, 240.

66 The Straits Times, 6th December 1962.

67 Ibid.

planning and management with regards to issues of loans and financing. It was only able to reduce this debt to $55 million by 1976.

When Sambanthan was elected for his fourth term, one of his objectives in a three-point plan was to step up the citizenship drive amongst Indians on the plantation. His initial efforts met with little success. In 1957 when MIC volunteers approached Indians to register for citizenship, they were denied entry into estates by estate managers. However, events in 1969 were to demonstrate the uneven efforts of the MIC and even the NUPW had not paid off. When work permit regulations were enforced and thousands of Indian plantation workers' work permit expired, since they did not have adequate citizenship papers, they were forced to return to India. On 6th December 1969, *The Straits Times* reported that '10 000 families book one-way trips to India'. In 1970 the plight of several unregistered Indians came to light. Many had not been registered at birth, they had no documentation to register for citizenship and as a result were not even issued marriage certificates. The problems were particularly acute for those born during the Japanese Occupation who failed to get birth certificates and lost all documentation in that period. As a result many faced unemployment and drifted from one odd job to another.

Sambanthan was adept at making sense of the political environment and explaining crises in a manner that provided meaning for his followers and generated trust in his initiatives and that of the Alliance party. Instead of focusing on just communal issues, Sambanthan encouraged national consciousness and patriotism. He was frequently quoted espousing slogans such as 'Build a united Malaya', 'Sacrifice your all to defend Malaysia'.

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70 *The Malay Mail*, 6th December 1951.
72 *New Straits Times*, 5th February 1970.
73 *The Straits Times*, 8th July 1958.
and warning against 'other jealous countries' who 'are watching us ready to pounce'.\textsuperscript{75} During addresses to the MIC he tried to generate trust for the Alliance party and the Malays;

I would like you to remember that, at the elections in 1955, only 4\% of the electorate was Indian, 8\% was Chinese and 88\% were Malay voters. It would be true to say that political power was completely in the hands of the Malay community. They could have, at that time, followed the pattern of Ceylon and refused to make it easy for the achievement of citizenship by the other races, and there was nothing we could have done, but instead, broad minded vision, understanding and goodwill of Tunku, Tun Razak, Dato Ismail and the leadership resulted in a liberal and broad minded attitude on the whole question of citizenship.\textsuperscript{76}

At other times he highlighted that the UMNO was a better, moderate, alternative for Indians to support in comparison to the Pan–Malayan Islamic Party (PMIP);

Now in our country, for instance you have the Alliance. Ten years ago we formed the Alliance and went to election. Well we got freedom. The question now is why don’t you stop having the MCA, UMNO and MIC. Granted. OK. But are the people ready for it yet? On the Malay side, for instance you have the Pan –Malayan Islamic Party all the time breathing down our neck that Islam is in danger. Now if you wind up the UMNO, what would be the first reaction. You hand over a section of the Malay public right into the lap of the PMIP. ...It is far more important to keep the public together on a progressive policy of political realisation than to throw them to the wolves.\textsuperscript{77}

This sort of political discourse reinforced the close relations Sambanthan had already nurtured with the Alliance, particularly with Tunku Abdul Rahman.

\textsuperscript{74} The Straits Times, 1\textsuperscript{st} December 1963.

\textsuperscript{75} New Straits Times, 18\textsuperscript{th} October 1968.

\textsuperscript{76} Speech by Dato V.T Sambanthan at Annual Conference of Perak MIC on 2\textsuperscript{nd} May 1965. (New Straits Times archive).

\textsuperscript{77} Text of TV interview by A.Kajapathy with Dato Sambanthan, President of the Malayan Indian Congress. (New Straits Times archive).
Whether real benefits were accrued to the common Indian labourer on the plantation or in urban areas, Malay officials, on occasion did espouse goodwill towards the Indians publicly, 'As long as I (Tunku Abdul Rahman) am Prime Minister of this country I shall fulfil my duty and responsibility to the people and I can assure them and future generations to come a place in the sun.'

Changing political milieu, the May 13th riots and the NEP

The goodwill that Tunku attempted to generate, however, did not meet with the outcomes he desired of a united Malaysia. Although both the MIC and MCA were to accept the Education Ordinance of 1957, whereby the primary position of Malay was recognised as the national language, the Chinese community was to later express fears over the erosion of their language and cultural values. In 1961, the Education Act confirmed the fears of the Chinese when implementing the recommendations of the Rahman Talib report that Chinese medium secondary education in National type schools was to be abolished. Further reinforcement of these policies led the non-Malays, particularly the Chinese, to feel that attempts were being made to secure Malay privileges and special rights at the expense of Chinese language and heritage. In the 1969 elections, the Chinese showed their discontent by abandoning MCA at the polls. The Alliance maintained a significantly reduced majority in the Dewan Rakyat. Instead, parties like the Gerakan Chinese and the Democratic Action Party (DAP) came to power. On May 12th DAP and Gerakan supporters took celebrations to the streets, 'taunting Malays and predicting future Chinese success'. In retaliation UMNO supporters held a counter rally that quickly deteriorated into the infamous May 13 riots of Malaysia.

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78 Tunku's speech at a Deepavali gathering, New Straits Times, 10th November 1969.


80 Ibid., 298.
The impact of these 1969 elections and subsequent riots was to be longstanding in affecting the non-Malay position within the politics of belonging and civil rights in Malaysia. A new Malay elite with local Malaysian education had emerged since Independence and could not identify with the anglophile executive approach of Malay ministers like Tunku Abdul Rahman. The new generation of Malays felt that the Tunku was pandering too much to Chinese interests and that economic measures to bolster the Malay position had proven ineffective in comparison to Chinese prosperity. Tunku retired in September 1970 and Tun Razak took over. The Razak administration was marked by an infusion of new blood into the party, individuals such as Hussein Onn, Mahathir Mohammad and Musa Hitam, who together with Razak’s leadership were solicitous of Malay interests.

Under the auspices of the National Operations Council, since both the Constitution and parliament were suspended after the riots, Razak’s administration took new initiatives in the communal bargain. First, the Rukunegara, national Ideology, was institutionalised with emphasis on Islam being the official religion of the Federation and an expected loyalty and acceptance of the position of the Malay rulers and special position of the Malays. Second, an emergency decree was issued amending the Sedition Ordinance limiting freedom of press and speech, making it an offence to question rights of citizenship, Malay special rights, the status and powers of the Malay rulers, the status of Islam and Malay as a national language. Third, Razak transformed the structure of the Alliance into the National Front (Barisan Nasional), co-opting parties such as the Gerakan and the People’s Progressive Party (PPP), and strengthening support from non-Malays as well as the Parti Islam, so as to avoiding splitting the Malay vote. The

82 Ibid., 20.
83 Ibid., 13.
84 Ibid., 14.
adoption of this new coalition was to eliminate opposition to the bargaining and negotiation processes in parliament.

In light of the riots, the economic position of the Malays was reviewed. In 1970 the income of 49.3 percent of all households in peninsula Malaysia was below the poverty line, out of which 75 % were Malays. Measures had been taken under the Tunku's administration to support Malay economic progress. In 1965, a Bumiputera economic Congress was held to promote Malay capitalism. In 1965, a Malay commercial bank, Bank Bumiputera, was created to ease credit facilities for Malays. In the First Malaysia Plan (1966-1970), special allocations had been made to promote Malay economic development. The New Economic Policy (NEP) set out in the Second Malaysia Plan in 1971, while designed to eradicate poverty and restructure the Malaysian society, was aimed primarily to ameliorate the economic position of the Malays. Under the NEP, the government formulated five year plans to bolster the Malay economic growth. This included setting up government-formed public corporations to increase Malay ownership of the economy, quotas in the Malayan Civil Service partial to Malays and initiatives in education to boost Malay performance.

Though Malays had been awarded special privileges at Independence, these were to be reviewed by the Legislative Council 15 years after 1957. The play of events between the Chinese and the Malays in 1969, the emergence of Malay ultras in power and the emergency regulations imposed from 1969 and 1971 facilitated the protection of Malay rights indefinitely. The civic space of non-Malays was limited further. It was a crucial time for minority action and negotiation, the next section will demonstrate, which MIC leaders did not seize adequately while being mired in internal party politicking and strife.

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115
Leadership crisis within the MIC (1971-1973)

Since 1967, the MIC under Sambanthan had not held an annual general assembly.87 Party machinery was static and this inertia was brought up by the English-educated elite within the MIC as well as leaders of other parties in the Alliance. Manickasavagam commented that in view of the national developments of the late 1960s and the 1970s, 'it is not enough for the MIC to exist in the form of a few leaders and occasionally meetings at which speeches are made and more leaders are elected'.88 The perspective of the government towards the significance of the MIC was expressed through Tun Ismail, Deputy Prime Minister, when he said that after the 1969 riot, the MCA and the MIC were 'more dead than alive'.89 Led by Selangor branch chairman and Senator, Athi Nahappan, the English-educated faction in MIC organised to oppose Sambanthan, who had remained unchallenged as MIC president for 15 years. The faction called upon MIC vice president Manickavasagam to challenge Sambanthan. Manickavasagam had already begun to build consensus about his leadership capabilities in taking initiatives within the party to respond to the NEP. In April 1971 he set up five bureaus, run by full-time staff, within the MIC party structure. The bureaus were concerned with organisation, education and culture, land settlement, economics and citizenship.90 Manickavasagam called for a review of party progress under Sambanthan's leadership. Athi Nahappan made speeches declaring that 'the MIC had never measured up to challenges but remained content to remain passive'.91 Manickavasagam claimed that this passivity was to be challenged to 'take advantage of the widespread opportunities that are being created under the Second Malaysia Plan and if we do not understand the framework

88 New Straits Times, 1st August 1971.
89 Rajeswary Brown Ampalavanar, The contemporary Indian political Elite in Malaysia, 243.
90 New Straits Times, 17th April 1971.
91 New Straits Times, 13th July 1971.
and concepts within which we can do this, we will forfeit our own well being and the well being of our children in Malaysian society.\(^92\)

In June 1971, the four contestants challenging Sambanthan at the MIC presidential elections were announced. They were Manickasavagam, Athi Nahappan and two other branch members, S Thangasamy and M Kandasamy.\(^93\) An editorial by Unny Krishnan in *The Straits Times* predicted that the MIC was to play a more active role in Malaysian politics after the 1971 presidential elections. The editorial revealed that the rank and file of the MIC were demanding changes both in leadership and the image of the party. They were no longer content with the estate pattern of life and were keen to participate in the Malaysian mainstream. The desperation for change was indicated by the participation of senior executives such as Manickasavagam and Athi Nahappan to challenge Sambanthan.\(^94\)

Sambanthan took the challenge in the presidential elections personally. ‘I will continue to do what I have been doing all along, but if you feel that my services to the party have not been good then throw me out’.\(^95\) Party executives gave Sambanthan the face-saving option ‘to withdraw gracefully’.\(^96\) Athi Nahappan claimed that ‘the writing was on the wall and he would be committing the gravest political misjudgement’\(^97\) of his career if he did not take this soft option of leaving the presidential elections. The party executives promised to treat him with ‘the due honour and respect similar to what UMNO has given to the former Prime Minister, Tengku Abdul Rahman’.\(^98\) In retaliation, Sambanthan remained adamant in staying on to

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\(^92\) *New Straits Times*, 1\(^{st}\) August 1971.

\(^93\) *New Straits Times*, 1\(^{st}\) June 1971.

\(^94\) *New Straits Times*, 13\(^{th}\) July 1971.

\(^95\) *New Straits Times*, 5\(^{th}\) July 1971.

\(^96\) *New Straits Times*, 28\(^{th}\) July 1971.

\(^97\) Ibid.

\(^98\) Ibid.
fight and announced that he would let the people decide who should lead them, then withdraw. Instead, supporters of Sambanthan from the Kedah State MIC committee asked Manickasavagam to step down. This revealed party disunity and the emergence of factions behind the various contenders. All over the country, party branches and their members took sides. The Ipoh branch under the chairmanship of N.P Theviah said that his members were ‘fully behind Sambanthan’. In Taiping, S Chellasamy, chairman of the Larut Selatan branch announced that his branch was ‘110 percent behind Manickasavagam’. In Kuantan more than two-thirds of the MIC members were expected to vote for Manickasavagam while in Telok Anson, the MIC’s 21 branches were divided.

Anxious about party disunity at a crucial juncture of Malaysia’s political and economic development, party executives, R Satchianathan, chairman of the Sepang branch, N. Velu, the branch’s youth leader and T.S Maniam, its cultural leader staged a hunger strike typical of Gandhian style politics. The hunger strike was not to be called off until either Sambanthan or Manickasavagam withdrew from the fight. They felt that ‘the unity of the party was at stake and for this reason we do not want the fight to go on.’ Despite such protests and strikes both leaders remained rooted to their decision to contest the elections and a stalemate was reached in the struggle. A decision was taken by the Central Working Committee of the MIC to postpone the elections to March 1972, allowing emotions to cool off. In October 1971, both Sambanthan and Manickasavagam approached Tengku

100 *New Straits Times*, 12th August 1971.
101 Ibid.
102 Ibid.
103 *New Straits Times*, 9th August 1971.
104 Ibid.
Abdul Rahman to mediate the crisis. The suggestion to approach Tengku was put up by Sambanthan's supporters. The Tengku offered a peace formula whose details were not made public but the peace formula did not appeal to Sambanthan, as the Tengku later reported that Sambanthan had failed to respond to his suggestions.  

Meanwhile the Malaysian state and the Registrar of Societies took Sambanthan to task on several grounds. A letter was sent to the MIC Central Working Committee from the Registrar of Societies that there were grounds for the deregistration of the party since the party had violated the 1965 Societies Act and the MIC constitution by not conducting annual meetings. Also the annual returns, giving a statement of accounts and the list of office bearers had not been submitted for three years. In January 1972, Sambanthan also had to face court proceedings as he had, as head of the MIC building committee, failed to show party members the accounts of two land transactions. The land transactions were to acquire a piece of land to build party headquarters. However the two pieces of land were sold and it was not until Manickasavagam took over the building committee that a third piece of land was finally acquired. The political crisis which was being discussed in the public domain openly was damaging MIC's image as a component party of the Alliance. Issues of poor management and ineffective leadership were particularly embarrassing and on March 15th 1972, Tun Razak, as head of the Alliance Party, met members of the MIC Central Working Committee to resolve the stalemate. The compromise arrived at was that Sambanthan was to remain party president for another year and

107 New Straits Times, 14th October 1971.
then retire in June 1973, while Manickasavagam was to withdraw from the presidential contest.\textsuperscript{110}

Though the compromise had been reached, the next year was to be one of bitter rivalry, mudslinging, witnessing breaches of party discipline and intense politicking. Manickasavagam had accepted to withdraw from the contest on certain conditions. These were not openly debated and created dilemmas in party leadership, such as choosing the secretary general for the party, which Manickavasagam felt was his responsibility.\textsuperscript{111} In March 1972, when Tun Razak stepped in to negotiate, the support in the Central Working Committee was marginally in favour of Manickasavagam.\textsuperscript{112} In the one year that Sambanthan was to remain in power, he took initiatives to remove his detractors from power. Sambanthan took to suspending his critics, six officials who controlled the Negri Sembilan State Congresses, two of whom were in the Central Working Committee members and supporters of Manickasavagam.\textsuperscript{113} When Manickasavagam protested against the sacking of Govinda Raju, a central working committee member and chairman of the Brickfields –Bungsar branch, he was told by Sambanthan to ‘behave himself’.\textsuperscript{114} Manickasavagam and Sambanthan openly blamed each other for the poor party discipline and for inciting ‘rebel’ groups within the party structure.\textsuperscript{115} In response, Sambanthan formed a National Organisation Committee to put an end to the lack of discipline within MIC and appointed Manickasavagam as head. Tun Sambanthan stated that, ‘to show my sincerity in solving party crisis. I have appointed Tan Sri Manickasavagam as chairman of the committee. He will be in charge of cutting down all the

\textsuperscript{110} \textit{New Straits Times}, 16\textsuperscript{th} March 1972.

\textsuperscript{111} \textit{New Straits Times}, 16\textsuperscript{th} March 1972.

\textsuperscript{112} \textit{New Straits Times}, 23\textsuperscript{rd} March 1972.

\textsuperscript{113} Ibid.

\textsuperscript{114} \textit{The Malay Mail}, 21 July 1972.

\textsuperscript{115} \textit{New Straits Times}, 21\textsuperscript{st} April 1972.
animosity arising from the party leadership.'\textsuperscript{116} Manickasavagam, on occasion did threaten to review the truce pact that had been agreed upon with Sambanthan with Tun Razak's help. Manickasavagam claimed that 'Tun Sambanthan has shown by his actions and deeds that he is breaking the party. I kept to the agreement that we should allow him to continue but not to utter words of ill-will to party members.'\textsuperscript{117} Amidst this chaos, the MIC Central Working Committee reinforced the atmosphere that demanded Sambanthan's departure from the post of party president, 'The MIC will gain the respect and admiration of its Alliance partners as well as the people in the country if Tun Sambanthan took the initiative to install Tan Sri Manickasavagam as his successor. The Indian community is poised for a change and there is a need to inject new blood into the party to make it more efficient to play its role in nation building and to realise the fruits of the New Economic policy of the Government.'\textsuperscript{118} In June 1973, Sambanthan did relinquish his post, albeit on a sour note: 'It is obvious that there is neither harmony nor brotherhood in the MIC at the moment and for that reason I have decided to relinquish the presidentship on June 30'.\textsuperscript{119}

**Manickasavagam as president of MIC**

Vengadasalem Manickasavagam was the son of a labour overseer on a rubber plantation who was a radical thinker and staunch supporter of the Indian National Congress.\textsuperscript{120} As a young boy, Manickasavagam was interested in the welfare of the estate workers and led agitations for better amenities on the estates. During the Japanese Occupation he was a youth secretary of the Indian Independence League. In 1946, he joined John Thivy

\textsuperscript{116} New Straits Times, 19\textsuperscript{th} March 1972.\\
\textsuperscript{117} New Straits Times, 23\textsuperscript{rd} July 1972.\\
\textsuperscript{118} New Straits Times, 14\textsuperscript{th} May 1973.\\
\textsuperscript{119} New Straits Times, 28th June 1973.\\
\textsuperscript{120} New Straits Times, 7\textsuperscript{th} March 1965.
as one of the founding members of the MIC.\footnote{New Sunday Times, 14\textsuperscript{th} October 1979.} Manickasavagam was professionally known to be a businessman and land proprietor but he spent most of his time in politics and welfare work. At 20 years of age he was secretary of the Klang branch and was active in travelling across Malaya to establish branches and know the grassroots. In 1947 he was part of a Malayan delegation to the First Asian Leaders Conference in New Delhi. He claimed to be inspired by his meetings with prominent Indian political figures like Nehru and Gandhi and said that although 'I was extremely fortunate to have had this experience at so early an age. But I felt no nostalgia for India. My roots were in this country. I regarded myself only as a Malayan'.\footnote{New Straits Times, 7\textsuperscript{th} March 1965.} In 1955, Manickasavagam was returned unopposed to the Selangor State Council in the Klang South Constituency.\footnote{Manickasavagam News brief Biodata, (New Straits Times Archive).} In 1958 he was elected vice president of the MIC.\footnote{Ibid.} In 1964 he was returned to the Klang constituency and was appointed Minister of Labour.\footnote{Ibid.} In 1969 he was appointed minister of Labour and acting Minister of Transport and finally in 1973 he was made MIC party president.\footnote{Ibid.}

Manickasavagam's priority as president was to get the MIC house in order. In his inaugural speeches he mentioned that the leadership crisis over the last few years had placed MIC in 'a position of ridicule, disrepute and relative neglect'.\footnote{The Malay Mail, 24th August 1973.} He appealed to party members to heal the wounds of factionalism as a result of the leadership crisis and to 'close ranks in the interest of the party and nation'.\footnote{New Straits Times, 25\textsuperscript{th} August 1973.} He promised to revamp the party so that it could play a more meaningful role in the developments that were taking place in

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  \item \footnote{New Sunday Times, 14\textsuperscript{th} October 1979.}
  \item \footnote{New Straits Times, 7\textsuperscript{th} March 1965.}
  \item \footnote{Manickasavagam News brief Biodata, (New Straits Times Archive).}
  \item \footnote{Ibid.}
  \item \footnote{Ibid.}
  \item \footnote{Ibid.}
  \item \footnote{The Malay Mail, 24th August 1973.}
  \item \footnote{New Straits Times, 25\textsuperscript{th} August 1973.}
\end{itemize}
Manickasavagam diagnosed the static condition of the MIC party thus;

We need to activate the party at all levels. In the economic sphere too. It is activity at these levels that is likely to have the greatest impact in terms of gaining employment, participation, in land development, gaining greater opportunities in commerce and industry. MIC had 60,000 members and 350 branches. But a number of these branches existed merely for the sake of electing office bearers once a year. Except for the occasional brawl at some meeting or the other, neither the members nor the public hear anything of these branches. There appears to be little done in the way of concrete programmes of action and service.\(^{130}\)

At the twenty-second General Assembly of the MIC on 6\(^{th}\) July 1974, Manickasavagam revealed the initiatives that had been taken since he became party president to restore the party structure and prestige. He claimed that every State Congress was functioning and that there were 410 Branch Congresses. There was an increase in membership to 10,000, indicating an unprecedented level of grassroots activity and support. Meetings were beginning to be conducted in an orderly and purposeful manner and records of meetings and events were being kept in the State Congress. The Party Headquarters was strengthened through the recruitment of additional staff and there was a new orientation towards organising programmes and activities. The organisational and logistical structure of the party was strengthened. On 24\(^{th}\) August 1973, the nine-storey MIC building was officially declared open by the then Prime Minister, Tun Razak.\(^{131}\) A Northern Regional office was established in Ipoh, covering Perak, Kedah and

\(^{129}\) *New Straits Times*, 1\(^{st}\) July 1973.

\(^{130}\) *New Straits Times*, 25\(^{th}\) August 1973.

\(^{131}\) MIC Secretary General’s report for the period 1 July 1973 to 30 June 1974 in MIC annual report 1973/74 (NUS Singapore /Malaysia Collection).
Penang. Assistance was provided by the Headquarters for an office building in Selangor.

An MIC youth section was inaugurated. The objective was to create avenues for youth activities, participation and to infuse creativity. S. Samy Vellu was appointed as the National Youth leader and the structure of the National Youth Section was laid out, consisting of the National Council of MIC youths, State Councils of MIC Youths and Branch Youth Committees. Several sub-committees were created to infuse 'new blood and fresh approaches.' There were sub-committees for education, the economic, the land, employment and welfare and citizenship.

By 1975, a Southern Regional office was established in Malacca to serve Malacca, Negri Sembilan and Johore. Membership increased to 120,000. Re-registration of members was conducted and a master register was started. In 1975, the MIC National Women’s Council was announced by the MIC president. By 1976, the MIC not only had various sub-committees, youth and women’s sections established but a sophisticated array of leadership training courses, celebrations, awards in excellence and seminars were organised to enhance the party machinery and efficiency. In 1977, journalist V.K Chin reported a ‘Change for the better at the MIC’. Chin’s article highlighted that Manickasavagam had encouraged better
educated Indians to join the party, imposed a more orderly conduct of party business, maintained party paper work and administration with efficiency, simplified internal election procedures and ‘a new spirit’ emerged with greater contact with the grassroots. Even Manickasavagam openly stated that the ‘Era of mudslinging is over’. However some problems remained endemic to party culture. Despite Manickasavagam’s best efforts, factionalism re-emerged towards 1979 as S. Subramaniam and S. Samy Vellu vied for the deputy president position of the party. In June 1979, journalist N. Kunasekaran asked Manickasavagam probing questions regarding MIC party culture which revealed that elections of junior party posts often resulted in violence at meetings, the rivalry between Subramaniam and Samy Vellu was creating fissures, mastering the art of consensus was problematic for MIC members and despite Manickasavagam’s best efforts, educated Indians were still staying away from the party. In his defence Manickasavagam could only reply that there was a lack of awareness at the level of the rank and file of party members regarding the shame factionalism and violence brought to party image and to counter the abovementioned problems strong leadership was required at all levels of management.

Manickasavagam engaged the government on the NEP and matters concerning the Indian community. An MIC Blueprint was formulated as an outcome out of an MIC National Seminar, ‘The New Economic policy, the Second Malaysia Plan and the Mid Term Review, and the role of the MIC’ held on May 11th and 12th 1974. The Blueprint was presented to the Prime Minister in a special sitting of the Assembly representing a formal request for commitment from the Government to the ideals and objectives incorporated

140 New Straits Times, 2nd August 1976.
141 New Straits Times, 5th February 1979.
142 New Straits Times, 17th June 1979.
143 Ibid.
in the Blueprint.\textsuperscript{144} Manickasavagam intended the Blueprint to indicate a ‘partnership between the Party, the people and the Government’.\textsuperscript{145} The MIC defined the NEP as being relevant to all Malaysians including Indians to ‘eradicate poverty by raising income levels and increasing opportunities for all Malaysians, irrespective of race’\textsuperscript{146} and to ‘restructure Malaysian society to correct economic imbalances so as to reduce and eventually eliminate the identification of race with economic function’.\textsuperscript{147} But they were not oblivious to the fact that strategies of the economic policies to be implemented were to benefit largely the Malays:

The first prong of the New Economic Policy, which aims at raising income levels of the poor group in rural areas (through agricultural development) and in urban areas (mainly through a fast pace of employment growth) is therefore sharply directed at eradicating the sources of poverty in Malaysian society. With Malays constituting 85% of households in the lowest income group earning less than $100 per month, it is inevitable that the attack on poverty, even though directed in a manner regardless of race, will largely benefit Malays.\textsuperscript{148}

The MIC Blueprint highlighted the economic position of the Indians in a systematic manner. In 1970, Indians were mainly in the agriculture and services sectors. Nearly 80% of employed Indians were found in manual jobs, mostly in unskilled or semi-skilled labour. Only 6% of Indians were in the administrative, managerial and professional categories. Indians were also suffering the highest unemployment rate at 11% compared to 8% for Malays and 7.4% for the Chinese. The Blueprint noted that Indian ownership of wealth or productive assets in the country was ‘the worst position among

\textsuperscript{144} Presidential address by Y. B. Tan Sri Dato V. Manickasavagam at the twenty-second General Assembly of the MIC, 6\textsuperscript{th} July 1974. (New Straits Times office).

\textsuperscript{145} Ibid.

\textsuperscript{146} The New Economic Policy and Malaysian Indians: MIC blueprint. (NUS Singapore-Malaysia Collection).

\textsuperscript{147} Ibid.

\textsuperscript{148} Ibid.
the various races'. Indians owned only 1% of the total share capital of Limited companies in Malaysia, while the Malays had 1.9% and the Chinese at 22.5%. The MIC warned that 'failure to grasp the situation and accumulate savings and pool efforts required to improve the ownership position of Indians can only lead to an even worse off stake for Indians generally in the dynamic growth and progress of the nation'. The Indian position in education was also unsatisfactory. Enrolment rates were low and there was a high dropout rate. Reasons stipulated for poor educational performance were poverty, poor facilities and standards of teaching in Tamil Schools.

The Blueprint gave extensive recommendations for the problem areas identified. This included, setting targets; recommending government initiatives such as accelerating new land development; supplying credit; building low cost housing; extending health and medical facilities; employing a racial balance in all sectors of employment; urgently granting citizenship to qualified Indians; providing vocational guidance; allotting Indians 10% of all settler opportunities in new land schemes; reserving 10% of places in residential science schools for Indian students; and other such schemes. The Blueprint was not the only document of recommendations given to the Government. A 'Memorandum on pressing issues facing Malaysian Indians in the field of education was submitted to the Minister for Education' by Manickasavagam on 24th September 1973. On 14th June 1974 a 'Memorandum on Enrolments in The University of Malaya and other Institutions of higher learning' was submitted to the Minister of Education by MIC Secretary General. On 17th March 1974 a 'Memorandum on

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149 Ibid.


151 MIC Secretary General's report for the period 1 July 1973 to 30 June 1974 in MIC annual report 1973/74. (NUS Singapore /Malaysia Collection).

152 Ibid.
Citizenship Issues\textsuperscript{153} was submitted to the Minister of Home Affairs by MIC Headquarters. Between July 1974 and June 1975, the MIC made a submission to the cabinet committee on education to highlight the problems of Indians.\textsuperscript{154}

Party initiatives in solving some of these problems internally included the establishing of the cooperative, Syarikat Kerjasama Nesa Pelbagai Bhd (Nesa), in January 1974. Nesa started with a membership of 1200 and a total subscribed share capital of $400,000. Nesa applied to State governments for the alienation of about 50,000 acres of land for agricultural and other purposes. Loans were approved for various business ventures involving Indians. MIC processed applications for loans of deserving applicants from various banks. Unit Trusts were also set up. Education scholarship funds were raised by the Indian community and Indian participation in government land development schemes such as FELDA and FELCRA were encouraged.\textsuperscript{155}

Throughout his term, Manickasavagam kept up the pressure in stressing on Indian problems. Local tabloids consistently reported his efforts in making appeals on the citizenship question for Indians,\textsuperscript{156} the plight of Tamil schools,\textsuperscript{157} asking for aid for estate pupils,\textsuperscript{158} openly identifying the problems of Indians,\textsuperscript{159} helping Indians in employment issues\textsuperscript{160} and improving the

\textsuperscript{153} Ibid.
\textsuperscript{154} MIC Secretary General's report for the period 1 July 1974 to 30 June 1975 in MIC Annual report 1974/75. (NUS Singapore- Malaysia Collection).
\textsuperscript{155} Secretary General's Report for the period 1 July 1973 to 30 June 1974 in in MIC annual report 1973/74 . (NUS Singapore /Malaysia Collection).
\textsuperscript{156} New Straits Times, 11th September 1978.
\textsuperscript{157} New Straits Times, 24\textsuperscript{th} July 1973.
\textsuperscript{158} New Straits Times, 6\textsuperscript{th} December 1974.
\textsuperscript{159} The Star, 26\textsuperscript{th} July 1976 and Sunday Times 6\textsuperscript{th} July 1975.
\textsuperscript{160} New Straits Times, 19\textsuperscript{th} December 1973, 13\textsuperscript{th} May 1974, 4\textsuperscript{th} November 1974, 15\textsuperscript{th} November 1976, 23\textsuperscript{rd} May 1977, 18\textsuperscript{th} June 1979.
economic position of the Indians. Manickasavagam also negotiated for greater political representation with the National Front. In 1977, the MIC was reported to have urged the Government to give the party more state and parliamentary seats in the next general elections. But these issues were highlighted to the government and the UMNO whilst working within a cooperative framework with the Alliance and the National Front. On several occasions Manickasavagam reiterated that only MIC within the National Front had the capacity to do more for the Indians. He claimed in 1978, 'that the people must realise and bear in mind that only the National front government can do more for the people. Others can only talk and say whatever they want to say. But they will never be in the position to do anything for the people.' MIC's top executives like Athi Nahappan echoed this sentiment when he stated, 'The MIC definitely, clearly and unequivocally believes that the future of Malaysian Indians lie in the politics of cooperation developed and practised by the National Front'. MIC support and loyalty was voiced repeatedly when it supported the second and third Malaysia Plans and the Green Book schemes that focused on land development and allotment. When Datuk Hussein Onn was made Prime Minister of Malaysia, the MIC openly 'pledged loyalty' to him and the policies of the Front.

The response to Manickasavagam's and MIC's proposals and initiatives to gain governmental support for the unsatisfactory socio-economic position of the Indians was diplomatic denial. Whilst accepting the MIC blueprint, Prime

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162 New Straits Times, 2nd July 1977.  
164 Ibid.  
165 New Straits Times, 22nd March 1976.  
166 New Straits Times, 28th June 1976.  
167 The Malay Mail 17th February 1975.
Minister Tun Razak made explicit to the Malaysian Indian community that while he ‘understood the problems of the Indian community, we should not lose sight of the heart of the matter which is the prevailing economic imbalance we inherited from the colonial era’.  With this he was referring to the poor economic position of the Malays (Bumiputera) vis-a-vis the non-Malays, primarily the Chinese. It was unfortunate for the Indians that they were lumped together with the Chinese as non- Bumiputera, since that clouded the actual economic reality and aid required by the Indian community. An editorial by K. Das in the Far Eastern Economic Review revealed further insight into the matter when it quoted Manickasavagam’s opening proverb at the MIC 23rd Party General Assembly on July 6th 1975, ‘The very gods may concede but the priest would demur’. To this, according to Das, Manickasavagam meant that ‘while the Prime Minister proposes, the lower echelons of his government dispose the largesse with calculated abandon, with an eye more on politics than on people’. That is, the politics of Malay supremacy. Concerns were constantly raised about the 10% quotas raised for Indians in education, public employment and housing schemes and other grants. The question asked was ‘Do we get 10% of the lot, or the 10% of the left overs after the Bumiputera preference shares are cut?’ Within Manickasavagam’s time, pro-Bumiputera policy had become the political and cultural milieu of Malaysia and negotiating Indian rights was obviously a challenge. Manickasavagam’s time in power was cut short by his untimely death in October 1979. He was eulogised in The Straits Times as being ‘modern, forward looking, down to earth, hard driving, unpretentious and approachable’.

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168 New Straits Times, 8th July 1974.


170 New Sunday Times, 14th October 1979.
Conclusion

The primary issue that hampered Sambanthan and Manickasavagam from attaining rights and a proportionate share of social, economic and political benefits for the Indians was that the Indian community itself was considered an insignificant minority by the UMNO-led government in terms of numbers and economic clout. The MIC was in a weak bargaining position as it brought ‘negligible’ returns to the Alliance and later the National front. Witnessing the removal of Sambanthan by MIC party elites to be replaced by the ‘more forward looking’ Manickasavagam ameliorated the image of the party, but it did not solve problems that were endemic within the party such as factionalism and disunity. Leadership styles, whether they were in acquiescence to Malay leadership, as in Sambanthan’s case, or with Manickasavagam engaging governmental initiatives to bargain rights for Indians, mattered little in the face of a political milieu that had already pre-determined Malay hegemony.
Malaysian Federal Reserve Unit breaking up the violence that was common at MIC meetings and elections. (Source: Nanban)

Allegedly Samy Vellu's supporters controlling the crowd and making decisions as to who should be allowed into the polling stations during MIC elections. (Source: Nanban)
Chapter 4 – S. Samy Vellu, a Malaysian politician

Sangalimuthu Samy Vellu became president of the Malaysian Indian Congress, in 1979. In 1977, he won the deputy presidency by 25 votes, defeating S. Subramaniam, the choice of Tan Sri Manickasavagam as successor, and this paved the way for him to take over as party chief in 1979 when Manickasavagam died that year.1 Samy Vellu was an architect by training but maintained a greater interest in politics, participating in and taking up positions in the MIC since he first joined MIC’s Batu Caves branch as an ordinary member in 1961.2 In this period Samy Vellu attained institutional memory and witnessed the severity of factional rivalries within MIC that led to Sambanthan’s removal as party president. He was also in a position to understand the narrow political and civic space in which Indians were navigating citizenry rights as demonstrated by Tun Razak’s apathy to Manickasavagam’s Blue Print and repeated requests for equal opportunities. In 1979, the Barisan Nasional and MIC, as a component party, had firm control over political power in Malaysia. Unlike the Chinese who had the opposition parties such as the Democratic Action Party (DAP) and the Gerakan as counter pressure for the Malaysian Chinese Association, (MCA) the MIC was the main representative of the Indians politically. This placed Samy Vellu as a key protagonist in the trajectory of the Malaysian Indian community’s political, social and economic development. Samy Vellu’s policies, executive decisions and vision were pivotal for the Indian community.

Early in his political career, the local newspaper, The Star, proclaimed Samy Vellu the undisputed leader of the Indian community who got ‘the job done’ claiming that he had been able to gain control through two means:1 his ability to manipulate the masses through his speeches and his

1 The Star, 24th May 1984.

unchallengeable achievements'. But thirty years on, _Malaysiakini_ reported several instances when Samy Vellu was booed or jeered at by Malaysian Indians while making public appearances. Malaysian Indian Business Association (Miba) president P Sivakumar asserted that thirty years later the Malaysian Indian condition had not improved much: ‘For decades they have been talking about the same issues like estates, Tamil schools and temples. No doubt these are important but the problem is now greater. What is confronting the community today are issues of national identity and equal opportunities in the public and private sector as well as education’. This is an explicit criticism of Samy Vellu’s record as leader. Thirty years on, as circumstances have only worsened since Independence for the Indian community, Samy Vellu is often considered the prime villain by Indians and non-Indians in Malaysia to explain away the challenges the community is facing. This chapter examines that assumption by analysing Samy Vellu as a leader of the Indian community, examining his party policies, actions and strategies as well as the shifting circumstances in which he had to execute his obligations as MIC president and cabinet minister of the UMNO-led government.

**Factions and foes**

Samy Vellu’s political strategy towards internal party politics in MIC was one of ‘no more compromise’. This was mainly directed towards his adversaries in party elections, particularly after he took majority votes during the several

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3 Ibid.

4 _Malaysiakini, 26th_ December 2007. ‘Writing on the wall for MIC supreme’. The internet news set reported the following ‘The jeering and booing of Works Minister S Samy Vellu at the Penang International Sports Arena (Pisa) last Sunday shows the naked truth that a growing number of Indian Malaysians are against him’. On 19th February 2008, _Malaysiakini_ reported that ‘angry Indian Malaysians demand answers for the community’s woes ....Two events in Pajam and Kapar were disrupted last Sunday, a day after S. Samy Vellu had to be rescued by police. It was the second incident involving him in recent weeks. In all four cases, the crowd claiming to represent the community has surrounded and heckled MIC leaders wanting them to explain why they had been left behind in terms of development’.

5 _Malaysiakini, 21st_ December 2007. ‘Indian woes: Look at the Big picture’.

6 _The Star, 5th_ August 1980.
presidential elections he contested while leading the MIC. On 21\textsuperscript{st} March 1981, newspaper headlines read out Samy Vellu’s main statement after winning his first MIC presidential elections, echoing his leadership strategy for decades to come, ‘Toe my line or get out’.\textsuperscript{7} Samy Vellu told reporters that there would be ‘no independence in thinking among members. All members had to follow party decisions without question. A common thinking was necessary if the people whom MIC represented were to benefit...he would take action without mercy in a few weeks against a few people who had planned to disrupt branch elections’.\textsuperscript{8} Throughout the three decades he was in power, he was consistent in removing from power or taking steps to weaken the power base of his opponents or anyone else who had even a semblance of popularity within the party that could threaten his position.

From the outset his main opponent was S. Subramaniam. Rivalry with Subramaniam had its roots during Manickasavagam’s time. In the 1974 elections, Manickasavagam picked three representatives, apart from himself, to contest the different constituencies. Subramaniam was placed in Damansara, Samy Vellu in Sungai Siput and K. Pathmanaban in Teluk Kemang along with Manickasavagam in Klang. MIC won all four seats.\textsuperscript{9} This initiated competition between Subramaniam, Samy Vellu and Pathmanaban to start building their power base to compete for the senior- most positions in the party hierarchy. During the 1975 party elections, Samy Vellu secured the highest votes amongst ten candidates in the fight for the three vice presidents’ posts. Subramaniam polled the most votes in the contest for three elective central committee seats and was reappointed Secretary General.\textsuperscript{10} In May 1977, Samy Vellu won the Selangor MIC election for State party chairman defeating V.L Kandan, Manickasavagam’s brother.

\textsuperscript{7} New Straits Times, 23\textsuperscript{rd} March 1981.

\textsuperscript{8} Ibid.

\textsuperscript{9} New Straits Times, 24\textsuperscript{th} Jan 1981.

\textsuperscript{10} Ibid.
Subramaniam meanwhile became a Parliamentary Secretary. In May 1976, the deputy president, Nahappan, passed away. As a result in July 1977 there was a bitter run up campaign between Samy Vellu and Subramaniam, who was Manickasavagam’s preferred candidate, for the position of deputy president. Samy Vellu defeated Subramaniam by a mere 25 votes. In 1979 when Manickasavagam died suddenly, Samy Vellu took over as acting president and prepared to fight the next presidential elections with the words that ‘problems and the troubles in the party can only be resolved once the presidential elections are held’. This indicated that he was going to maximise his position after securing power to enforce his decisions and initiatives.

Samy Vellu used his position as Acting President from 1979 to 1981 to eliminate potential competitors for the MIC presidency. He refused to appoint a deputy president when he was acting president. Instead he appointed a Council of Administrators to run the party while he was abroad for a month. The Council comprised of the party’s three vice presidents, the secretary general and the treasurer. He refused to appoint a deputy even though he came under tremendous pressure from party members to appoint his rival Subramaniam, a party vice president, as the deputy president. His next manoeuvre was to conduct a purge of party members on disciplinary charges but the local dailies asserted that the suspended party leaders were specifically ‘supporters of his rival Senator S. Subramaniam’. Those suspended were Kedah state secretary V.N Nadarajah, Nibong Tebal

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11 Ibid. Based on the Westminster model, a parliamentary secretary is a member of parliament who assists a cabinet minister in his duties.

12 Ibid.


14 The Star, 14th January 1980.

15 Ibid.

16 Ibid.

chairman Mohana Dass Kumar, Muar branch chairman R Subbiah, former Parit Bakar chairman A Kanniah and the branch’s secretary J Kulandaipaiyan. Subramaniam protested the suspension of his branch secretary, Nadarajah, as unfair and called Samy Vellu a ‘dictator’. Samy Vellu further clamped down on the suspended members by instructing all branches of the party that no suspended member was to be given the opportunity to speak at any party function, thus limiting their influence further. A nationwide signature campaign was started to protest the suspension of the MIC leaders. MIC members admitted that ‘the suspensions have been against people who are likely to be a threat to Samy Vellu and his supporters in the party’s elections...This is a pre-emptive strike to consolidate his position and ensure that he will not have to face a strong challenge for the party’s top position in future’.

Samy Vellu then led a move by party headquarters to query the citizenship status of members of some 15 Federal territory branches of the party. Branch members feared that failure to comply with the short notice might have prevented them from holding elections to nominate delegates to the Federal territories party meeting. Early in 1981, newspapers reported that Samy Vellu personally went through registers of branches in the presence of other MIC officials and uncovered a series of alleged malpractices such as fictitious members who existed in name only in registers, duplication of membership registrations, use of electoral rolls to pick Indian names with Identification Cards (IC) numbers and addresses to boost numbers, insertion of false citizenship numbers and some members not having the citizenship status.

18 New Straits Times, 13th April 1980.
19 Ibid.
20 New Straits Times, 8th April 1980.
21 Ibid.
numbers of more than half the members. A query was also started to question the establishment of new branches which did not represent 'identifiable areas' of having at least 100 Indian residents. Federal territory MIC members questioned Samy Vellu if the query was a nationwide verification exercise and if the Federal territory branches were being singled out from the 600 branches in the country. MIC members asserted that of the 18 branches which had been directed to verify their membership, 15 were in the city, and were under the chairmanship of Samy Vellu's chief adversary, Subramaniam. The absence of Federal territory delegates could undermine Subramaniam's re-election. Eventually in February 1981, as a result of the query, MIC withheld the issue of B forms—the go ahead for branch meetings, to 25 branches, 7 of which were from the Federal Territory.

In the run-up to Samy Vellu's first presidential elections, he was keen to remove another adversary from power, MIC youth leader, Vice Chairman and Selangor State Executive Councillor, V.L Kandan, brother of the former president of MIC Manickasavagam. Samy Vellu wrote to the Mentri Besar, Datuk Hormat Rafei, asking that Kandan be replaced by Samy Vellu's known supporter, party's state Assemblyman for Assam Jawa, Datuk N.S Maniam. MIC sources expressed surprise that Samy Vellu had taken such steps against Kandan but also revealed that since Samy Vellu's appointment as acting president, many of Samy Vellu's arch rivals, including K. Pathmananathan, were removed from sub-committees they were heading.

Sources also revealed that Kandan and Samy Vellu fell out when Kandan

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26 B forms are governmental approval forms for organizations and companies to exist.


28 Ibid.
started backing Samy Vellu's chief rival S. Subramaniam.\textsuperscript{29} In July 1980, Samy Vellu, chairing a four-hour meeting at the Selangor MIC branch, witnessed the branch voting to demand the removal of their vice president, V.L Kandan, from the Executive Council.\textsuperscript{30}

The factional rivalry that developed in MIC from 1979 was unfortunate for the party's social and organisational structure. Newspapers reported that the power struggle between the Samy Vellu camp and the Subramaniam (popularly known as Subra) camp had led to the rules and procedures 'to be thrown to the wind'\textsuperscript{31} and unconstitutional means being used to achieve an edge. Violence was reported at several branches due to factional fighting: 'in fact branches were openly being threatened at public meetings that the only way they could survive was for them to throw in their lot with either camp'.\textsuperscript{32}

The candidate with the most branches behind him would emerge the winner and to this end many 'unconstitutional' branches were being set up. Where it was known that a new branch was to favour one candidate, it was simply not approved while branches known to support the approved candidate were allowed to get away with fictitious membership rolls.\textsuperscript{33} Questionable tactics were also being used to influence the election of new office bearers in old branches. Then party officials claimed in reference to Samy Vellu's strategies: 'One camp will put up a slate of candidates for the elections. If they win, well and good. But if they lose out, thugs are sometimes used to create trouble'.\textsuperscript{34}

Samy Vellu's strategies proved successful when Subra pulled out of the race. On 22\textsuperscript{nd} February 1981, Subra announced that he would not run for the

\textsuperscript{29} Ibid.

\textsuperscript{30} The Star, 13\textsuperscript{th} July 1980.

\textsuperscript{31} The Star, 17\textsuperscript{th} March 1981.

\textsuperscript{32} Ibid.

\textsuperscript{33} Ibid.

\textsuperscript{34} Ibid.
party's presidential elections and instead had decided to focus on winning the deputy president's post at the party's general assembly in July. This cleared the way for Samy Vellu's landslide victory in March 1981 where he was elected as MIC's president with 93.9 per cent of the votes. Naturally Samy Vellu then proceeded to fill the rank and file of the party with his supporters. K. Pathmanathan, deputy Labour and Manpower Minister, who was in Subra's camp, was to be challenged by Samy Vellu's supporters for the vice president's post. Samy Vellu favoured S. Mahalingam and V. Govindaraj to stand for the three vice-president's posts. Post-presidential elections analysts were claiming that, 'Senator Subramaniam's camp which was already fighting an uphill battle is going to find it even more difficult to get a foot into the party's corridors of power'. Samy Vellu was quoted as saying that 'I am going to clean up the party. It is time to get rid of the troublemakers in the party'. Samy Vellu had five supporters whom he was keen to promote in the posts of deputy president and vice-presidents, Senator M. Mahalingam, lawyer D.P Vijendran, Datuk G. Pasamanickam, Senator Muthupalaniappan and V. Govindaraj. However in May 1981, Samy Vellu and Subramaniam had a 'heart to heart' talk of about twenty minutes after a three-hour Central Working Committee meeting that had met to discuss possible disciplinary action against Subramaniam. After this talk, Samy Vellu claimed that he had decided to close ranks with Subra and to work 'hand in hand' for MIC and the Indian community. Subra then went on to win the Federal Territory party elections and subsequently became the deputy president of MIC. But the factional rivalry between Samy Vellu and Subramaniam was to colour MIC party politics for the next thirty years.

35 New Straits Times, 23rd March 1981.
37 New Straits Times, 23 March 1981.
38 Ibid.
39 The Malay Mail, 23rd March 1981.
In June 1987 there was a hint of change in Subra’s favour when Selangor and Federal Territory Youth elections witnessed candidates backed by Subra’s camp come into power.\(^4\) This was followed by the elections of the vice presidents and deputy president later in the year. It was felt that the contest was seen as a proxy fight between Samy Vellu and his deputy Subramaniam.\(^2\) Samy Vellu was said to be supporting Johore MIC chairman Datuk G Pasamanickam, Negri Sembilan MIC chairman Datuk M. Muthupalaniappan and Selangor MIC chief and former Secretary-general Datuk Mahalingam. Subramaniam was backing Datuk K Pathmanathan and M.G Pandithan for the positions of Vice President and Subra’s camp was victorious at the September 1987 elections.\(^3\) The failure of Samy Vellu’s supporters to win the vice-presidencies was not taken as a reflection of Samy Vellu’s waning influence in the party but it did give Subramaniam the courage to fight the presidential elections in 1989 challenging Samy Vellu.

The 1989 presidential elections were just as scandalously conducted as the 1981 elections. MIC sources revealed that the conflict between Samy Vellu and Subramaniam worsened with Samy Vellu taking steps one year in advance of the elections to start closing down some 250 branches.\(^4\) He also expelled 20 MIC leaders such as Dr N.G Baskaran and R. Masilamani.\(^5\) Subramaniam went public, expressing his shock over these decisions, ‘All those expelled are my strong supporters....’\(^6\) Samy Vellu’s supporters claimed that these decisions were taken with the approval of the MIC Central Working Committee, to which Subramaniam’s supporters replied that ‘Endorsement by the CWC does not make an action democratic. Most of the

\(^{41}\) The Malay Mail, 30\(^{th}\) June 1987.

\(^{42}\) New Sunday Times, 20\(^{th}\) September 1987.

\(^{43}\) Ibid.

\(^{44}\) The Star, 9\(^{th}\) April 1989.

\(^{45}\) Ibid.

\(^{46}\) Ibid.
members are the president’s men'. Samy Vellu also accused Subramaniam of not handing $250,000 in lottery proceeds to the Maju Institute of Educational Development (MIED), the education arm of the party. To which Subra replied that the amount had already been credited to the MIED but could not be cashed due to Nesa’s assets being frozen by the Bank Negara. Subra also asked why he was being singled out when there were many others owing money to the MIED.

The Tamil dailies were more vivid in their accounts of the 1989 presidential elections. There were reports of Subramaniam’s supporters being attacked as they were about to place their nominations in support of Subramaniam. This was reported about Kampung Tunku MIC leader M. Devaraj, it was claimed that as he entered the MIC headquarters to submit his nomination, his path was blocked by gangsters. Police were reported taking orders from an individual, Parat Maniam, during nomination day as to who to allow into MIC Headquarters to file nominations. Parat Maniam’s and his men’s actions were taken as gangsterism in the Tamil press. Subramaniam received threats via phone calls to withdraw from the presidential elections. Members of the public wrote in to demand that the local Tamil news on Malaysian television should not be dominated by coverage of just Samy Vellu and his speeches, especially during the elections when other candidates should also be given air time. And finally there were queries over Samy Vellu receiving 825 nominations, together with Subramaniam’s 139 nominations that would make for a total of 964 nominations when there

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47 Ibid.
48 Ibid.
49 Tamil Osai, 2nd October 1989.
50 Tamil Osai, 4th October 1989.
51 Tamil Osai, 5th October 1989.
52 Tamil Osai, 3rd October 1989.
were only 947 branches registered under MIC.\textsuperscript{53} On October 15\textsuperscript{th} 1989, Samy Vellu won the presidential elections for a fourth term by 62 percent of the votes cast. But post-elections Samy Vellu curbed his deputy Subramaniam further by not fielding him as an MIC candidate in the 1990 general elections.\textsuperscript{54} It was only after reconciliation with Samy Vellu that Subra was allowed to win the Deputy President’s post unopposed.\textsuperscript{55}

Samy Vellu remained party president of the MIC even past the Hindraf saga and his loss of the Sungei Siput seat in the March 2008 elections. The 1992 presidential elections were particularly indicative of the success of Samy Vellu’s strategies in securing himself as MIC president since he was being investigated by the Anti Corruption Agency over the Maika scandal, to be explained later. Despite the scandal, Samy Vellu received a ‘mandate like no other’ when he defeated two relatively unknowns for the post of party president, securing 34 102 votes out of the 35 899 votes cast. Again the lopsided victory was not free of controversies. For example, a local charge of cheating came from Negri Sembilan MIC chief Datuk M Muthupalaniappn, who alleged that a branch in Kuala Pilah with only 13 votes recorded 22 votes instead.\textsuperscript{56} Some political observers noted the establishment of more than 1000 new branches nationwide, all said to be favourably disposed to the president, as the reason for Samy Vellu’s success.\textsuperscript{57} They also commented on the closure of some 400 branches aligned to deputy president Subramaniam that broke up the opposition to Samy Vellu.\textsuperscript{58}

By the 1994, there was a newly elected vice-president on the scene, G. Palanivel. At 45, he was the youngest vice-president to be elected. But it

\textsuperscript{53} Tamil Osai, 4\textsuperscript{th} October 1989.

\textsuperscript{54} Malaysiakini, 1\textsuperscript{st} September 2005. ‘Samy: Don’t ask MIC candidates to withdraw’.

\textsuperscript{55} Ibid.


\textsuperscript{57} Ibid.

\textsuperscript{58} Ibid.
was noted that his meteoric rise was achieved with the aid of Samy Vellu.\textsuperscript{59} In 2005, a year in advance of the MIC party elections, Samy Vellu had already begun to announce that he ‘wanted a new deputy who could work with him to implement party policies and programmes’.\textsuperscript{60} Samy Vellu also began to talk openly against his deputy in public. He claimed that Subramaniam was conducting a ‘proxy war’ through the Malaysia Nanban newspaper.\textsuperscript{61} In January 2006, familiar tactics were employed in the run-up to the elections in not issuing B forms to a significant number of branches.\textsuperscript{62} As a result, some 50 000 to 100 000 MIC supporters who were considered to be ‘outside’ the party due to the dissolving of branches and terminations, formed a splinter party, ‘MIC baru’ (New MIC). However, MIC baru claimed not to have links with Subramaniam.\textsuperscript{63}

By March 2006, Samy Vellu had begun to endorse Palanivel as his candidate for the number two spot.\textsuperscript{64} Samy Vellu began to launch verbal tirades against Subramaniam publicly: ‘I firmly believe he (Subramaniam) had a hand in everything. So it is time to see either it is you (Subramaniam) or me. You want to take the MIC through the back door, I will not allow it ...you want to contest against me I will allow you to challenge me ...They tried to prove I am a man not worth to be president, you (Subramaniam) had your game, now I will play mine.’\textsuperscript{65} Palanivel claimed that Subramaniam had become ineffective as someone who had been in power for too long and had become unproductive for the job and party. Instead Palanivel said that Samy Vellu had now named his successor in Palanivel and it was now up to the

\textsuperscript{59} The Star, 4\textsuperscript{th} December 1994.

\textsuperscript{60} Malaysiakini, 1\textsuperscript{st} September 2005. ‘Samy: Don’t ask MIC candidates to withdraw.’

\textsuperscript{61} Malaysiakini, 8\textsuperscript{th} September 2005. ‘Subra waging ‘proxy-war’, says Samy.’

\textsuperscript{62} Malaysiakini, 28\textsuperscript{th} January 2006. ‘MIC sec-gen: Only 10 branches barred from holding meetings.’

\textsuperscript{63} Malaysiakini, 28\textsuperscript{th} January 2006. ‘Make way MIC ‘lama’, here comes MIC baru.’

\textsuperscript{64} Malaysiakini, 1\textsuperscript{st} March 2006. ‘Palanivel endorsed as No 2, Subra undeterred.’

\textsuperscript{65} Malaysiakini, 20th May 2006. ‘Game over: Samy flays Subra.’
delegates to cast their votes. On June 24th 2006, Subramaniam polled 495 votes compared to Palanivel’s 935 votes. Subramaniam’s defeat, at already 61 years of age, signalled an end of his long political career that began in 1973 when he was made executive secretary of the MIC.

Apart from fighting Subramaniam, Samy Vellu had also fallen out with some other prominent MIC leaders and these became headline news for the Indian community. V. Govindaraj was Samy Vellu’s man. He was nominated by Samy Vellu to be National Front’s man for the Port Klang by-election, made to compete against Subramaniam for the deputy’s post and as Selangor MIC chairman was handpicked by Samy Vellu to compete against V.L Kandan in the run up for Selangor leadership. However, since February 1983, Govindaraj faced disciplinary action from MIC under the suspicion of having ‘political interests in the Malaysian Indian Muslim Congress (KIMMA) or any other opposition parties’. In March 1983, Govindaraj was suspended for 12 months amidst protests from Govindaraj that he and Samy Vellu ‘ate, cycled together...’ and had actually been bosom buddies. Samy Vellu, however, claimed that ‘he had given Govindaraj many opportunities to reform but he did not and instead he assumed I was weak’. Samy Vellu cited the reasons for his suspension that as a state party chief he had fallen short in several financial responsibilities, he had acted contrary to the directives of the Central Working Committee, he had lied to the party’s disciplinary

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66 *Malaysiakini*, 2nd June 2006. ‘Palanivel: the hour of change has come.’

67 *Malaysiakini*, 24th June 2006. ‘Palanivel is new no 2, Samy team in.’

68 Ibid.


72 *The Star*, 22nd February 1983.

73 *Sunday Mail*, 27th March 1983.

74 *The Star*, 27th March 1983.
committee and headquarters on a matter relating to a political party acting against MIC, and he had generally shirked his responsibilities as Selangor MIC leader, but the main reason was due to an initiative Govindaraj had taken to clear his name. When Mahalingam announced to Govindaraj that he had been instructed by the party president to tell him that the Prime Minister had agreed to drop Govindaraj as Barisan Nasional MP for Port Klang and that he was now instructed to resign from the MIC, Govindaraj wrote a long letter to the Prime Minister to clear his name. Samy Vellu felt that this letter had damaged the image of MIC. Govindaraj went on to form his own party, the Democratic Malaysian Indian Party (DMIP) but it was an unsuccessful political endeavour and Govindaraj was seen by Samy Vellu's side again in the 1989 elections as a friend, mediating between Samy Vellu and Subramaniam.

Another widely publicised falling out was when M.G Pandithan was sacked by MIC in 1988. Pandithan was popular with the Malaysian Indians because he came from a humble background, with his father being a City Hall sweeper and his mother a washerwoman, and he came from a lower caste. He was able to draw the crowds with his oratorical skills and enjoyed support mainly from Indians of the same caste as himself. In 1977 he won a Central Working Committee seat and in 1981 he became vice-president, was re-elected for a third term in 1987 and elected Tapah MP and Parliamentary Secretary in the then Trade and Industry ministry. However Pandithan stood in Subra's camp. In May 1981 it was reported that

75 Ibid.
76 The Star, 27th March 1983.
77 The Star, 31st March 1983.
78 New Straits Times, 17th February 1986.
79 The Malay Mail, 3rd October 1989.
80 The Star, 26th February 1995.
81 Ibid.
Pandithan would go all out to ensure that Senator S. Subramaniam was elected as the party’s deputy president in its forthcoming elections. In the run-up to the 1989 presidential elections, Pandithan was a victim to Samy Vellu’s familiar tactics in eliminating the power base of his opponent Subra, that of suspending Subra’s supporters. Pandithan was issued with a show cause letter asking him to explain the alleged use of caste issues and other sensitive issues to garner support. Pandithan responded with a protest ‘death fast’ lasting 48 hours during which a coffin (allegedly a symbolic gesture to note Samy Vellu’s political death) was brought to the MIC headquarters. Eleven of Pandithan’s supporters were also arrested as the crowd gathered at the MIC headquarters, awaiting the CWC’s decision to uphold the decision to suspend Pandithan. They smashed glass doors, burned the MIC flag and tore down a portrait of Samy Vellu. The Pandithan affair was criticised by MIC leaders such as Pathmanathan who claimed that the vote to expel Pandithan was through a show of hands at a meeting presided over by Samy Vellu. Critics charged that this was to intimidate CWC members who might have been sympathetic towards Pandithan. Pandithan was later to form another political party called the All Malaysian Indian Progressive Front (IPF).

Samy Vellu’s political style in managing the party was Machiavellian and geared towards the objective of retaining power for over three decades. But in the process of eliminating competition he stifled the possibility of alternative party leadership that could have provided a check and balance to his power and questioned his initiatives and their execution. The closing down and establishment of new branches consisting of his supporters and

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82 Echo, 28th May 1981.
83 The Star, 9th April 1989.
84 Ibid.
87 The Star, 30th January 1990.
suspensions of potential threats not only weakened the party structure but also gave rise to cronyism and nepotism under his reign as party president. Samy Vellu consistently reiterated that he had established party unity through his ‘disciplinary measures’ but that had also led to him being surrounded by ‘yes’ men.

Samy Vellu’s initiatives for the Indian Community

Samy Vellu had an action plan in waiting even before he won his first MIC presidential elections. On winning the presidential elections in 1981, the New Straits Times reported how ‘he promised to show everyone how his pet projects could succeed despite criticisms against them. These projects include the Jelapang Industrial Training Institute, the second MIC unit trust fund, the Vanto Academy takeover and the formation of a central Holding Company’. In 1983 The Star reported that ‘Datuk Samy Vellu has shown that he has a good grasp of the problems facing the Indian community since he took over as MIC president in 1979.’ Samy Vellu identified ‘education, economic well being and employment as the three main problem areas faced by the Malaysian Indians’.

In the same article, Samy Vellu laid out a detailed plan about how he was going to deal with these problem areas. He intended to make MIC the umbrella body for all other Indian-based organisations in the country so that the party could exert enough political pressure to carry out its plans. Tamil schools had poor facilities and a low standard of teaching. Samy Vellu wanted to group Tamil schools that were relatively close to each other to form a larger school so as to offer better facilities and teaching standards. He wanted Tamil schools to be changed to be fully government schools. In 1983, Samy Vellu intended to gradually increase the intake of Indian

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88 New Straits Times, 23rd March 1981.

89 The Star, 22 May 1983.

90 Ibid.

91 Ibid.
students in local institutions of higher learning to ten percent. In the economic sphere Samy Vellu pointed out that the Indian share of the corporate wealth had stagnated at one percent for more than ten years. He wanted the government to provide soft loans to Indian businessmen, opportunities to enable Indians to buy shares in restructured companies and licences for insurance companies, finance and leasing companies, mining leases and transport companies. These issue and strategies were reiterated throughout his three-decade reign.

In the early 1980s, the Indian community were impressed with Samy Vellu’s management and leadership style. ‘Samy stamps his mark on the MIC’, ‘Discipline makes its mark in the MIC’, ‘Samy Vellu: down to business’. Press comments lauded him: ‘While in the past, MIC meetings were often the brunt of jokes and ridicule for their unruliness, this weekend’s gathering of 823 delegates of the Barisan Nasional’s third largest component was noted for its high standard of discipline – thanks to the firm hand with which party boss Datuk S. Samy Vellu conducted the proceedings.’ The Far Eastern Economic Review stated that Samy Vellu’s popularity was very high and that MIC’s traditional electoral bases, rural plantation workers and up-country labourers, had shown a willingness to support his economic initiatives even though MIC’s previous cooperative ventures had slid into mediocre performances. It was also emphasized that the then Prime

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92 Ibid.
93 Ibid.
95 New Straits Times, 23rd July 1984.
Minister, Mahathir Mohamad and Samy Vellu ‘enjoy a relationship that goes back a long way’. 99

Samy Vellu portrayed a sense of mission and determination in the early stages of his career and this had something to do with his own personality and life trajectory. A recent biography100 revealed that Samy Vellu started his working life at the age of fourteen at an ice cream stall. By 1951, he was employed by J.R Venthavanam as an office boy but he was also taught how to draw the basics of architectural plans. Keen for a better life for himself, Samy Vellu got employed at a reputable architectural firm managed by G.M Davidson. In July 1972 he graduated as a Chartered Architect. As the eldest child of Sangilimuthu, a rubber tapper of Rengomalay Estate in Kluang, Samy Vellu had to support his siblings and step-siblings. He was never content with his earlier designations as a cook in a provision shop or as an office boy, he kept aspiring for more. This sense of ambition and drive was evident in his initiatives and party resolutions to be carried out for the Indian community.

Samy Vellu had been vocal to the Malaysian government regarding the needs of the Indian community. In 1980, as acting president of MIC, he brought up an issue that was to be a recurrent theme for the Indians for the next thirty years that ten percent of all jobs, university places, ownership of business concerns and scholarships should be given to the Indians.101 Samy Vellu highlighted this target at the Second Indian economic seminar. MIC officials stated that the issue surrounded ‘different groups competing with each other to secure a share of the cake’.102 Instead, Malay Finance Minister Tengku Razaleigh Hamzah pointed out that ‘while economic seminars of this nature were welcome as they provided valuable feedback to the government, there were also very often sensitive and provocative racial issues that were

100 See Narayanan, A life A legend A legacy
102 Ibid.
Tengku Razaleigh emphasized the ‘need of keeping things low key and making demands that did not rattle any one group’. This was to inform Samy Vellu’s style of negotiation with the government even though there were instances when he was to be aggressive in making demands. At the same seminar Samy Vellu stated that ‘the realities say that we will not get anywhere by demanding for things. It is better to ask for things in a low key manner and in stages.’

The ten percent equity for the Indians was raised several times for different sectors. For example, MIC requested ten percent seats for Indians in universities. In 1982, Samy Vellu pointed out that the Malaysian Indian share in the corporate sector was stagnant at one percent when it should be about seven percent by 1990. He hoped that the government would provide a holding company which MIC was setting up to take up shares on behalf of Malaysian Indians in both government companies as well as private institutions. But as early as 1984, he was reported to be losing heart in his goals. He claimed that in 1980 the Indian community managed to achieve only 0.9 percent equity percentage. In 1984, the figure had reached only 1.3 per cent. Samy Vellu stated, ‘It is only another six years to 1990 and I don’t think the target of seven percent equity participation can be reached ...We will be quite satisfied if the Indians reach the figure of five percent equity participation of $4 billion worth of investment instead of the targeted $6 billion’.

A major reason identified for Indians not receiving a more equitable share of the economic pie was that Indians had been classified as non- *bumiputera*,

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103 Ibid.

104 Ibid.

105 *New Straits Times*, 26th April 1983.

106 *New Straits Times*, 5th July 1982.


lumped together with the more economically advanced Chinese community. Speaking at the laying of a foundation stone of the Sri Muneeswara Temple at Kampong Pandan in early 1984, Samy Vellu reiterated that this matter had been brought up several times when reviewing past Malaysia Plans and the decision to classify the Indians separately had been agreed to by the then Prime Minster Dr Mahathir Mohamad. Samy Vellu enjoyed a minor victory when Indians were classified as a separate and distinct group under the Fifth Malaysia Plan.

There were other areas touching on the economic development of Indians that were a major concern for Samy Vellu. In 1981, MIC noted that Felda, a government agency started in 1956 that ensures the resettlement of the rural poor by offering small land holding for the purpose of growing cash crops, had a suspect perspective and orientation towards the New Economic Policy. MIC lamented that 'the absorption of Malaysian Indians into Felda schemes had been small and 2186 successful applicants had been waiting seven years for settlement'. In 1983, Samy Vellu sought the assistance of several Mentri Besar and Chief Ministers of the various States to allot land in industrial estates for MIC sponsored companies. In 1984 Samy Vellu alleged that banks were slamming their doors on Indian businessmen loans. MIC wrote to the Labour Minister and the Governor of Bank Negara stating that the Indian community was being discriminated against by 133 financial institutions in the country and that this was particularly serious for the Indian community as most Indian businessmen were small traders running retail shops and service industries.

109 Ibid.
110 New Straits Times, 16th January 1984.
111 New Straits Times, 3rd October 1981.
112 New Straits Times, 27th June 1983.
In 1994, Samy Vellu argued that economic success based on rapid industrialisation and dynamic national leadership had put Malaysia on the map. However, the majority of Indians trapped in the traditional estate sectors faced great difficulties to ride the economic success wave. The Indians needed governmental help, and a business and commercial vehicle to transform the Indian community into a prosperous segment of society. In 1996, MIC gave the Prime Minister an action-oriented proposal for the development of the Indian community under the Seventh Malaysia Plan. The proposal addressed issues of poverty eradication, better housing, better education and economic opportunities. Indian estate workers were not neglected. MIC announced that steps would be taken to ensure that Indian estate workers would reap the benefits of national development. He said that a task force formed under the Tun Abdul Razak to look into provisions of proper amenities for estate workers had not taken off as expected. Samy Vellu then claimed that a team would be put together under Vice President MIC, K. Pathmanathan, to submit a report on the latest developments on the matter of estate workers and then presented to the government. MIC encouraged the government to provide low cost housing for Indians. MIC also urged the government to take over estate schools and to improve conditions of Tamil schools in the country.

However it was in the mid-1980s that Samy Vellu was vociferous about the marginalisation of Indians, particularly in the civil service. He was reported as having said that, ‘non-Malays are being denied places and promotional

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114 The Star, 11th December 1994.
115 The Star, 29th January 1996.
117 Malay Mail, 12th February 1981.
118 New Straits Times, 9th February 1981.
opportunities in the civil service'.\textsuperscript{120} He said the civil service was dominated by one community and recruitment was based on race. Samy Vellu was also quoted as saying that, ‘...extremists were being placed in key positions in the civil service and non- Malays, especially Indians holding sensitive posts, were being removed and placed in non- sensitive positions’.\textsuperscript{121} For this assertion, Samy Vellu was cautioned by UMNO Youth executive council member Tamrin Ghaffar. Tamrin Ghaffar asked Samy Vellu to step down as he had not acted responsibly as a cabinet minister. Tamrin stated that Samy Vellu’s role as MIC president was interfering with his ministerial role and he was inciting communal politics.\textsuperscript{122} Samy Vellu retorted with statements in the press such as ‘I won’t shut up’\textsuperscript{123} and ‘I’ll tell all at assembly’.\textsuperscript{124} But it was ironic that within weeks of the issue of discrimination against Indians in the civil service being raised, Samy Vellu was reported to have been quelled by discussions held with Minister Khalil Yaakob and that Samy Vellu was ‘satisfied’ with the position of Indian officers in professional postings in the civil service .\textsuperscript{125} No explanations, details or statistics were brought forward or highlighted as to why Samy Vellu was ‘satisfied’.\textsuperscript{126}

Surveying MIC annual reports during Samy Vellu’s reign reveals an extensive list of activities and resolutions addressing issues in education, welfare and economic development. There were grants to temples and Tamil Schools.\textsuperscript{127} An MIC Land Committee was in operation which sent out survey forms to investigate the Malaysian Indian status in land ownership and the

\textsuperscript{120} The Star, 18\textsuperscript{th} July 1985.

\textsuperscript{121} Ibid.

\textsuperscript{122} New Sunday Times, 23\textsuperscript{rd} June 1985.

\textsuperscript{123} The Star, 22\textsuperscript{nd} July 1985.

\textsuperscript{124} The Star, 24\textsuperscript{th} June 1985.

\textsuperscript{125} The Star, 16\textsuperscript{th} August 1985.

\textsuperscript{126} Ibid.

\textsuperscript{127} MIC Annual report 1985/1986. NUS Singapore /Malaysia collection.
problems faced by Indians in having land and titles.\textsuperscript{128} There were visits to estates, accompanied by officials of the Ministry of Human Resources, to inspect living conditions of estates throughout the country. The outcome of these visits was a five-year development plan that entailed 27,700 units of substandard houses in 800 estates being rebuilt, improvement in child care facilities, building of community halls, the improvement of the quantity and quality of water supply in estates and an improvement in electrical and medical facilities.\textsuperscript{129} An Estate Workers Home Ownership Scheme was debated within the party to build 4384 units of houses.\textsuperscript{130} There was much focus on development of Tamil schooling and education with workshops for teachers and students, plans for the improvement of facilities of Tamil schools and scholarships and grants to students. There was also the Educational Recovery Programme (EDUREC) to upgrade the level of educational achievement of Indian students in primary and secondary schools as well as the Smart Schools project in an effort to upgrade Tamil education in line with the country's educational standards of the Indians in Malaysia.\textsuperscript{131}

Significant initiatives in education included the buying of Vanto Academy from owners Thomas and Anthony Verghese in 1980.\textsuperscript{132} In 1985 it was documented that Vanto Academy had a student enrolment of 1221. The courses offered were Sijil Rendah Pelajaran (SRP), Sijil Pelajaran Malaysia, SPM, GCE O' Levels and GCE A Levels. There was also a VANTO Professional Centre which offered courses in School of Management Studies, School of Engineering Technology, School of Adult Education,
L.L.B, Pre Law, Legal Secretarial work and in computers. In 1984, Maju Institute of Educational Development (MIED) was established by Samy Vellu to improve opportunities for Indian in institutions of higher learning by providing loans and scholarships to meet their educational needs. In 1988, Kolej TAFE was set up in Seremban and it offered certificate and diploma courses in engineering, computing and business. There were also diploma courses in subjects such as aircraft maintenance technology, automotive engineering, civil engineering and electrical and electronics engineering. TAFE College was built at a cost of 30 million ringgit to MIED. In 1997, the enrolment stood at 3100. It is important to note that TAFE also admitted 40% non-Indian students in the college. In 2001, AIMST University began operations. It was funded and established by MIED. AIMST boasts a campus with modern facilities and the degree programmes curriculum are drawn from the University of Bristol in the U.K. Courses offered range across medicine, dentistry, engineering, computer technology and even business administration.

In attempting to achieve economic equity, Samy Vellu’s main drive was setting up Maika Holdings Bhd. In August 1983, MIC announced that Maika Holdings would need $75 million for the projects it wished to participate in. Samy Vellu declared that Maika’s projects would cover four areas: insurance business, in the restructuring activities carried out by companies, privatising Government agencies and in the first private television network, generally known as the Third Channel, which went on air by January 1985. In the action plan for raising funds Samy Vellu revealed the ‘System 50’, which was expected to raise at least $35 million by November 1983. Under this plan each of the 720 MIC branches would identify 50 investors who would

137 New Sunday Times, 21 August 1983.
undertake to invest $1000 each. In addition MIC had identified 3000
Malaysian Indian professionals, including those of Pakistani and Bangladesh
and Sri Lankan origins, from whom they hoped to raise $15 million. MIC also
planned to raise funds from India institutions.\textsuperscript{138} Early in 1984 Samy Vellu
was reported urging Indians, 'It's now or never' to participate in even more
ambitious fund collecting for Maika Holdings.\textsuperscript{139} He claimed that it was still
another two years to the introduction of the next five year plan and he was
keen that Maika Holdings would increase Malaysian Indian equity
participation in the corporate sector from the present 1.3 percent to at least 2
percent, with the MIC target being 2.5 percent. He was also hoping to
collect about $1000 each on the average from the 500,000 working Indians
to realise some $500 million.\textsuperscript{140}

In April 1984 it was reported that Maika Holdings Bhd's restricted public
issue of 50 million ordinary shares of $1 each at par had drawn keen interest
from members of the MIC.\textsuperscript{141} In 1985, Maika Holdings was poised to move
into finance, banking, trading manufacturing, agricultural development,
plantation, transport, marketing and viable joint ventures.\textsuperscript{142} Maika was
modelled on the aggressive investment holding company, Multi-Purpose
Holdings (MPHB) that was a cooperative with strong links to the Malaysian
Chinese Association (MCA).\textsuperscript{143} Maika's success in raising $106 000 000 with
66 649 share holders made it largest shareholding company in Malaysia in
the eighties.\textsuperscript{144}

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\textsuperscript{138} Ibid.
\textsuperscript{139} New Straits Times, 23rd January 1984.
\textsuperscript{140} Ibid.
\textsuperscript{141} Business Times, 11th April 1984.
\textsuperscript{142} New Straits Times, 17th May 1985.
\textsuperscript{143} James Clad, 'The other Malaysians,' Far Eastern Economic Review, 26th July 1984. 22-23.
\textsuperscript{144} MIC Annual report 1984/1985. NUS Singapore /Malaysia collection.
\end{flushright}
Despite these initiatives, in 2001, twenty years after coming to power and implementing the above mentioned initiatives, Samy Vellu was still asking the government for ten percent quota in university for Indian students, calling for the establishment of a national unit trust fund to help achieve the official goal of doubling Indians’ corporate stake to three percent in the next 10 years, urging the government to provide opportunities for Indians in small and medium-size businesses and advising the government to promote Indians in the police and armed forces, saying some have held the same rank for more than 10 years.\(^{145}\) Opposition leaders such as Democratic Action Party (DAP) leader, Lit Kit Siang, began to ask, ‘Two decades on, what has Samy done?’\(^{146}\) Kit Siang’s line of questioning was that the Indians were not considered such an ‘underclass’ as much as they are considered after 24 years of the political supremacy of Samy Vellu. He said that the Indians had come to be considered the new ‘criminal class’ of Malaysia.\(^{147}\) Kit Siang pointed to the revelation by parliamentary secretary to the Prime Minister’s Department, Kamsiyah Yeop, that the Indian ratio in the public service had plunged from 9.8 percent in 1980 to 5.2 percent currently.\(^{148}\) There was also no answer as to why there were no Indian Malaysians at the higher levels of the civil service.\(^{149}\)

In 2004, the non-government Group of Concerned Citizens (GCC) launched a booklet that drew attention to the woes of the Indian Malaysian community and called for the resignation of Samy Vellu. Among the issues raised were the increasing numbers of Indian youths dying in police custody and the worsening economic disparity in the community compared to other races. As well as the government’s alleged ineffectiveness in addressing the social ills

\(^{145}\) Malaysiakini, 20th May 2001. ‘Ensure 10 percent university quota for Indians urged MIC.’

\(^{146}\) Malaysiakini, 20\(^{th}\) October 2003. ‘Kit Siang: Two decades on, what has Samy done?’

\(^{147}\) Ibid.

\(^{148}\) Malaysiakini, 22\(^{nd}\) October 2003. ‘Lim: Samy, where are the Indian civil servants?’

\(^{149}\) Ibid.
plaguing the Indian community, the poor monetary allocation for Tamil schools and the under-enrolment of Indian students in public universities.\textsuperscript{150} Finally in 2005, Samy Vellu himself began accusing the government of failing to help the Indian minority group improve its wealth.\textsuperscript{151} Samy Vellu threatened to withdraw his party's support from the government unless the target, outlined in an economic report, was achieved. He was quoted as saying that ‘If the target was not achieved, there is no point in talking after that. We will not talk about equity or anything. We will close shop.’ \textsuperscript{152} He also said that the government had not put any specific mechanisms in place for Indians to achieve the target. The community on its own could not raise the equity share to three percent. That is why MIC had repeatedly asked the government to help. \textsuperscript{153} The withdrawal of course did not happen and MIC remained a component party of the BN. Obviously Samy had not lived up to the community’s expectations. This chapter goes on to show that part of the problem lay within MIC and partly it was systemic as a reflection of the Malaysian political system.

\textbf{Mismanagement and Scandals}

By the mid-1980s, editorials criticising MIC and Samy Vellu began appearing in the press:

\begin{quote}
MIC general assemblies come and go. Resolutions are passed. Songs are sung. Threats and counter threats of resignation by party leaders are made. Challenges are thrown. Tempers are exchanged. But in the end, party leaders emerge victorious. The climate is set for the next general assembly. In the excitement and euphoria, the Indian community and its problems are forgotten. ...The community is being led to believe that the MIC is effective in handling Indian grievances. The truth is far from this. All that needs to be done is to study the resolutions of the party over the last 10 years, the
\end{quote}

\textsuperscript{150} \textit{Malaysiakini, 11\textsuperscript{th} March 2004. ‘Citizens group blames Samy Vellu for community’s woes.’}

\textsuperscript{151} \textit{Malaysiakini, 10\textsuperscript{th} October 2005. ‘Samy accuses government of failing Indian Malaysians.’}

\textsuperscript{152} Ibid.

\textsuperscript{153} Ibid.
blueprints, the committee reports, the recommendations of expert panels, the plans and the numerous seminars on education, culture and economics. It is amazing to see how much is promised and how little is achieved. It is interesting to note how delegates keep passing resolutions without asking what had become of earlier resolutions, accept new promises from the leadership when the old ones have not been kept, plan new strategies when the previous ones are gathering dust on the shelves. The problems that were identified 10 years ago as critical for the community remain critical today...154

Ramasamy cites reasons for the relative political impotency of the MIC as described above. First, he focuses on the politics of Malay hegemony.155 Ramasamy argues that MIC does not operate in a vacuum, MIC represents Indians by being a component of the coalition BN. Since the May 1969 riots in Malaysia, the relationship between UMNO and the non-Malay component parties was to alter and become ‘an unequal relationship’156 with ‘the mandate to rectify Malay injustices’.157 Ramasamy notes that Malay hegemony ‘essentially entailed UMNO giving priority to the political, economic and cultural interests of Malays. While the practice of Malay hegemony did not include the participation of non-Malays, their interests and concerns were clearly subordinated to the interest of the Malays.’158 Ramasamy’s analysis lends credence to the earlier quoted editorial which goes on to state the following,

The plight of the Indian community can only improve in a political system which recognises that all communities have legitimate rights and responsibilities ...the party’s so called self help measures are nothing but a camouflage for its inability to secure the legitimate rights of the community.


155 P. Ramasamy, ‘Politics of Indian representation in Malaysia’ in Rising India and Indian Communities in East Asia, ed. Kesavapany et al. (Singapore: ISEAS, 2008) 358.

156 Ibid.

157 Ibid.

158 Ibid.
So it sets up its own schools (Vanto academy and others) with funds collected from the community, it mobilises Indian capital through cooperatives to build its own houses, it established Maika Holdings with capital collected from across the community, and it is going on a campaign to raise $10 million for a scholarship fund. All these in addition to the numerous other collections from the community extracted by various Indian religious and cultural bodies. The Indian community can be said to be subject to double taxation – one to the government and the other to MIC and other Indian organisations. Why should this be? The community is entitled to its share of public funds...

The second reason that Ramasamy brought up was the flawed decision making and power structure within the MIC. He noted that the decision making body in MIC was not the annual assembly but the Central Working Committee, which is responsible for holding activities and debating issues affecting Indians, but which comes under heavy criticism for mechanically toeing the line of the president. Ramasamy also goes on to suggest that the 'elitist nature of the party structures, the overwhelming power of the party president, the nature of decision making in the party, the lack of viable opposition, the party has not been responsive to the ideas and suggestion emanating from the grassroots', making MIC a symbolic party that is giving the impression that it is helping the Indian community. Ramasamy is particularly critical of the fact that Samy Vellu had spoken on several instances of his personal relationship with Mahathir in getting things done for the Indian community. He writes that the dependence of MIC leaders on UMNO leaders 'makes a mockery of the practice of democracy, consultation and accountability on the part of the government as well as its Indian

159 The Star, 15th November 1986.
160 P. Ramasamy, 'Politics of Indian representation in Malaysia' 361.
161 Ibid.
162 Ibid.
163 Ibid., 362.
component, the MIC.164 Again, Ramasamy’s analysis can be compared with editorials in the mid-1980s when concerns were voiced to keep Maika and MIC separate.165 It was noted that Samy Vellu conducted the second AGM of Maika when D. P Vijendran was the company chairman.166 It was also noted that several of the other directors were also MIC leaders.167 This posed difficulties in separating politics from business. The editorial noted that while decisions had been taken to invest in a television network there was no sense of accountability to shareholders. Questions such as ‘Who was the vendor? Was any valuation done? What was the objective of the purchase? How did Datuk Samy Vellu get involved in the purchase?’168 remained unanswered. The lack of consultation, information dissemination and the authoritarian style—leadership was to mire Maika and several other MIC initiatives in scandal and mismanagement.

By 1992, Maika Holdings was reported to be MIC’s ‘biggest embarrassment by continuing to be firmly in the red’169 despite an economic boom spanning five years. Maika managed to report after-tax profits for 1985 and 1986 largely because Maika’s managers kept the money parked in banks rather than investing it. When Maika did begin venturing out, the ‘company began haemorrhaging’.170 The group suffered a loss of RM532 025 in 1987, RM 521 811 in 1988, RM 3.09 million in 1989 and RM 4.69 million in 1990.171 Maika initially began with shares offered at RM 1 each and by the early 1990s, the shares could barely fetch 30sen each but no one was interested in buying.

164 Ibid. 363.
165 The Star, 3 June 1985.
166 Ibid.
167 Ibid.
168 Ibid.
170 Ibid.
171 Ibid.
Also almost 17,000 shareholders defaulted on their United Asian Bank (UAB) later Bank of Commerce, leading a legal firm Shook Lin and Bok to issue a writ against Samy Vellu for RM 17 million as he stood personal guarantee for many poor Indians. It was analysed that Maika would have sunk if not for its initial cash pile and the share allocations of public floatations. Most analysts credit the Maika nemesis to 'the group being run in a peculiar fashion' and poor investment decisions. In the Maika group's 1990 accounts an appropriated profit of RM 1.16 million was reported with the possibility of bringing total accumulated loses to RM 4.8 million. In 1987 Maika Holdings Berhad extended a loan to an unnamed corporation that was yet to be repaid in the early 1990s although it had a legal charge on a long-term leasehold property of the corporation as security on this loan. A tie-up with Patel Holdings to supply tin and palm oil to India financed by Maika Commodities with almost RM 5 million was suspect as the proceeds were collected by Patel Holdings but Maika was yet to realise any returns in the early 1990s. Strange investments were made in chopstick manufacturing and the acquisition of Anthonian book stores with the later incurring a loss of 12.5 million.

Gomez also highlighted the Maika-UAB controversy and the acquisition of Batu Lintang. He explains that one of Maika's primary aims was to obtain a banking license. When the Indian government announced its interest to

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172 Ibid.
173 Ibid.
174 Ibid.
175 Ibid.
176 Ibid.
177 Ibid.
179 Ibid., 262.

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divest in UAB in 1985, Samy Vellu led a Maika delegation to India to negotiate a takeover. This met with local censure from Tengku Ariff Bendahara, arguing that Samy Vellu had not consulted the bank's board.¹⁸⁰ Maika tried to acquire UAB by purchasing local investor shares in the bank. In 1986 it secured ownership of Asian Holdings Bhd which held 6 percent ownership of UAB's equity and later Maika attained almost 8 percent.¹⁸¹ However, UAB itself proved to not be a sound investment as the bank's share price began to fall because of a revamp of the bank's top management. By 1984 UAB had suffered losses totalling RM 20.9 million. By the end of 1986 UAB losses were RM 350.5 million, which wiped out the bank's shareholders' funds.¹⁸² By 1989 Maika's stake in UAB had gone down to 4 percent.¹⁸³ In October 1986, Maika made another poor investment of RM 9.59 million in Batu Lintang, a Kuching-based property involved in rubber and palm oil production. Maika invested in Batu Lintang anticipating a general offer for Batu Lintang shares and expected a windfall by buying into the company but the offer never came, and the Batu Lintang Company was suspended for a long time from trading on the KL Stock Exchange.¹⁸⁴

However, it was the Telekom share issue that put Maika in the spotlight for interrogation. In May 1992, Samy Vellu refuted allegations of irregularities in the sale of Telekom Malaysia shares allotted to Maika Holdings Bhd and three other firms.¹⁸⁵ Opposition Leaders Lim Kit Siang debated the Bankruptcy Act of 1992, accusing Samy Vellu of 'resorting to criminal action by diverting the nine million shares to three companies instead of giving it to

¹⁸⁰ Ibid.
¹⁸¹ Ibid.
¹⁸² Ibid., 263.
¹⁸³ Ibid., 264.
Maika Holdings'. Kit Siang contended that the transfer of shares to the three companies had made Maika Holdings shareholders 'bankrupt'. The chronology of events is as follows. Telekoms was privatised in October 1990, issuing 2 billion shares at RM 5 each. In September 1990, Samy Vellu approached the government for an allocation of 10 million shares for the benefit of the Indian community. However, it was reported that at the same time Samy Vellu had no confidence in Maika in absorbing all 10 million shares; ' I could have given all the shares to Maika Holdings if not for their past business records. They don't deserve 10 million shares because of the dismal performance of the Maika management'. This statement was ironic. As mentioned earlier, Samy Vellu micro-managed MIC and MIC led projects such as Maika by even super-ceding the company chairmen at AGMs. Based on Samy Vellu's instructions, the shares were relocated between Maika (1 million), Advance Personal Computers (APC) (three million), SB Management Sdn Bhd (three million) and Clearway Sdn Bhd (three million). Samy Vellu claimed that this was done in consultation with the chief executive of Maika, Rama Iyer. But Rama Iyer protested that Maika had already arranged a RM 50 million bank loan for the full share. This was to infuriate Samy Vellu later and he would direct the Board of Directors of Maika Holdings to immediately demand the resignation of Rama Iyer. Samy Vellu was upset that Iyer kept insisting that the 10 million shares were for Maika when they had been allotted to MIC. Samy Vellu refuted the allegations that the three companies were linked to his

187 Ibid.
189 Koshy Philip, 'To share or not to share,' Malaysian Business, 15th June 1992.
192 Ibid.
brother-in-law and son. He instead claimed that the net proceeds from the share sale of the three companies were channelled to the MIED in three instalments between November 1990 and April 1992. Maika shareholders instead voiced a feeling of complete betrayal. 'Even if the money was donated to the college, it is up to Maika shareholders to decide.'

As a result of the Telekom share issue, Samy Vellu along with others such as MIC Vice president M. Mahalingam, Maika Holdings chairman Pasamanickam and Samy Vellu's son were directed to declare all properties under the Emergency (Essential Powers) Ordinance 22 of 1970 to the Anti Corruption Agency (ACA). The ACA also raided the offices of the three companies. The ACA interviewed people with links to the companies and Maika and examined books and documents of MIC and Maika. This further sparked a controversy surrounding Samy Vellu's personal wealth—he owned several villages in South India, 32,000 hectares in land holdings and properties in Australia.

After the Telekom affair, Maika's image as a corporate company could not sink further. Earlier it had been reported that Maika Holdings Bhd had AGMs with 'blows, kicks and punches thrown and abusive language hurled in fierce intermittent scuffles between two groups of shareholders. Federal Reserve Unit personnel were called in to control the 3000 shareholders...' In 1989, DAP Member of Parliament, Karpal Singh, had exposed allegations that D.P. Vijandran, Director of Maika Holdings, had appeared with scores of women on a pornographic videotape. Vijandran had to resign as Maika chairman and

194 Ibid.
197 Koshy Philip, 'To share or not to share,' Malayan Business, 15th June 1992.
deputy speaker. Samy Vellu had also shown irregularities in the management of other organisations affiliated with the MIC. In 1988, Indians who had invested in Koperasi Pekerja Jaya (KPJ) in the hope of getting houses had dismal hopes of recovering their money. Tamil Osai reported KPJ declaring losses in 1988 had stalled some 19 housing projects despite promises from Samy Vellu that the housing projects would be ready in two years. Housing projects in Masai, Johor, shut down operations without any explanation. To quell public sentiment, Samy Vellu publicly stood guarantee for every sen deposited in KPJ and promised to return the money of members who had requested a refund. In 1991, former Gunung Rapat MIC branch chairman, R. Perumal, filed a writ in the High Court against Samy Vellu demanding that the MIC president submit a full statement of account on the RM 7 million in public donations collected for the Vanto Academy. These were among the eight orders sought in the writ dated October 19 1990 and served on Samy Vellu's lawyers. Even as Works Minister he endured a string of troubled government projects such as the North-South Highway, Pergau dam project, Sultan Ismail hospital in Johor Bahru, Temerloh Hospital in Pahang and the Middle Road II Highway sudden closure. Samy Vellu's family was also allegedly involved in personal scandals that became public knowledge, tarnishing Samy Vellu's professional image as a community leader.

MIC and Samy Vellu do not exist in a vacuum...

Samy Vellu's ruthlessness in handling opposition within the party and the Indian community, mismanagement of community funds through mega

201 Tamil Osai, 17th April 1988.

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projects like Maika and other cooperatives, and relative impotency in negotiating minority rights for the Indian community led many Indians to view him in a disreputable light. The question remains as to how Samy Vellu was not only allowed to exist but to thrive in the Malaysian political system. The answer lies in examining the Malaysian political system and Samy Vellu’s political masters in the UMNO.

Samy Vellu rose to power as president of MIC about the same time Dr Mahathir Mohamad became Prime Minister in 1981. Mahathir had an autocratic style of governance. By concentrating power in the Prime Minister’s hands, he encouraged the mixing of business and politics which was to fuel money politics and political patronage in business. The tolerance for big projects at tremendous costs and big losses through scandals created a Malaysian political milieu that became accepting of slip ups, blunders and excesses that go beyond good governance.

Mahathir retained the upper hand when dealing with factionalism and opposition to him within, and outside of, UMNO. This was demonstrated with the factions that developed according to Team A, led by Mahathir and Ghaffar Baba and Team B led by Tengku Razaleigh and Musa Hitam, both leaders who had been demoted to less prominent portfolios within the UMNO before the 1986/87 UMNO elections. Team B highlighted issues of corruption at the higher levels of power, focusing on Mahathir’s chosen Finance Minister, Daim Zainuddin and his activities. When Team B lost the elections Mahathir conducted purges of all Team B supporters within the party and at lower levels of both state and federal governments. The tussle was then pursued through legal means that led to the renaming of UMNO into ‘UMNO baru’ and the creation of a new political party against Mahathir’s UMNO, Semangat 46 which was to later recede into political


\[207\] Ibid., 205.

\[208\] See Means, *Malaysian politics for more information*
oblivion. At several junctures of his career Mahathir made constitutional amendments to curb the powers of Malay royalty and the power of the Malaysian Judiciary, making it subservient to the powers of the Prime Minister. Mahathir denounced organisations such as Aliran, the Consumers Association of Penang (CAP), and others including opposition parties DAP and PAS as enemies of State, since they questioned government policy. He also did not hesitate to employ the Internal Security Act (ISA) in Operation Lalang in detaining protestors who had been sparked off by the promotion of non-Chinese educated teachers. There was also the shocking incident of Mahathir incriminating his Deputy Prime Minister, friend and neighbour, Anwar Ibrahim, on charges of sodomy, removing him from power, since Anwar had begun to question and posit an alternative recovery plan from Mahathir for Malaysia during the Asian financial crisis of the 1990s.

Many writers such as Milne and Mauzy, Means, Gomez and Shome, have discussed the life and times of Mahathir with mixed feelings over the impact of his political rule in Malaysia. Barry Wain in his more recent biography of Mahathir explains how ‘Dr Mahathir plunged UMNO deep into the corporate world ...They turned the party into a vast conglomerate, with investments that spanned almost the entire economy, inducing a profound change in the nature and role of UMNO’. Wain goes on to claim that ‘Malays joined UMNO not so much to do community service

209 Means, Malaysian politics, 194.

210 See Wain, Malaysian maverick, Weiss, Protest and possibilities and Milne and Mauzy, Malaysian politics under Mahathir.


212 Means, Malaysian politics

213 Gomez, Political business

214 Anthony S.K Shome, Malay political leadership (Richmond: Curzon, 2002).


216 Ibid., 125
anymore but to make contacts and get the contracts that would bring easy profits, the phenomenon was known as money politics. In his chapter ‘A volatile mix of business and politics’, Wain explains how the use of an ‘UMNO political Fund’ led to UMNO associations with several companies such as Fleet Holdings and United Engineers (Malaysia) Bhd and Hatibudi Sdn Bhd, amongst others that revealed UMNO officials mixing private business interests with UMNO’s business and a series of highs and lows in the profit-making venture. Apart from that, Mahathir is also known for having tolerated tremendous losses in the tin trade in the mid 1980. This was the Bumiputra Malaysia Finance Ltd (BMF) scandal /affair that led to losses in billions, and the ‘forex fiasco’. It did not help that Mahathir was also spending hundreds of millions if not billions in mega construction projects including the Petronas twin Towers, RM 8 billion Multimedia Super corridor and PutraJaya. Given this context, it is easy to place Samy Vellu as a typical Malaysian politician whose political strategies and economic initiatives for the Indian community demonstrated that he was a product of the system rather than an anomaly.

Furthermore, Samy Vellu was operating in a civic space that had further tightened as Mahathir, a proclaimed ‘Malay ultra’, took over power. Negotiating for Indian rights was a personal issue within the close friendship Samy Vellu had with Mahathir. As author of the book/manifesto ‘The Malay Dilemma’, Mahathir had clearly articulated his partiality towards the Malays as ‘the rightful owners of Malaya’ and the ‘definitive people’ of

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217 Ibid., 125
218 Ibid., 166
219 Ibid., 189
220 Means, Malaysian politics, 83
221 Ibid.
222 Ibid.
223 Ibid.
the country 'who both need and have a right to expanded programmes to
guarantee their special rights and to assure the economic control of the
country'. Mahathir's beliefs were played out when he set up a National
Economic Consultative Council (NECC) to initiate relevant action after the
New Economic Policy (NEP) terminated in 1990. After 1990 he endorsed the
National Development Policy (NDP), which contained the same objectives
as the NEP to fulfil targets of Malay corporate ownership with slight changes
in standards and expectations. His initiatives in furthering Islamic policy
could also be seen as crystallising Malay identity in Malaysia. Means writes
that 'Dr Mahathir expressed the view that for the Malays, Islam was a
powerful source of identity which he likened to nationalism'. Although his
initiatives in establishing institutions such as Islamic banking and the
International Islamic University were partly a response to the Islamic
resurgence in Malay society and political competition from the opposition
Islamic party PAS, facilitated the 'other-ing' of non-Malay minorities who
gradually witnessed a growing lack of intolerance in judicial complexity and
the cultural place of their non-Muslim practices (more in chapter 6).

By the 1990s, Mahathir's 1982 election slogan, 'Clean, Efficient and
Trustworthy' had begun to ring hollow. Weiss writes that the Asian
financial crisis of 1997-1999 plus the Anwar factor was catalyst for the
Malaysian people to start opening up spaces of dialogue through protest and
cyber activism that began to question the Malaysian political system. This
was the Reformasi movement that witnessed the aligning of protestors and
NGOs, and the establishment of Opposition Coalitions such as the Barisan
Alternatif (BA) that began agitating for governmental reforms.

224 Ibid.
225 See Milne and Mauzy, Malaysian politics under Mahathir, 73
226 Ibid., 99
227 Means, Malaysian politics, 123
228 See Meredith Weiss, Protest and possibilities: civil society and coalitions for political change in
Malaysia,(Stanford, California: Stanford University Press, 2006) for more detail
Reformasi was vital in generating a culture of criticism towards the Barisan Nasional of which MIC and Samy Vellu were a component. Although Weiss characterises the Reformasi activists as ‘young, middle class Malay men’\textsuperscript{229}, Indian professionals, educationists and lawyers also formed organisations such as the GCC (Group of Concerned Citizens) and Prim, (Parti Reformasi India Malaysia) to question MIC and champion Indian minority rights in Malaysia. It was obvious that though Samy Vellu maintained an iron grip on the MIC internal structure, his leadership of the Indian community in Malaysia was a hollow position for many. Chapter 5 and 6 will demonstrate that alternative organisations emerged to cover areas that MIC had failed to address in aiding the community and that development in the Malaysian political and cultural context such as the rise of Islamisation had become too large a phenomenon for Samy Vellu and MIC alone to address efficiently.

**Conclusion**

When expounding on the Indian plight in Malaysia, many ordinary Malaysians, Malays and Indians point to Samy Vellu as ‘the beast’ who is responsible for all of the Indian community’s problems. For the Malays interviewed, this is a comfortable explanation to expunge their conscience by saying that ‘We gave Samy Vellu everything ...Samy Vellu is a very rich man ...he messed it up and it is not our fault’. Indians dismiss his thirty years as a lost opportunity. Indians argue that his political style of concentrating power in his own hands and his cronies did not allow opportunities to flow down to the common Indian man on the street. Also he did not allow capable men to manage MIC projects out of fear that they may one day threaten his position. But as this chapter demonstrates, Samy Vellu’s tactics in suppressing opposition, his autocratic style of management, the overwhelming ambition to execute big projects at tremendous cost and the heart ache that Maika turned out to be are actually symptomatic of the political style of his political masters in Barisan Nasional. In comparing the leadership style of both Mahathir and Samy in suppressing rivals, tinkering with the system to retain an upper hand and mismanagement of big projects,

\textsuperscript{229} Ibid., 134
Samy does not come across as being an exception to the Mahathir-led, Barisan *modus operandi*. Samy Vellu was simply operating within a system which he was a part of.
Chapter 5- Alternative spaces to the MIC

Malaysian Indian Congress (MIC), as a component party of the Barisan Nasional, (BN) occupied a virtual monopoly of the political space and representation of the Indians in Malaysia. Yet as we have seen, MIC was operating within limited parameters of a divided and numerically small Malaysian Indian electorate and within a political milieu that propagated affirmative action for the majority Malay population. Furthermore, MIC was headed by leaders who were unable to inspire and lift the Indian community from the problems that they inherited at Independence. Malaysian politics was also not known for a rigorous opposition to the incumbent National Front. Nonetheless, there was an organic emergence of non-governmental organisations, some weak attempts at establishing alternative political parties to the MIC and a few Indian politicians who became parliamentarians on the ticket of opposition non-communal parties in Malaysia. As civic space for non-Muslim, Malay minorities became even more restricted with the rising Islamisation in Malaysia, individuals and organisations in the Hindu Indian community became more vociferous in highlighting discrimination against Hindus and Indians in the area of human rights, conversion cases and Hindu temple demolitions. This chapter will explain the opposition in Malaysia and the creation of the interstitial organisations that questioned the BN/MIC, which eventually led to the establishment of alternatives to the MIC such as the Hindraf.

The Malaysian opposition

To place and assess the role of Indians in and the negotiation of minority rights by the opposition in Malaysia, it is important to first reiterate at this juncture the Malaysian political milieu and the compromised position of the Malaysian political opposition, and second to understand the trajectory of development of the Malaysian opposition. This will enable an understanding of why Indians and Indian political parties in the opposition, although they were placed strategically to question initiatives of BN/MIC, have only been able to negotiate limited outcomes for the community.
Malaysia has been dubbed a ‘quasi democracy’, ‘semi-democracy’, ‘pseudo democracy’ even ‘soft authoritarianism’ and an ‘illiberal democracy’.

Wong and Othman argue that for the last fifty years Malaysia has been an ‘electoral one-party system’. Characteristics of this system would be a dominant party like the UMNO or the UMNO-led coalition of the Alliance and later the Barisan National. The dominant party constrains opposition through controlled or manipulated elections and in such circumstances the ‘state – party boundary is blurred’. Within these limited parameters it was, and still is difficult for a credible Malaysian opposition to operate. From its inception in May 1946 to oppose the Malayan Union, to the resounding endorsement the UMNO-led Coalition, Alliance, received in the 1955 elections, the Alliance and later the Barisan National has continued to dominate at the Malaysian polls, losing a significant majority only in 1969 and 2008. With Malays being the majority, the central concern was the contest for the Malay vote. By 1964, Alliance’s vote had dropped to a majority of only 51.8%. Alliance faced its main competition from the Parti Islam Malaysia (PAS) which championed Malay-Muslim interests.

In September 1963, Malaya was merged with Singapore, Sabah and Sarawak to become Malaysia. The prime motive was to check Singapore from becoming increasingly communist. To maintain a majority Malay population, Sabah and Sarawak, being populated by groups who were also considered to be Bumiputera, were added to the equation. The significance of this merger was that it inducted Singapore’s People’s Action Party, (PAP) into the politics and rivalries of the Federation. PAP was not admitted into the Alliance. Instead, an Alliance party was started in Singapore to challenge PAP in the 1963 elections. In return PAP contested in nine constituencies against the Malaysian Chinese Association (MCA), though winning only one seat. The admission of PAP into Malaysian politics challenged the very

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2 Ibid., 3.

3 Ibid.
premise on which Malay (an) nationalism had been built on, an ethnic
national consciousness in favour of the Malays. PAP and its founder leader
Lee Kuan Yew espoused a ‘Malaysian Malaysia’ in which the country
belonged to Malaysians as a whole and not to any particular community. In
early 1965, PAP formed the Solidarity National Consciousness, soliciting the
support of the People’s Progressive Party, the United Democratic Party and
other political groups in Sabah and Sarawak. This incited the hostility of the
Malays who once again felt that their indigenous rights were being
questioned. In response, Tunku Abdul Rahman expelled Singapore from the
Malaysian Federation. But Vasil writes that the PAP had already ‘succeeded
in awakening and articulating the non-Malay communities to a degree that
the entire non-Malay opposition had failed to achieve over a much longer
period of its existence and efforts’.

The expulsion of the PAP gave rise to the formation of the Democratic Action
Party (DAP) in March 1966 to continue as the champion of ‘Malaysian
Malaysia’. The DAP pursued an anti-communal approach to politics that
drew support mainly from the non-Malay population. In the run-up to the
1969 elections, UMNO considered them the only credible opponents, and
their fears were not unfounded. Tunku Abdul Rahman attempted to slander
DAP’s political strategies as mischievous, aimed at creating hostilities
between Malays and non-Malays. Nonetheless, Alliance suffered losses at
the 1969 elections, securing only 47.95% of the votes compared to 57.62%
of the votes in the 1959 and 1964 elections. MCA was trounced at these
elections with DAP taking the prize for the non-Malays with 15 seats. Alliance
also lost the state of Penang to another Chinese-led party, Gerakan, and the
states of Perak and Selangor saw hung assemblies. This was a shocking
defeat for Alliance and it culminated in racial riots on May 13th 1969 between
primarily the Malays and the Chinese. DAP and Gerakan were made to
shoulder the official blame for inciting an assembly of UMNO supporters.

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The racial riots were actually an opportune moment for the Young Turks in UMNO, Mahathir Mohamad, Syed Nasir Ismail and Ghafar Baba, who were strongly pro-Malay. They began demanding a new approach to Malay paramountcy. They began to discredit and undermine Tunku Abdul Rahman as Prime Minister for his conciliatory approach towards non-Malays. In light of MCA’s crushing defeat at the 1969 elections and UMNO’s relative strength at the polls, it was declared that UMNO was the power base for the Alliance and that the composition for the new cabinet should reflect the popular base of each of the three parties. This would have effectively diminished the political clout of the non-Malay components within the Alliance. The implications of this moment in history, the narrowing of civic space for non-Malays in Malaysia, have been explained in chapter three. However it is crucial here to point out how the leaders of UMNO, under the auspices of the National Operations Council, were able to effectively render political opponents impotent for a significant amount of time. In 1971, the government initiated efforts to amend the Malaysian Constitution. The amendment sought to empower the parliament to pass laws prohibiting the questioning of the constitutional provisions relating to the national language, special position of the Malays, the sovereignty and status of the Malay rulers and citizenship. It also revoked the immunity from judicial proceedings enjoyed by members of Parliament and state assemblies with regard to what was said in the legislatures. Members of the opposition in DAP or the People’s Progressive Party (PPP) who attempted to question this amendment were silenced as being ‘ruthless, tricky, smooth, suave, slick political rogues.’

The leaders of UMNO also conceived the idea of the National Front (Barisan Nasional). Apart from the coalition with MCA and MIC, UMNO co-opted opposition parties beginning with Sarawak United People’s Party, Gerakan, PPP, and finally PAS. Apart from strengthening UMNO’s or BN’s position in

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5 Ibid., 178.
6 Ibid., 192.
parliament, as these pacts brought in parliamentary seats, the new premier, Tun Razak, also wanted to reduce politicking so as to focus on the national agenda of improving the economic status of the Malays and to promote Malay unity and UMNO’s dominance. Vasil, however, writes that the new arrangement under BN reduced the influence of the MCA and MIC, as now there were other non-Malay political parties with the Front to secure non-Malay votes. Through this manoeuvre, the only opposition left standing were the DAP, Social Justice Party and the Iban Sarawak National Party. Hence, the creation of an electoral one-party system.

According to Chin Huat and Othman this one party system was then maintained through certain strategies. First was through the control of enfranchisement. Upon Independence with Chinese and Indians gaining the citizenship, Malay percentage of the population fell to 56%. The Alliance, pressured by PAS to attract Malay votes, tightened citizenship procedures for non-Malays in 1960 and 1962. The second was through changes in international and interstate boundaries. The merger and separation with Singapore demonstrated the need to manipulate the percentages of the Chinese population in Malaysia and in 1969, when Selangor was returned with a hung assembly the Chinese majority Kuala Lumpur was carved out of Selangor in 1974 to keep it a Malay majority state. The third strategy was the delineation of constituencies. Since 1955, this was done to give advantage to Malay-dominated areas as well as to discriminate against Malay-based opposition. Finally, there was a tolerance of electoral irregularities with the existence of phantom voters, improperly registered names, contamination of electoral rolls and the failure to prevent multiple voting. These attempts plus the strict regulations and censorship of press and media in Malaysia.

7 Ibid.
presented very little opportunity for opposition to be able to present an alternative to the Barisan Nasional.

In the late 1990s a number of factors colluded to create the era of Reformasi (Reformation) in the Malaysian political arena. Weiss extrapolates key aspects of mobilisation and reform in an illiberal democracy by observing events such as the financial crisis, the sensational fall of Anwar Ibrahim from power in UMNO, rising Islamisation as an anti-thesis to Western modernisation and effects of reforms in neighbouring countries like Indonesia. Weiss states that the Reformasi launched by Anwar in 1998 and continued after his arrest spawned a political space generated by new Civil Society Agents (CSA) such as NGOs, a new political party, Keadilan, and several coalitions such as the Barisan Alternatif (BA). The Reformasi movement was also unhampered by lax internet regulations to encourage the Malaysian Multi Media Super corridor. Immediately after Anwar's arrest, some 50-odd websites emerged supporting the case of the sacked Deputy Prime Minister Anwar Ibrahim and calling for greater transparency in the governance of Malaysia. This led to the emergence of the famed Malaysian news website *Malaysiakini* and the proliferation of bloggers such as Jeff Ooi. It was indisputable that a space of communication and dialogue had opened up that had inadvertently led to an evolution of political processes in Malaysia. It has been a well-known fact that the local print media and television networks of Malaysia were state-owned and managed. Even though the Malaysian government was to later instigate suits and impose the Internal security threat against bloggers and websites that were considered dissident, the web had become a platform of discourse that was beyond state management. Organizations such as Bersih (clean) emerged to question the Malaysian electoral process and a rally culture became more common in the Malaysian context. This is not to say that there were no organizations before Reformasi that called for greater accountability of government practices. Apart from SUHAKAM, the Human Rights Commission of Malaysia which was established by Parliament under the

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10 Meredith Weiss, *Protest and possibilities: civil society and coalitions for political change in Malaysia*, 23. 179
Human Rights Commission of Malaysia Act 1999, Act 597, there was also the NGO, Suaram (Suara Rakyat Malaysia), (Malay for ‘Voice of the Malaysian People’), a human rights organization in Malaysia which was created in 1987 after Operation Lalang, when 106 opposition, unions, activist leaders were detained without trial under the Internal Security Act. The Reformasi incited in the Malaysians a spirit of standing up and questioning an otherwise authoritarian regime. The Indian organisations that were to emerge during or after this era, such as Prim, GCC and even Hindraf, were informed by these political processes and modus operandi.

**Indian parties and parliamentarians in the Malaysian opposition**

In the early years after Independence, there were few opportunities for Indians to be represented in the political arena outside the sphere of the MIC. There were Indians in opposition parties and some scuttled attempts to form parties by break away factions from the MIC. But the Indians in these opposition parties did not necessarily lobby solely for Indian communal rights although they were in a better position on several occasions to highlight the plight of the Malaysian Indians.

The People’s Progressive Party (PPP), founded in 1953, cannot be termed an Indian party, although it has had Indian leaders and drawn support from initially the Chinese labouring class and later Indians. PPP’s founders were also founding members of the Perak Labour Party.¹¹ Their initial objectives were confined to the state of Perak and to contest all elections at the state, municipal, town councils’ and town boards’ level. Although Dr S. Kanapathy –Pillai was the first president of the PPP, it was the Seenivasagam brothers, lawyers of Ceylonese descent, who enjoyed the limelight for the party. The key man behind the formation of the party was D.R Seenivasagam, the younger brother who had obtained his law degree from England. Before the formation of the PPP, he was the vice – president of the Labour Party.

¹¹ *The Straits Times*, 8th January 1953.
The Seenivasagam brothers and the PPP received the mandate they were seeking in the polls as an opposition party. In March 1959, S.P Seenivasagam, the older brother, won the Ipoh Town Council by-election to give his party a clear majority over the Alliance in the Council.\textsuperscript{12} In May 1959, although the Alliance swept into power in the State Legislative Assembly, PPP proved the strongest opponents against the Alliance. D.R Seenivasagam, secretary general of the PPP, was returned in the Pekan Bahru by a significant majority of 1756 votes.\textsuperscript{13} S.P Seenivasagam also won a seat in the same elections. In 1963, PPP won 18 seats as the strongest opposition against Alliance in the municipal and town councils elections\textsuperscript{14}. In 1969, Dato S.P Seenivasagam was returned to Menglembu parliamentary seat and Kuala Pari state seat.\textsuperscript{15}

The PPP stood for the rights of the common man. In 1958 D. R Seenivasagam declared that if PPP ever got the opportunity to form the new state government, they would ensure that no person would live in the fear of being detained without trial, that citizens would not be arrested under the banishment laws, Chinese and Indians would get a fair chance of continuing their education in their own languages and that PPP would resist the Razak education policy whereby the Chinese in Chinese schools had to take their examinations in English.\textsuperscript{16} In 1959, D.R Seenivasagam represented the PPP when he fought for multilingualism in the Perak State Assembly. He felt that although Malay was the official national language, in the recent years the Indians and Chinese had asked for multilingualism and that necessary amendments would have to be made to the constitution to enforce this. However, the PPP bid for multilingualism was defeated by an overwhelming

\textsuperscript{12} The Sunday Times, 1st March 1959.
\textsuperscript{13} The Malay Mail, 28\textsuperscript{th} May 1959.
\textsuperscript{14} The Straits Times, 24\textsuperscript{th} June 1963.
\textsuperscript{15} The Straits Times, 12 May 1969.
\textsuperscript{16} The Straits Times, 31\textsuperscript{st} March 1958.
majority in the Perak Assembly.\textsuperscript{17} Considering some of the issues the PPP lobbied for, Ramasamy rightly classifies them as ‘not an ethnic but multi-racial party’.\textsuperscript{18}

PPP’s political fortunes began to slide after the premature death of D.R Seenivasagam. In March 1974, S.P Seenivasagam decided that PPP should merge with the Barisan Nasional. His explanation was that ‘I don’t think that anybody in his senses can hope to have a non-Malay government. The only alternative is to have a combined Malay and non-Malay government.’\textsuperscript{19} Whether S.P Seenivasagam was reading the writing on the wall after the era of the New Economic Policy, ushering affirmative action for the Malays or he was trying to increase the clout of the restricted political base of the PPP, the decision to merge cost him heavily at the polls. It was reported that the people of Ipoh, opposition-oriented as they were, refused to accept PPP as part of the National Front and voted against him in the 1974 General Elections. S.P Seenivasagam lost his presidency of the Ipoh Municipality but was later made a Senator.\textsuperscript{20} However he, too, was to pass away shortly. The Seenivasagam brothers were considered a legend in some circles for their oratory and fiery speeches in parliament and they were considered the spine of the PPP. With their passing, the party had no effective leadership to rely on.

In 1994, a lawyer, M. Kayveas, primarily known for effective public relations, tried to revive the PPP. He changed the party’s name to PPP (Baru) or new, but the new title did not catch on with the public and press. He ordered a new party logo, wrote a new constitution, restructured the leadership and shifted the party’s headquarters from Ipoh to Kuala Lumpur. He also engaged full-time party workers, organised events such dress parties and spent money to make PPP prominent. However, Kayveas’s PPP did not draw the grass root

\textsuperscript{17} The Straits Times, 6\textsuperscript{th} October 1959.

\textsuperscript{18} P. Ramasamy, ‘Politics of Indian representation in Malaysia’, 367.

\textsuperscript{19} The Straits Times, 25\textsuperscript{th} March 1974.

\textsuperscript{20} New Sunday Times, 30\textsuperscript{th} July 1978.
support he had expected. After enduring numerous court cases due to internal bickering, Kayveas frequently drew on the ethnic card to woo Indian supporters from the Gerakan and even the MIC. Today it has lost its multi racial standing and is considered predominantly an Indian party. PPP also no longer enjoys the political significance it enjoyed during the era of the Seenivasagam brothers.

In 1976, Badrul Zaman, president of the then newly formed Kongress Indian Muslim Malaysia (KIMMA), claimed that it was necessary for a political party to represent the claims of the Indian Muslims. It claimed to be pro-government but never succeeded in gaining entry to the Barisan Nasional coalition and was deemed an opposition party. It also met resistance from the Muslim league in Penang and Province Wellesley whose president, S.M Shaik Alauddin, objected on the grounds that the newly registered KIMMA would divide the unity and solidarity of the Indian Muslims in Malaysia. MIC came out strongly against KIMMA, falsifying KIMMA's claim that it represented 500,000 Malaysians of Indian Muslim origin. Samy Vellu, who was acting president of MIC in 1977, was keen to assert MIC's dominance as the only recognised political party to represent Malaysian Indians. In its efforts to gain recognition in the political arena KIMMA also faced leadership problems caused by the sacking of seven of its national executive committee due to internal politicking. The party faced a split in factions in 1980 over the decision to keep lobbying for acceptance into the Barisan Nasional coalition and was relegated into political oblivion within a short span of time. As an editorial in the Straits Echo pointed out, 'At best, KIMMA is seen to be a superfluous entity on the local scene, but in its bid to attract to its fold

21 P. Ramasamy, 'Politics of Indian representation in Malaysia', 367.
22 Ibid.
23 The Star, 14th October 1977.
24 Straits Echo, 30th July 1979.
26 The Star, 10th May 1980.
Indian Muslim members of the MIC, KIMMA is also seen to be potentially disruptive of the unity of an important segment of the body politic.  

Other failed endeavours in creating Indian political parties were the Democratic Malaysian Indian Party (DMIP) by former MIC leader and party crony of Samy Vellu, V. Govindaraj, and the All Malaysian Indian progressive Front (IPF), formed by M.G Pandithan, a former MIC party leader sacked by Samy Vellu in 1988. Of the two, IPF, formed in 1990, was a more significant political organisation as it reflected factionalism in Indian politics according to caste and class lines. Pandithan, originally from a modest class and caste background, drew grass root support from mainly Tamils of the same class affiliation as himself. But again IPF did not have the funds, resources and the support from the Barisan Nasional Coalition it had hoped for, and even though it sought alliances from the PPP and KIMMA to shore up its power base, IPF existed largely on the periphery of Malaysian Indian politics.

Apart from the Seenivasagam brothers, there were other individuals who played a part on the side of the Malaysian opposition. V. David was one such example. V. David was born in financially modest circumstances. His father had a small farm and a herd of cattle. David’s major contributions and popularity emerged through his efforts in trade unionism. In 1953, he formed the Selangor Mills Workers Union (SMWU). In 1955, the union’s name was changed to National Union of Factory and general Workers (NUFGW). In the 1959 General Elections, David became the youngest member of parliament under the Labour Party ticket. The Labour Party was unfortunately deregistered in 1960 and David went on to join the Democratic Action Party (DAP). In 1978 David was elected to parliament for the Damansara Constituency and later returned in 1986 and again in 1990 for Puchong. David was also very active in the Malayan Trade Union Congress (MTUC). Judging from David’s profile, he was a primarily a labour activist and not just a representative of Indians in parliament. Although on several occasions he

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27 Straits Echo, 17th August 1979.

28 K George, Aliran Monthly Vol. 25.
was known to highlight the plight of the Indian plantation worker in parliament by focusing on issues of the South Indian Labour Fund, state of estate hospitals, low cost housing and other welfare related concerns.\textsuperscript{29}

Two other prominent Indian opposition members of parliament were Karpal Singh and M. Kulasegaran. Singh was a lawyer by training who became a parliamentarian on the DAP ticket in 1974. Singh was esteemed for his contributions particularly in the Jelutong Constituency. Karpal Singh was known for being outspoken in parliament and exposing corrupt practices within the BN such as the North–South highway scandal and the Vijendran pornographic videotape scandal. He has faced several suspensions from parliament and was detained under the Internal Security Act in 1987. M. Kulasegaran, elected in 2004 as a DAP parliamentarian for Ipoh Barat, Perak, has been more explicit in taking up the issue of the marginalisation of Indians in Malaysia. He openly objected to the demolition of Hindu temples, he was present on site to negotiate terms in the Moorthy case (to be explained later) and spoke up when the 9th Malaysia Plan was announced, expressing relief that Indians had not been ignored in the economic plan. But Indians in the opposition could take up the marginalisation of Indians only as a side issue. From the Seenivasagam brothers to M. Kulasegaran, they each had obligations to their parties' political mandates that did not focus on one particular ethnicity and MIC retained the monopoly of representing the Indians in an ethnicised Malaysian political milieu.

**Malaysian Indian NGOs and organisations.**

The Malaysian Indian community developed and established its own organisations to deal with its cultural, social, economic and political issues. While there are organisations such as The Temple of Fine Arts located in Jalan Berhala in Brickfields, Kuala Lumpur and the Temple of Fine Arts Penang, which concentrate on the Indian cultural and aesthetical developments of the Indian youth and community of Malaysia, and organisations that were set up to promote a section of Malaysian Indian

\textsuperscript{29} Dr V. David, *Era of trail*, (Peninsular Malaysia: Transport Workers Union, 1984).
identity like the Malaysian Dravida Association and Persatuan Telegu Malaysia, this chapter will concentrate on the organisations that lobbied for Indian communal rights in Malaysia. There are two categories to focus upon, the religious and non-religious organisations in Malaysia. Since the recent hiatus of 2006 in the active lobbying for Indian and particularly Hindu rights, the mandates and activities of many Indian organisations have become enmeshed. This has also encouraged close cooperation amongst the organisations to lobby in a united fashion.

There are several Hindu organisations in Malaysia that reflect the diversity in Hindu practices amongst the Indians such as the Malaysia Hindu Dharma Mamandram, Hindu Youth Organisation and Saiva Siddhanta Mandram but the Hindu Sangam and the Hindu Sevai Sangam have played a major role in Malaysian Hindu Affairs. The person who initiated the founding of the Hindu Sangam was K. Paramalingam KMN. He was a barrister-at-law and was then the Director General of the Public Trustee Department. He was assisted by K. Ramanathan B. A BL., a lawyer by profession and an ardent Hindu. K. Ramanathan was the president of Malaysian Indian Congress from 1950–1951. K. Paramalingam held a meeting on 15th April 1963 and formed an Ad-Hock Committee that met six times and prepared the ground work to form an organisation for Hindus in Malaysia. In January 1965 the ad-hock committee organised a seminar for all Hindu organisations at the famous Maha Mariamman temple, High Street, Kuala Lumpur. At this seminar the Malaysian Hindu Sangam (MHS) was established. The MHS’s core mandate was to co-ordinate Hindu religious activities, undertake religious education and to represent the Hindu community at the national and international level. MHS also extended into state and district councils to promote these objectives.30 Hindu Sangam became the spokesman and representative body for the Hindus in the country over several issues such as helping to coordinate the Gujarat earthquake relief in 2001, taking a stand in the ration of coconuts and the paying of a fee during the annual mega event for Tamil

Hindus in Malaysia, Thaipusam.\textsuperscript{31} With increasing Islamisation in the country, MHS also started voicing the Malaysian Hindu populations' stand on several issues. In 2001, the president of Hindu Sangam, Vaithiligiam, expressed concern over the increased propagation of hudud law amongst Malaysian political parties.\textsuperscript{32} MHS raised opposition over the demolition of Hindu temples in Malaysia and proposed that MHS be consulted before Hindu temples are relocated or demolished.\textsuperscript{33} MHS also spoke up when the status of Muslim conversion cases was unclear and Hindus were made to forcibly abide by Islamic practices (more to be explained later).

The Hindu Sevai Sangam (HSS) was started in 1983 by Ramaji.\textsuperscript{34} The initial mandate of the HSS was to impart Hindu philosophy, 'Shakta', in Malaysia, especially amongst the youth and children. There was and still is an emphasis on religious classes for youth, training camps, seminars and prayer meetings at temples and houses. In the published profile of the HSS, it is declared that HSS's formation was also inspired in uplifting Malaysian Indians who were particularly affected socially, culturally and economically by the fragmentation of estates (more on this later). As a result HSS started the SEWA project which provided free tuition classes, blood donation drive camps, free medical check-ups, visits to hospitals, orphanages and juvenile homes, adoption of children from single parents or broken homes and the running of foster homes. The HSS, as it will be explained later, played a significant role in the Hindraf cause.

Non-religious Indian NGOs focused primarily on the social issues of the Indian community. One such area of concern was education. The elite of the Indian community had long felt that education was the key to self-

\begin{footnotesize}
\textsuperscript{31} Malaysiakini, 12\textsuperscript{th} April 2001, ‘Coconut debate intensifies as Thaipusam approaches’, Malaysiakini, 22\textsuperscript{nd} Jan 2005, ‘Thaipusam fee irks temple devotees.’

\textsuperscript{32} Malaysiakini, 3rd April 2001, ‘Religious council members deny BN pledge.’

\textsuperscript{33} Malaysiakini, 17th July 2003, ‘Committee to protect Hindu temples formed.’

\textsuperscript{34} An interview with a senior staff of the HSS in 2009 revealed informally that HSS was inspired by the ideals of the Hindu RSS in India.
\end{footnotesize}
improvement. The Education Welfare and Research Foundation Malaysia (EWRF) and the Sri Murugan Center (SMC) have been notable in promoting the educational welfare of the Malaysian Indian Community. EWRF was founded in 1978 by activists who felt the deteriorating socio-economic position of the Indians had to be addressed through promoting educational support and facilities. In 1978, it launched Higher School Certificate Classes (HSC Classes) and Kindergarten classes. Soon it began to develop branches and centres around the country. Recently, it has diversified in its range of activities including organising camps, having Centres for Career Counselling and Guidance, a Junior Club, organising English language classes for juniors. The Sri Murugan Centre established in 1982 by Dato Dr M. Thambirajah had a simpler objective. Its main concern was to prepare students for the STPM (Form Six) examinations. These are the qualifying examinations for entry into the local universities. However, 30 years after these organisations had been established, the professionals running these organisations expressed a sense of disenchantment and dismay. This was because even though Indian students had done well in important examinations, the ethnic quota system had kept them out of prestigious faculties at the universities such as medicine and engineering. Another reason for disenchantment was that Indian graduates who had attained the relevant qualifications were still not able to get jobs in the government and even local firms in the private sector.

S.Nagarajan writes about the issue of estate fragmentation due to developments in the state economy moving away from rubber production and venturing into Oil Palm Cultivation. Estate fragmentation led to the

37 Interview with Mr S. Pasupathi, President EWRF Central Committee 2008/2010.
displacement of Indian plantation communities who then moved into squatter settlements in urban areas. This had negative economic as well as social impact on the newly displaced Indians. Initial problems were associated with the living conditions and welfare of those still residing on estates, the forced evictions from estates and the lack of adequate compensation to estate workers upon eviction for the generations of hard labour exacted on these plantations. An organisation called the Alaigal\textsuperscript{39} was established by several social activists to help estate children with tuition classes. Over time, as Indian communities in Klebang Estate, Kampung Chekkadi and other such estates began to face forcible evictions without compensation, Alaigal was called upon to lobby on their behalf by writing petitions and even picketing. On several occasions Alaigal activists faced arrest for their activities. Later the Parti Socialis Malaysia (PSM), with a strong Indian membership and leadership, was formed to champion the same issues. The activities of Alaigal and later PSM were effective not only in drawing attention to the under privileged Indian estate workers' plight but also taught the Indian community skills on how to picket and conduct demonstrations. This enhanced the civic consciousness amongst Indians as deserving citizens and could possibly explain the readiness to congregate in the unexpectedly large numbers that they did on November 25\textsuperscript{th} 2007 in Kuala Lumpur for the Hindraf Rally. Also, as explained earlier, the Reformasi in the late 1990s had transformed the political milieu in Malaysia and Malaysians in general had lost the fear of questioning an otherwise authoritarian regime. Marginalisation of the Indian minority had also escalated as Indians began to coexist in urban areas with the Malays, which led to ethnic clashes such as the Kampung Medan incident of 2001 and the atmosphere of rising Islamisation in Malaysia.

\textsuperscript{39}Jayakumar Devaraj, Speaking Truth to power; A socialist critique of development in Malaysia, (Malaysia, Richardson printmart, 2002).
The Kampung Medan incident as described by Nagarajan\textsuperscript{40} and Wilford\textsuperscript{41} was sparked by neighbourhood incidents such as one involving an Indian motorcyclist kicking the chairs and tables arranged for a Malay wedding that were blocking his way, and another of mistaken identity with Malays attacking Indians gathered at a funeral, and Indian neighbours quarrelling for compensation over a cracked windscreen of a van. Violence flared on the evening of March 8\textsuperscript{th} 2001 when armed Malays were seen attacking Indians along southern Petaling Jaya, in the Taman Desaria, Taman Medan, Taman Dato Harun and Taman Lindungan Jaya.\textsuperscript{42} The violence continued for a week with 6 fatalities and 50 injured.\textsuperscript{43} The portrayal of the clashes in the media angered Indians as they were portrayed as the aggressors and the Malays as the victims, when police statistics had revealed that most of the victims were Indians. Nagarajan claims that there was also resentment amongst the Indians by the stereotype perpetuated by some politicians and government leaders that Indian gang culture flourished in such settlements and that this had incited Malay settlers to react with anger and mistrust. In the aftermath, Indian organisations emerged to offer help and seek redress for the sufferings of the victims.

One such group was the Group of Concerned Citizens (GCC). In March 2001, GCC presented a memorandum to the government to confront the problem of racism which it claimed had resulted in the recent clashes.\textsuperscript{44} In July 2001, Charles Santiago, a spokes person for the GCC, urged the government to not abandon the Kampung Medan clash victims and to keep

\textsuperscript{40} S.Nagarajan, 'Marginalization and Ethnic relations: the Indian Malaysian experience', 369.

\textsuperscript{41} Andrew, Wilford, 'Ethnic clashes, squatters and Historicity in Malaysia' in Rising India and Indian Communities in East Asia, ed. Kesavapany et al. (Singapore: ISEAS, 2008) 436.

\textsuperscript{42} S.Nagarajan, 'Marginalization and Ethnic relations: the Indian Malaysian experience', 379.

\textsuperscript{43} Ibid.

\textsuperscript{44} Malaysiakini, 20th March 2001. 'A group of NGOs took the government to task for failing to confront racism'.

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their promises of providing adequate housing and compensation. The GCC handed RM 500 each to 20 victims of the clash as temporary relief and requested the Welfare department to provide special training for the victims who had lost their limbs in order for them to find alternative employment. The department was also requested to pay a fixed monthly sum of RM 1500 to the victims as all the affected families had lost male breadwinners. GCC organised a press conference whereby victims of the clash chastised MIC for not fulfilling their promises to assist them in the aftermath of the tragedy. GCC was henceforth highlighted for its continued struggle for minority rights when in March 2002 it demanded adequate protection for minorities especially through legislation to protect culture and education as well as act against discrimination.

Another organisation that voiced its concern over the Kampung Medan Clashes was Parti Reform Insan Malaysia (Prim). Prim was not a definitive political party, despite its attempts to be part of the Opposition Coalition–Barisan Alternatif, as much as it was a human rights, welfare-oriented organisation. Its main actor, P. Uthayakumar, was later to become a key protagonist in the Hindraf movement along with his brother. Prim started off working with other related NGOs questioning deaths in police custody and other such human rights violations. However, with regards to the Kampung Medan clashes, it maintained a tougher position, demanding that the Malaysian Human Rights Commission (Suhakam) conduct an inquiry. When that was not forthcoming, Prim took out a lawsuit against Suhakam over its failure to investigate the Kampung Medan clashes. Prim also sought international attention for the Kampung Medan incident by

45 *Malaysiakini*, 16th June 2001. 'Don’t abandon racial clash victims, gov’t told'.

46 Ibid.

47 *Malaysiakini*, 9th March 2002. ‘Govt urged to formulate laws to protect minorities’.


49 *Malaysiakini*, 25th May 2002. ‘Kg Medan: put it in writing and lawsuit will be dropped, Suhakam told’. 191
approaching President George Bush, highlighting the silence of the Malaysian authorities to deal with the issue. Effectively it can be observed that the Malaysian Indian community had gradually been building up its tenacity to resist a restrictive civil space that was further hastened by the heightening of Islamic practices in Malaysia.

**Islam in Malaysia and the reaction of the non-Muslim minorities**

In October 2001, Dr. Mahathir Mohamed, then Prime Minister of Malaysia, declared that Malaysia was already an Islamic State. In July 2007, the Deputy Premier, Datuk Seri Najib Razak, affirmed this when he announced at the opening of the 'International Conference on the role of Islamic States in a Globalised World' that we have never, never been secular....we are an Islamic state. The reaction to these announcements was resistance by obviously non-Muslims but some Muslims as well. It was clear to the political spectators in Malaysia that these announcements were another manoeuvre by the UMNO party to beat the opposition PAS party in the Islamisation race and secure the support of the majority votes of the Malay electorate in Malaysia. Another dimension to this strategy is linked to the fact that Islam forms an integral aspect of Malay identity as defined in the Constitution. Since UMNO has always been known as the champion of Malay rights and identity, declaring Malaysia an Islamic state would portray UMNO as having remained steadfast in its original commitment to being the most effective protector of Malay dominance and rights (ketuanan Melayu).

Non-Muslim advocates argue against the Islamic discourse by frequently quoting the intentions of the departing British government at Independence (the creed of the Reid Commission), the attitudes of the founding fathers

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50 *Malaysiakini*, 10th May 2002, 'Prim urges Bush to raise racial clashes Mahathir'.

51 Peter G. Ridell, ‘Islamisation, Civil Society and religious minorities in Malaysia in Islam’ in *Southeast; Political Challenges for the 21st century*, ed. K.S Nathan et al. (Singapore, Institute of South East Asian Studies, 2005) 164.

such as Tunku Abdul Rahman and the ‘social contract’ that bound the Malays with the non-Malay communities. Lim Kit Siang, Opposition Party Leader, DAP, retaliated in 2007 to Datuk Najib’s comments, citing the first three Prime Ministers and their commitment to keeping Malaysia a secular state as agreed in the ‘Merdeka social contract’. Lim Kit Siang quotes the first Prime Minister, Tunku Abdul Rahman, on his 80th birthday celebrations in 1983 stating that Malaysia was set up as a secular state with Islam as the official religion and ‘The constitution must be respected and adhered to. There have been attempts by some people who tried to introduce religious laws and morality laws. This cannot be allowed. The country has a multicultural population with various beliefs’. This is reiterated in K.J Ratnam’s work, which quotes the Tunku as having said, ‘Our country has many races and unless we are prepared to drown every non-Malay, we can never think of an Islamic administration.’

Basing his findings and arguments through examination of the report of the Reid Constitutional Commission, the White Paper on the Constitutional bill, Parliamentary proceedings and newspaper reports and judgements handed down by the courts in the immediate post-independence period, Fernando takes a historical approach when stipulating that Islam as a religion of the Malay federation was very reluctantly added to the Malayan Constitution taking into account the concerns of non-Muslims and the Sultans, who feared that their own power as asserted through overseeing the practice of Islam would be usurped by the Federal government. Instead Fernando quotes two former Chief Justices, Lord President Tun Mohamed Suffian Hashim and Tan Sri Mohamed Salleh Abbas, as having declared that ‘Islam was made the official religion primarily for ceremonial purposes, to enable prayers to be offered in

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54 Ibid.

55 K.J Ratnam, Communalism and the Political process in Malaysia, (Kuala Lumpur: University of Malaya press, 1965.)

the Islamic way on official public occasions, such as the installation or birthday of the Yang Pertuan Agong, Independence Day and similar occasions'. Opponents of the UMNO position that Malaysia is an Islamic State are presupposing their arguments on Malaysia still being a secular, democratic state whereby there is space for political lobby and equal rights for non-Muslims. But observers of Malaysian politics have noticed that, especially since the era of Islamic resurgence in Malaysia, noticeably from the 1970s onwards, the Dakwah movement, coupled with state policies since the era of Dr. Mahathir as Prime Minister, the boundaries between Malaysia being a secular state or theocracy have become somewhat blurred. Critics of the UMNO government argue that the UMNO-BN regime welcomes this secular—religious ambivalence in Malaysia as a strategy 'to keep the nation divided and subdued'.

Although there have been advocates for an Islamic state since the nationalist struggle for independence in the form of PAS and its predecessors, most scholars on the dakwah movement point to the emergence and success of Islamist organisations such as the Tabligh groups, Darul Arqam and especially the ABIM (Angkatan Belia Islam Malaysia) organisation as being responsible for the trend of Islamic resurgence amongst particularly the newly emergent, fast urbanizing Malay middle class since the enforcement of the NEP (New Economic Policy), post-1969. But this is not to dismiss that the local kampong (village) religious leaders and teachers also played a crucial role in propagating Islam to the rural, Malay underclass. The impact of the dakwah movement was visible in the increased popularity of Islamic attire, decline in social communication between the sexes, greater display of piety among Malaysian Muslims through the practice of haj (pilgrimage), zakat (donation) and prayers. However, the quest for greater piety was most visible in the heightened insistence on Halal foods and products.

57 Dzulkifli Ahmad, 'The great Malaysian paradox', 127.
Muzzafar\textsuperscript{58} observed that the \textit{dakwah} movement was to inevitably lead to the Malay Muslims asserting a more 'separate and distinct identity' to the point of exclusivity. This was further heightened when the Islamic resurgence received state patronage particularly under Mahathir as Prime Minister. Mauzy and Milner\textsuperscript{59}, write in the 1980s that, 'ten years ago Islam was just one of the emotional issues used by PAS, the major Malay opposition party, to win the political allegiance of the rural Malays away from the dominant government party, UMNO. Now Islamist politics is centre stage. Since the mid -1970s the country has experienced progressive Islamisation, a process which has picked up momentum under the Mahathir administration'.

Previously, under the first three Prime Ministers, the Malaysian government tried to keep Islam out of mainstream politics; at best certain concessions were made such as the establishment of PERKIM (Pertubuhan Kebajikan Islam se Malaysia) by Tunku Abdul Rahman in 1960. However, Mahathir attempted to co-opt the Islamic resurgence in Malaysia as a state-led trend, especially, after Anwar Ibrahim, leader of ABIM, joined UMNO. It has been explained already how Mahathir launched government projects that marked the UMNO patronage of Islamisation in Malaysia.

Non-Muslim minorities in Malaysia were caught in a dilemma when reacting to the Islamic resurgence in Malaysia. Post-1969, they were caught by the constitutional amendments that forbid the discussion of Malay rights and identity in Malaysia, which would include Islam. Zainah Anwar reveals that the initial 'shroud of silence' from non-Muslim quarters was due to the fact that non-Muslim opposition party leaders, especially from the Democratic Action party (DAP), were silenced whenever they tried to raise objections or questions about Islamic practices. She writes that, 'They were usually drowned by the jeering and thumping by the UMNO Muslim backbenchers who claim that Chinese MPs as non-Muslims do not have a right to talk


about Islam. Thus they are prevented from playing their law making role when it comes to Islamic matters. Mauzy and Milner posit the suggestion that the portrayed apathy and even acceptance of non-Muslim communities to the initial processes of Dakwah was actually a reaction in fear of speaking up. They write that Chinese political leaders ‘fear a Malay backlash if they publicly express their concern’ and that it was better to support the UMNO moderates versus the PAS fundamentalists. However over time even this non-Muslim strategy was to give way as it became obvious to them that in reacting to the fundamentalists, UMNO might be conceding too much in the name of Islam and ‘the onslaught is to become greater and most oppressive’.

Non-Muslims have felt the pressures of rising Islamisation primarily through the ambivalence and lack of clearly defined boundaries between the jurisdiction of Islamic laws (syariah) and civil law. This takes us back to the argument if Malaysia has now moved towards being a theocracy, or at least behaving like one, foregrounding Islamic law. This dilemma about jurisdiction of the law was most obviously felt by non-Muslims in issues of conversion and apostasy. It was contemplated in the late 1970s to extend Muslim law over all Malaysians regardless of religion especially in the matter of sexual offenses, such as Khalwat (compromising proximity) and zinah (adultery). Barraclough writes that the government was pressured to establish a committee to investigate the possibility of punishing non-Muslims involved with Muslims who transgress Islamic law on matters of sexual morality. The Straits Times on July 27 1979 registered a protest by Lim Kit Siang who stated, ‘that the committee ... infringes a fundamental constitutional provision that non-Muslims would not be brought under the purview of Muslim laws

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60 Zainah Anwar, ‘Law making-in the name of Islam: Implications for democratic Governance’ in Southeast; Political Challenges for the 21st century, ed. K.S Nathan et al. (Singapore, Institute of South East Asian Studies, 2005) 125.


and customs... The Constitutional provision being referred to is Article 11 that states, 'Every person has the right to profess and practise his religion.' This is further supported by Article 8 of the Constitution that proclaims all persons to be equal before the law and prohibits discrimination on the grounds of religion, race, and descent.

However, there have been numerous cases to show that the abovementioned constitutional provisions have often been transgressed. The most controversial and publicised of these cases have been the Lina Joy case in 2007, Maniam Moorthy's case in 2006 and Subashini's case in 2006. Lina Joy alias Azlina Jailani, born a Muslim but a convert to Christianity, attempted to get the classification of Islam removed from her National Registration Identity Card (NRIC). When the National Registration Department (NRD) instructed her to obtain the relevant papers (a certificate of apostasy) from the Syariah Court, she by-passed the procedure by filing a suit in the High Court. On 30th May 2007, the Federal Court issued a 2-1 judgement holding that Joy was not entitled to an NRIC without the word Islam. This episode drew international attention, with the press decrying its claim to a multi-religious and multi-cultural society when freedom of religion was not allowed. The Lina Joy case also became a focal point for tensions between Muslims and religious minorities. Some Muslim organisations such as the PEMBELA (Organisations to the defence of Islam) and ABIM expressed relief with the judgement that justice had been served but the response from the Muslims was not homogeneous. The World Muslim Congress declared that it was unIslamic to keep someone a Muslim against their wishes. Most non-Muslim organisations such as the Hindu Sangam and the Council of Churches criticised the judgement, citing the violation of Article 11 of the Constitution. The point of contention was the process through which Lina Joy would have had to undergo if she was to apply for certificate of Apostasy from the Syariah Court, which entailed detention at a Rehabilitation Centre for at least a year whereby she would be indoctrinated against leaving the Islamic faith. This would have caused her separation from

63 Quoted in Simon Barraclough, 'Managing the challenges of Islamic revival in Malaysia: A regime Perspective'.
loved ones, leave from job and career obligations and inevitably would have incurred psychological trauma.

Some have argued that the Lina Joy case was an internal matter amongst Muslims and keeping their believers within the fold. This cannot be claimed in the cases of Maniam Moorthy alias Mohammad Abdullah, a former soldier and member of the Malaysian team which scaled Mount Everest in 1997. Described by his wife as a Hindu at the time of his death in 2005, she was prevented from burying him as one after Syariah courts ruled that he had converted to Islam in 2004, even though there was no documentary evidence of this conversion in his military identity card. When Moorthy's wife filed an application with the Civil courts to allow her to claim Moorthy's body, the High Court rejected her application, claiming it had no jurisdiction over the matter and that she (as a non-Muslim) should revert to the Syariah Court. This same confusion over the role and jurisdiction of Syariah and civil courts was displayed in T.Saravanan and Subashini’s case. In 2006, T.Saravanan, a Hindu, converted to Islam after which he proceeded to file for divorce in the Syariah courts and claimed custody over his two children with R. Subashini. Subashini being a non-Muslim applied for an injunction from the High Court to prevent Saravanan from dissolving their civil marriage in the Syariah Court. Once again the legal system conceded in the direction of Muslim rights with the Court of Appeal rejecting her appeal. A more severe case in reflecting the curbed constitutional rights is Revathi Mossosai’s case. A practising Hindu but born to Muslim parents and registered as a Muslim with a Muslim name, she is married to a Hindu husband and was raised by a Hindu grandmother, and later gave birth to a daughter who is also Hindu. In January 2007 when she applied to be officially recognised as a Hindu she was sent to a Muslim rehabilitation centre where she was forced to wear a Muslim headscarf, recite Muslim prayers and eat beef, which is anathema to Hindus.

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64 Nathaniel Tan & John Lee, Religion under siege; Lina Joy, the Islamic State and Freedom of Faith (Kuala Lumpur: Kinibooks, 2008), 137.
Critics observe that these measures in dealing with issues of conversion are more a concern for Malay identity than Islamic orthodoxy in Malaysia. Many non-Malays regard the Islamic resurgence as an expression of Malay insecurities rather than an indication of greater religious piety, while critics of the government claim that it is more about politics and the politicisation of religion. It is about maintaining Malay-Muslim hegemony and the power of the ruling coalition party. It is about preserving the special privileges accorded to Malays in the name of national unity and ethnic ‘tolerance’. More importantly it is about having the Malay majority rule the country without contest, ever. Therefore since Islam is inextricably linked with Malay ethnicity, maintaining Muslim rights in Malaysia is more of a matter of policing ethnic boundaries.

Besides curbing individual constitutional rights, certain policies and legislation have also had a negative impact on non-Muslims such as policies that include different allocation ratios for mosques and non-Muslim places of worship, with preference given to the building of mosques. Federal legislation passed in 1989 forbade the use by non-Muslims of forty-two Islamic terms. In 1991 this list was reduced to four terms including Allah, Kaabah, Baitullah and Solat. On 2nd November 2001, the issue was raised in Parliament over the shortage of burial ground for non-Muslims. Another piece of legislation forbids Muslims to possess a copy of the Bible, while non-Muslims are not allowed to possess a Quran. Restrictions have been placed on non-Islamic religious literature and or media, while public television and radio airtime has increasingly given coverage to Islamic symbols, prayers and programs. The latest endeavour in this direction has been to censure the practise of Yoga amongst Muslims as the yoga postures are practised together with specific Hindu mantras and are meant to induce a meditative state (which is considered unIslamic). Islamic practices and symbols are also pervasive in the public sphere with the broadcasting of the call to prayer (azan) from

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65 Simon Barraclough, 'Managing the challenges of Islamic revival in Malaysia: A regime Perspective', 966.

66 Peter G. Ridell, 'Islamisation, Civil Society and religious minorities in Malaysia in Islam', 167.
mosques which have been known to extend to lengthy recitations of the Quran and sermon over the loudspeakers.

Farish Noor describes the situation of non-Muslims in Malaysia along the Muslim-Kafir (Unbeliever) divide. He employs concepts which are familiar to those who engage in post-colonial thought, such as ‘the Other’, differentiation and alterity. Borrowing from Spivak and Said, Noor employs the term ‘Other’, usually used in context to describe how colonialist scholars/Orientalists viewed the colonised so as to naturalise differences and justify colonial rule, to the Malay-Muslim hegemony in Malaysia. He points out that the Malaysian propensity to think in terms of binaries such as Non-Malay/Bumiputera with the Islamic resurgence has only hardened into Muslim-Kafir or Muslim-Other. Although he problematizes this binary, stating that ethnic categories are never simple homogeneous entities to be reduced to such binaries, nonetheless he reflects the realities of majoritarian Malay communal impulses to view the ‘towkay Cina’ as the ‘evil kafir’.

Non-Muslims in Malaysia have been under no illusions about their position vis-à-vis the Muslims in Malaysia. Abu Bakar notes that initial non-Muslim silence in response to dakwah gave way to the formation and resurrection of numerous non-Muslim organizations, of which the most consolidated non-Muslim response was the formation of the Malaysian Consultative Council of Buddhism, Christianity, Hindus and Sikhism in 1984. For the Hindus, the most recent incarnation of resistance against Malay-Muslim hegemony has been the formation of the Hindu Rights Action Force (Hindraf). Hindraf, which includes the Hindu Sevai Sangam, Vivekananda Youth Movement, Tamil Foundation, Malaysian Indian Youth Council and others, was formed in response to the December 28 2006 High Court decision on Moorthy’s conversion case. Moorthy, who had become paralysed from the neck down after an accident seven years ago, had died on December 20th from injuries.

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68 Malaysiakini, 13th January 2006. ‘Hindu groups flay PM over ‘eye wash’.
sustained after falling from his wheelchair. A tussle ensued between the 36-year-old former army commando’s widow, S Kaliammal, and Islamic religious authorities, who claimed that the Moorthy had converted and should be buried according to Islamic rites. Kaliammal claimed that her husband was a practicing Hindu but the Syariah Court ruled that he was a Muslim while the High Court said it had no jurisdiction over the matter. Subsequently Hindraf lawyers appealed to reinstate non-Muslim minority rights that had been affected by such ambivalent cases with regards to conversion. The Hindu Rights Action Force (Hindraf) vowed to bring the issue to the International Court of Justice (ICJ) and secured appointments and meetings with foreign officials, statesmen and international bodies in Washington, New York and London.\(^{69}\)

Another cause that had been taken up by the Hindraf was the demolition of Hindu temples. According to Nagarajan, Hindu temples which had been part of the Malaysian landscape for more than 150 years faced demolition as new townships emerged on plantations. These temples that were being built long before the post-Independence state and property legalities came into enforcement were in many instances forcibly demolished or bulldozed with statues of the Hindu deities being smashed and without proper ceremonial closure for the Hindu communities concerned. Nagarajan cites the first major dispute in Perak in the early 1990s when 70 temples were demolished on a week’s notice to make way for road projects.\(^{70}\) Between February and June 2006, the local authorities demolished 15 Hindu temples in Kuala Lumpur, Selangor and Negri Sembilan. Emotions began to run high amongst the Hindus when a 107 year-old Hindu temple was demolished in Kuala Lumpur in May 2006 by city hall workers protected by police in riot gear.\(^{71}\) Hindraf argued that every new development should allocate land for places of worship for the various faiths in the country and that in Malaysia there was

\(^{69}\) "Malaysiakini, 21\(^{st}\) February 2006: 'Conversion row: Hindu group goes international'.


\(^{71}\) Ibid.
no legal provisions for this to be done in new townships and increased urbanisation is whereby more Malaysian Hindus are slowly moving or being relocated. The Hindraf also urged the government to legislate laws to recognize and protect Hindu temples in the country.\textsuperscript{72} The Hindraf submitted an appeal meant for UN Secretary-General Kofi Annan, to immediately ask the Malaysian government to stop demolishing Hindu temples and recognize them as legitimate places of worship.\textsuperscript{73} Hindraf filed lawsuits against the government and conducted protests to stop the demolition of Hindu temples. In the next chapter we shall see when these acts of resistance were unheeded by the Malaysian government how a rising sense of expectations and anxiety amongst Indians in Malaysia led to the Hindraf rally and the \textit{makkal sakti} (people’s power) phenomenon that was to have a huge impact for Malaysian society and politics.

\section*{Conclusion}

For a very long time, Malaysian Indians did not have an alternative to the MIC. The reasons for this were that in an ethnicized political environment, the majority Malays accepted only MIC as the representative of the Indians. There were no credible alternatives to the MIC, and MIC through the efforts of leaders like Samy Vellu discredited any possible options, as seen in the case of KIMMA. It took a sea change in the form of the \textit{Reformasi} to alter the mindsets of the Malaysians, who were originally afraid to question the incumbent government, which created a momentum within the Indian community to start resisting the tightening of civic space that made it difficult for them to even worship, let alone negotiate social welfare rights. The emergence of organizations like Alaigal, GCC and PSM were important precursors to the Hindraf and \textit{Makkal Sakti} phenomenon as explained in Chapter 6.

\textsuperscript{72} \textit{Malaysiakini}, 22\textsuperscript{nd} June, 2006. ‘Hindraf: Enact laws to protect temples.’

\textsuperscript{73} \textit{Malaysiakini}, 16\textsuperscript{th} August 2006. ‘UN urged to stop demolition row.’
Chapter 6 - The Hindraf Phenomenon

The Hindu Rights Action Force (Hindraf), a coalition of Indian and Hindu organisations in Malaysia that was formed in 2006 as a result of the Moorthy conversion case, was also a reaction to the culmination of circumstances which include the demolition of Hindu temples, other ‘body-snatching’ cases besides Moorthy and conversion controversies whereby Hindu families and individuals suffered consequences due to blurred boundaries between Syariah and civil legislation. But there were also non-Hindu concerns such as the deaths of Indians in police lock-ups, the low socio-economic status of Malaysian Indians and the marginalisation of Indians in educational, professional and economic opportunities. This chapter will examine the stream of narrative that Hindraf created from its inception, and activities such as conducting road shows, the November 2007 rally and the post- November 2007 rally events that reveal in a microcosm the reality of the Malaysian Indian community. The Hindraf phenomenon, can be seen as an organisation or even a movement, considering the participation of many non-partisan Malaysian Indians in the 2007 rally in the processes of its negotiation with the UMNO-led Malaysian state. It exposed the dialogue of the Indian minority community with itself as well as with Malaysia, which still persists as a ‘host’ land for the Indians despite their having been being settled in the country for centuries.

Hindraf emerges

The Hindraf rally of November 2007 drew attention to the personalities behind Hindraf, their aspirations for the Malaysian Indian community, their ability to consolidate and unify the community on an unprecedented level and their ability to captivate the attention of the international media. However, as anticipated, the Hindraf rally and the efforts of key protagonists, such as P. Uthayakumar and his brother Waythamoorthy, were criticized by the Malaysian government and drew mixed responses from the Malaysian opposition and the larger Malaysian public. Before the rally, three Hindraf leaders, Uthayakumar, Waythamoorthy and Ganabathirau, were taken into police remand, though released later under the charge of ‘inciting racial
issues and arousing the anger of other races\(^1\), even before the rally had been conducted. Najib Razak, then deputy Prime Minister, claimed that Hindraf as ‘anyone who fanned racial sentiments and instigated the people would be charged in court as their actions breached the country’s laws.’\(^2\) The Malaysian Indian Congress (MIC), information chief, M. Saravanan, labeled the Hindraf a stooge of the Malaysian opposition since the DAP chief, Lim Kit Siang, had made an appearance at an impromptu Indian gathering at Shah Alam.\(^3\) Leader of opposition PKR, Anwar Ibrahim, described the Hindraf rally as ‘a safety valve for long smoldering Indian Malaysian grievances.’\(^4\) But in the same vein he asserted that Hindraf should consider a more balanced and inclusive approach and that its complaints should be focused on the UMNO BN-led coalition government which was guilty of serious abuses of power and continued to neglect not only the Indian poor but also other groups as well.\(^5\) Newspaper editorials on the 26\(^{th}\) of November 2007 interestingly revealed the attitudes of the government-controlled ethnic media communities. The Chinese and Tamil Dailies such as Sin Chew Daily, Nanyang Siang Pau and the Makkal Osai snubbed the Hindraf rally in their editorials. The New Straits Times English daily called the rally an illegal gathering but urged the government to engage with the needs and concerns of the Indian community while the Malay dailies of Berita Harian slammed the Hindraf protestors for affecting businesses and scaring tourists and investors. The Utusan Malaysia called on the government to take stern action to stop street demonstrations.

In November 2007, Hindraf came into the international spotlight by publicly submitting a petition to the British High Commission. The petition was to urge Her Majesty, the Queen of England to appoint a Queen’s Counsel to

\(^1\) Malaysiakini, November 24\(^{th}\) 2007. ‘Najib: Hindraf leaders charged for arousing anger.’

\(^2\) Ibid.

\(^3\) Malaysiakini, November 24\(^{th}\) 2007. ‘MIC: Hindraf is stooge of the opposition.’

\(^4\) Malaysiakini, November 25\(^{th}\) 2007. ‘Anwar: Hindraf rally a safety valve.’

\(^5\) Ibid.
represent Malaysian Indians in a suit against the British government. Since the class action suit was a bid to claim monetary compensation, the Deputy Internal Security Minister Mohd Johari Baharum took the symbolism of the suit too far by claiming that Hindraf was manipulating innocent people. He was quoted claiming that Hindraf was luring people in the rural areas with money. PAS, the Islamic Opposition party, finally came out saying that Hindraf had hurled ‘extreme accusations’ by using terms like ‘ethnic cleansing’ and they wanted the government to take action according to the law.⁶ Malaysian Islamic students in Egypt informed Information Minister Zainuddin Maidin, who was in Cairo for a working visit, that they were upset with the Hindraf protest for taking their grievances to the Queen of England instead of the Malaysian Yang di-Pertuan Agong. Maidin accused Hindraf of portraying themselves as still being under British colonial rule and not as citizens of an independent and sovereign Malaysia.⁷

The socialist perspective of the Hindraf campaign as presented by Jeyakumar Devaraj and the Party Socialis Malaysia was that Hindraf was playing into the hands of the main beneficiaries of the Bumiputera policy by lobbying for only ethnic Indian rights. Devaraj felt that the top UMNO leaders were uncomfortable that the general perception among the Malays was that the Bumiputera policy was benefitting only a few and this might affect their chances at the upcoming polls. This might lead the UMNO leaders to resurrect the ‘ketuanan Melayu’ (Malay hegemony) stance and further instigate the general Malay population to heighten racial boundaries or use gangster groups to provoke a racial incident that would be useful for the UMNO/BN in the next elections.⁸ Devaraj, instead, propagated a national-level mobilisation of all Malaysians rather than of Indians alone. Nathaniel

⁶ Malaysiakini, December 3rd 2007. 'PAS slams Hindraf, accusations extreme.'

⁷ Malaysiakini, November 29th 2007. 'Zam: Our students in Egypt-peved with Hindraf.'

⁸ Jeyakumar Devaraj, Malaysia at the crossroads, A socialist perspective (Malaysia: Parsosma Enterprise, 2009), 20.
Tan's open letter to Uthayakumar- ‘One Step Away from Gandhi’ suggests the same secular, non-ethnic approach to the ‘Indian problem’. Tan admits in the letter that Uthayakumar had ‘succeeded where none have before in uniting the Indian Malaysian community, inspiring them to leave behind their fears and to stand up bravely in pursuit of justice and a better life’. But Tan also implied that Hindraf added to the polarization already evident in Malaysian society due to the BN’s racially divisive politics. He asked Uthayakumar not to take the fight of the Indians alone but to join all Malaysians in their struggle and to moderate the Hindraf stance. Yet at the same time he also admitted that the Indians had turned cynical about how other movements in Malaysia had failed to champion the cause of the Indian Malaysian community sufficiently.

The above responses treat the Hindraf rally of November 2007 as an episodic event and fail to situate it in the larger context of Malaysian Indian experience. While the critique of Devaraj expressed fear that Indians might be used as bait for UMNO leaders to stir trouble to bolster their own position, government officials have ridiculed the class action suit by claiming the Hindraf demands as a hoax to cheat poor Indians of money, and accusing the Indians of violating the Constitution that protect Malay special rights. From the opposition to the incumbent government to the Malaysian on the street, there has been a failure to realize the tightening of civil space over the last fifty years for minorities through public policy which had been heightening Malay supremacy and Islamisation. The Hindraf phenomenon simply represented the desperation of the Indians which had led them to even disavow the social contract at Independence which privileges the Malays and demand equal rights and citizenry. The Indians have realised that they are not the only poor community in Malaysia and while Malays remain poor due to the lack of implementation of the bumiputera policy, the

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9 A Malaysian Chinese-Indian Peranakan politician and blogger. A member of Parti Keadilan Rakyat, he was the editor of a book on the conflict between former Prime Minister of Malaysia Mahathir Mohamad and Abdullah Ahmad Badawi, titled *Mahathir vs. Abdullah: Covert Wors and Challenged Legacies* and published in early 2007.

Indians face total neglect. Nathaniel Tan’s request that Uthayakumar and Hindraf should give up walking alone, only lobbying for Indian and Hindu rights, and instead fight for a Malaysian cause that affects all Malaysians was meaningless. Hindraf had been dubbed racist and religious fundamentalist, but the Malaysian national, political, economic and social framework is based on ethnic principles that privilege one ethnicity, the Malays, above others. This has institutionalized social hierarchies within the Malaysian context which would be fought against in any other libertarian democratic setting. To expect the Hindraf to fight against corruption in the Malaysian government or any other national cause in a non-specific sense would indicate that Hindraf would have lost focus and the situation would be like trying to fit a square peg into a triangular hole.

At what point did the Hindraf consolidate? What was the catalyst? Ramachandran Meyappan of the Hindu Sevai Sangam claimed that he was the one who coined the term Hindraf. Ramachandran, or Ramaji as he was popularly known, stated that Hindraf began with 48 Indian NGOs meeting and deciding to work together after the ‘body snatching’ incident of Projek Malaysia Everest 1997 expedition member M.Moorthy, who had allegedly converted to Islam without the knowledge of his family. At that meeting, P Waythamoorthy was appointed Hindraf chairman as he had legal expertise to challenge and create opposition legally. Waythamoorthy then introduced his brother Uthayakumar, who had been lobbying for Human Rights and equal rights for Indians through police watch and Prim. As the organizers of Hindraf met more regularly, they decided to set up a legal team to collate documentary and historical evidence to file a class action suit against the British government, demanding compensation for the British government’s failure to protect minority rights at the decolonization moment. According to Ramaji, it was the Hindu Sevai Sangam which spent Malaysian ringgit 70

11 Malaysiakini, November 29th 2007. ‘BN leaders reaction to Hindraf Rally ridiculous’.
12 Sunday Star, 26 July 2009.
13 Ibid.
000 to send Uthayakumar, Waythamoorthy and Regu to the London archives to access documents of the Reid Constitutional Commission.\textsuperscript{14}

The Hindraf leaders were to bring their interpretation to the declassified Reid Commission documents from the Public Records Office, in London. They highlighted the 131 written memoranda of different organizations that, according to the Hindraf leaders, 'represented the will and wishes of the Malayan population which were primarily equality and equal opportunities for all Malaysians irrespective of race or religion'.\textsuperscript{15} Based on the Reid Commission papers, Hindraf argued that there should be an equal opportunity 1) in the grant of state land 2) admission to public and administrative service 3) to trade and to do business, licenses, permits 4) primary, secondary, skills training, university and overseas university education 5) no special privileges for the Malays 6) No discrimination against any ethnic community based on race or religion 7) the retention of all their places of worship, in particular Hindu temples, crematoriums and burial rites 8) freedom of religion 9) Malaya to be a secular state and not an Islamic State 10) right to mother tongue education, in particular Tamil schools to be fully aided 11) minimum wage for the lowest paid, and 12) equal recognition as sons of the soil for all Malaysians.\textsuperscript{16} Uthayakumar in his publication, ' Malaysian Political Empowerment Strategy: the way forward', claimed that 'the seeds of the Hindraf people power \textit{Makkal Sakthi}' were planted at the Klang dinner forum in June 2007 and took off formally at the Selangor Chinese Assembly Hall forum on 28\textsuperscript{th} July 2007 whereby the research findings of the trip to the London archives, compiled in a book '50 years of Constitutional violations by the UMNO controlled Malaysian government' was launched. The turnout of Malaysian Indians at the Chinese Assembly Hall was larger than expected compared to previous meetings and assemblies that Uthayakumar and others had planned. This large turnout was an

\textsuperscript{14} Ibid.

\textsuperscript{15} Document presenting 18 point Indian demands of the Hindraf.

\textsuperscript{16} Ibid.
indication to the Hindraf leaders that there was now going to be growing support for their cause. Uthayakumar and his team, consisting of people such as Manoharan, Kenghadharan, Vasantha Kumar and Ganabatirau, were speakers at road shows conducted to garner support and inform the Malaysian Indians of the Hindraf cause. Perhaps this could also explain the large turnout at the rally of November 2007.

On August 12th 2007, Hindraf presented to former Prime Minister Badawi a 18-point memorandum. There was no response from the government to these 18 points, Hindraf and its leaders then proceeded to organize and plan the rally of November 2007. A letter dated 15th November 2007 was also sent to Prime Minister Gordon Brown, of the United Kingdom. It was in this letter that the famous allegations of 'ethnic cleansing' were made towards the Malaysian government by the Hindraf. In this letter, Hindraf identified themselves as 'commonwealth ethnic Indians' so as to come under the purview of British concern. They claimed persecution by Malaysian 'government-backed Islamic extremists violent armed terrorist' who destroyed the Kg Jawa Mariaman Hindu Temple. Hindraf appealed to Gordon Brown to move an emergency U.N resolution condemning 'ethnic cleansing' in Malaysia. The letter to Brown highlighted specifically the Kampung Medan incident when over 100 Indians were slashed and killed. This is referred to by P. Uthayakumar as a 'mini genocide' in the letter. It was also claimed that every week, one person on average was killed in a 'shoot-to-kill' policy by the police and every two weeks, one person was killed in police custody. Of concern to the Indians was that 60% of these victims were Indians though they form only 8% of the Malaysian population. Also every three weeks, one Hindu temple was demolished in Malaysia. The language of Hindraf in this letter could be perceived as extreme in its accusations as some Malaysians and the government have disputed the term 'ethnic cleansing' or 'mini genocide', as they felt they cannot be compared to Bosnia or Rwanda where the racial and hate crimes and violence did display genocide and ethnic cleansing. However, it could also be argued that

17 Interview with P. Uthayakumar, March 2010.
Hindraf representing the Malaysian Indian community could have used the term ‘ethnic cleansing’ as they had become desperate in their need for recognition for equal rights and also desperate to capture international attention since they were being snubbed by the local Malaysian state.

Hindraf lobbies for Indian-Hindu rights

The M. Moorthy case instigated the formation of Hindraf, partly because Moorthy was a high profile member of the Indian community, being part of the Malaysian Everest Team. In turn, the Hindraf presented, from a Malaysian Indian standpoint, the grievances of the non-Muslim minorities over the blurred boundaries between civil and syariah proceedings in two documents: 1) The proposals of the Hindraf to combat the unjust decision of Kuala Lumpur High Court dated 28th December 2005 which ruled Moorthy’s case as a matter for the Syariah law;18 2) Moorthy’s struggle in terms of procedures for conversion to Islam, procedures on renunciation, the issue of court jurisdiction over these conversion cases and the constitutional crisis caused as a result of blurred court jurisdiction.19

The first document, which was presented on 28th of December 2005 to the Kuala Lumpur High Court, ruled that the High Court had no jurisdiction in the matter of Kaliammal, the wife of late M.Moorthy, who brought legal action against the Majlis Agama Wilayah Persekutuan and the Director of Kuala Lumpur General Hospital. A team of lawyers comprising A. Sivanesan, M. Manoharan, K Gengadaran, P Waythamoorthy, Kulasegaran and Mohan Gandhi, represented Kaliammal at the Kuala Lumpur High Court hearing on the 27th and 28th December 2005. They argued that the late Moorthy had never embraced Islam and that his pay slips and Identity Card reflected his Hindu name. Until the time of his death, he had never performed circumcision and at all times he had practiced Hinduism by participating in Hindu festivals and prayers. Therefore based on these arguments the Majlis

18 Hindraf memorandum titled ‘Hindu Rights Action force: A joint committee of Malaysian Hindu NGO’s to combat the unjust decision of Kuala Lumpur High Court dated 28th December 2005.’

19 Hindraf memorandum titled ‘Moorthy’s struggle, Islam, procedures for conversion, procedures on renunciation, jurisdiction, constitutional crisis, prepared by Hindraf.’
Agama Wilayah Persekutuan did not have the right to claim the body of the late Moorthy and the Syariah Court order dated 22nd December 2005, according to Kaliammal’s lawyers, was null and void. With the High Court ruling that it had no jurisdiction over Moorthy’s case, Hindraf argued that this had grave consequences for non-Muslim citizens of Malaysia since they did not have the right to challenge decisions made about them by a Syariah courts. Hindraf puts forward that this is ‘fundamentally wrong’ as Syariah courts are inferior to civil courts, which were a creation of the Federal Constitution, due to the fact that Syariah Courts do not listen to both parties.

In the proposals of Hindraf to counter the High Court decision, Hindraf pledged a local and international campaign. The local campaign was to create a petition to be submitted to the Yang Di Pertuan Agong to sack Judge Md Rauf and launch an email and sms campaign as well as hold nationwide road shows to create awareness of cases such as Moorthy’s. In terms of the international campaign, Hindraf wanted to help Kaliammal lodge an official compliant with the United Nations Human Rights Commission.

In the second document, Hindraf discussed the legal implications of Moorthy’s case in greater detail. There was a struggle between Kaliammal and the Federal Territory Religious Department (JAWI) over Moorthy’s body. Since the High Court ruled it had no jurisdiction over the matter, which was a High Court case, Moorthy’s body was buried according to Islamic rites. His widow managed to get all the financial benefits posthumously. The significance of the Moorthy case is that non-Muslims in Malaysia do not get their say if they are embroiled in family situations when one member of the family has converted and there are ramifications in financial matters, burial rites and custody rights. The High Court refused to give a hearing to Moorthy’s family, claiming that the case was under the jurisdiction of the Syariah court. Since Kaliammal was a non-Muslim she could not bring her case to the Syariah court and was therefore denied a hearing. In the issue of estate and inheritance a Muslim convert may dispose of one third of his estate by will provided two conditions are satisfied: 1) the disposition is to a koranic heir; 2) the disposition must not benefit a person opposed to Islam.
The remaining two thirds of the estate is disposed according to Islamic law. The Islamic Office, (Jabatan Agama Islam) would issue a certificate, Sijil Farid. The distribution would be according to Sijil Farid.\(^{20}\) This means that Moorthy could only make a will on one-third of his property. The rest of his property had to be administered according to Islamic law. This also covered his provident fund and insurance claims. If Moorthy’s infant children were deemed to be Muslim then their custody would be determined by Islamic law, with the likelihood that since Kaliammal is not a Muslim, she might lose the custody of her children.

The loopholes amidst the blurred boundaries between civil and syariah courts are many. If a non-Muslim is identified as a Muslim and it is disputed, a suit cannot be brought to the civil courts to challenge the case. It is also very easy to allege that someone has converted to Islam. For example, there were no documents to prove Moorthy’s conversion, only two words of his army colleagues. There could be a variety of situations where a non-Muslim could be wrongly classified as a Muslim, such as being caught in a sexually compromising position (Khalwat) with a Muslim and then being forced to convert, and mistakes in entering data over religion into birth certificates and the Identification Card (Mykad) is also commonplace.\(^{21}\) If a person’s personal documents erroneously say that he or she is a Muslim, then that person falls under the Syariah court.\(^{22}\) There are also great difficulties in renouncing Islam. Islam prohibits converting out of Islam, which is punishable by death according to the Koran, but according to Malaysian Syariah law, ‘Any Muslim who willfully either by his action or words or in any manner claims to denounce the religion of Islam or declares himself to be non-Muslim is guilty of an offence of deriding the religion of Islam and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term

\(^{20}\) Ibid.

\(^{21}\) Ibid.

\(^{22}\) Ibid.
not exceeding two years or to both’.\textsuperscript{23} This is very harsh if someone is caught in Islam due to administrative glitches or social circumstances.

The Hindraf legal team lobbied for a re-examination of Article 121 (A) of the Federal Constitution. In 1988 the Malaysian Constitution was amended to include Article 121(A) that says civil courts have no jurisdiction over any matter that falls within the jurisdiction of the Syariah courts.\textsuperscript{24} This has caused a dual legal system whereby people of especially non-Muslim religious identification could become embroiled in such cases as 1) non-Muslims mistaken for Muslims 2) Muslims wanting to get out of Islam 3) non-Muslim spouses of Muslims 4) children who have one parent who is a Muslim and the other a non-Muslim and 5) non-Muslim parents or siblings of Muslims. Hence, considering the jurisdiction of the Syariah court the abovementioned do not get a right to a hearing, which imposes a sense of inequality and social hierarchies within the Malaysian social fabric.

The second pressing issue for the Hindraf was the demolition of the Hindu temples. On 24\textsuperscript{th} March 2006 Hindraf sent Prime Minister Abdullah Ahmad Badawi an open letter, ‘Hindu temples/shrines continuously haunted by unscrupulous demolishment.’\textsuperscript{25} In this letter Hindraf invokes Article 11 of the Malaysian Federal Constitution which guarantees the freedom of worship and religion in Malaysia. Hindraf also points out that the Federal Constitution ‘unreservedly declares this state to be secular’.\textsuperscript{26} However, there were impediments to Article 11 with the demolition of the Sri Ayanar Satishwary Alayam Hindu Temple that was erected some 60 years ago. The Hindraf state that the temple had some 3000 devotees and was a place of service and welfare for the public that organized charitable and spiritual events and

\textsuperscript{23} Ibid.

\textsuperscript{24} Ibid.

\textsuperscript{25} Open letter, dated 24\textsuperscript{th} March 2006, addressed to Prime Minister of Malaysia, Dato Seri Abdullah Ahmad Badawi, ‘Hindu temples/shrines continuously haunted by unscrupulous demolishment’ by P. Waythamoorthy, chairman of Hindraf.

\textsuperscript{26} Ibid.
even public forums from time to time. According to Hindraf, the act to
demolish the temple by state authorities was considered, 'a most deplorable
repulsive and regrettable act' and 'barbaric and satanic' considering that the
Malaysian government is 'aggressively and vehemently advocating racial co­
existence, national unity, mutual respect and appreciation between multiple
races in the country.' There was great emotional outpouring in this letter as in
the other letters sent out to the Prime Minister and other officials.27 One
wonders if these emotional outbursts are a strategy to incite sympathy from
the relevant authorities or simple a demonstration of shock and outrage at
the mentioned occurrences.

On 10th May 2006, Hindraf sent another letter to the Prime Minister and the
Minister of Law, Mohamed Nazri Bin Abdul Aziz, 'Another Unlawful Act of
'Cleansing' about the demolition of the 110 year- old ancient Hindu shrine
located at Midlands Estate Seksyen 7 Shah Alam by Shah Alam City Hall on
9th May 2006'.28 In this letter Hindraf pointed out that in their perspective the
government was not demolishing temples to make way for development but
that the 'Mayor of Shah Alam is unlawfully engaged in a silent agenda to
'cleanse' ancient Hindu shrines'.29 This put the demolition of Hindu temples
into direct co- relation with Hindu ethnic marginalization due to rising
Islamisation in Malaysia. Hindraf accused the government authorities of
using obsolete laws to justify the demolition of these Hindu temples. For
instance the notice of demolition for the Hindu shrine issued on the 19th April
2006 states that the demolition was intended to be of an 'illegal squatter
building'.30 Hindraf questioned the moral/legal authority of City Hall to
interpret a shrine that was built 110 years ago (before the existence of the

27 See Appendix 1.

28 Letter addressed to both Prime Minister Abdullah Ahmad Badawi, and the Minister of Law,
Mohamed Nazri Bin Abdul Aziz, dated 10th May 2006, Another Unlawful Act of 'Cleansing'
demolishment of 110 year old ancient Hindu shrine located at Midlands Estate Seksyen 7 Shah
Alam by Shah Alam City Hall on 9th May 2006' by P. Waythamoorthy, chairman of Hindraf.

29 Ibid.

30 Ibid.
City Hall) as an illegal squatter building. Once again there was a clear expression of a high intensity of emotional outpouring of the Hindraf on behalf of the Indian community as the letter reveals that the shrine management had appealed to the Chief Minister of Selangor seeking his assistance and an NGO, the Consumer Association of Klang, had made appeals to City Hall. The letter states that ‘despite these the City Hall had arrogantly and deliberately proceeded to demolish the ancient Shrine. It appears the Shah Alam City Hall Mayor acted mala fide and on frolic of his own with ill intentions to cause racial hatred, anger and humiliation among the non-Muslim population in Malaysia’.

Here we witness the ethnic binaries being confirmed between Muslims and non-Muslims in the Malaysian context and the pressure sustained by non-Muslims regarding the demolishing of their temples since Muslims mainly form the authorities in Malaysia.

The Hindraf petitioned the Prime Minister for social justice. It called on him to 1) arrest and charge the Mayor of Shah Alam 2) to issue a stern written directive to all State Governments /Chief Ministers /City and Local Councils to immediately halt any form of cleansing/demolition of places of worship 3) to instruct the Culture Arts and Heritage Ministry to immediately take positive steps to protect ancient shrines belonging to non-Muslims 4) appoint a minister to oversee matters pertaining to religious rights and freedom of non-Muslims 5) provide and allocate sufficient funds for the building, maintenance and upkeep of places of worship belonging to non-Muslims 6) provide and allocate sufficient funds for the building, maintenance and upkeep of places of worship belonging to non-Muslims and 7) seriously implement existing legal provisions for the erection and building of places of worship for non-Muslims in new townships. While these demands for reconciliation over Indian communal hurt due to the demolition of Hindu temples, especially heritage site Hindu temples, seem reasonable in the

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31 Ibid.
32 Ibid.
context of good governance and an egalitarian social and political scenario, it seems unrealistic in Malaysia. Given Malaysia's trajectory towards hardening ethnic boundaries with affirmative action policies for the Malays and the declaration of Malaysia as an Islamic state by Prime Ministers and important members of the cabinet, the UMNO government would find these demands unreasonable and as they have done in the past, ignore several if not all of the memorandums and letters of appeal sent to important dignitaries and the government.

Several of the letters such as the ones to the Sultan of Selangor and Attorney General of Malaysia were telling of the emotions and causes of grievances of the Indian community over the temple demolition issue. The Indians were alarmed at the rate at which Hindu temples were scheduled for demolition. For example, within two and a half months, 12 temples were demolished, deities stolen and smashed and the roads to the temple closed. The letter to the Sultan of Selangor dated 3rd August 2006 also pleaded that the further 11 Hindu temples in Selangor scheduled to be demolished in the next four and half months be stopped. The letter dated 28th June 2006 to the Attorney General explains how Hindu deities were smashed before the devotees in the demolition of the Hindu temple Om Sri Balakrishna Muniswarer on 8th June 2006. It also described the Royal Police Force colluding with gangsters and a Malay Muslim mob during the demolition as an intimidation tactic against the Hindus present. Hindraf highlighted in this letter that the caretakers of these temples were mainly 'downtrodden, poor, uneducated, ignorant and a defenseless class of the Indian ethnic community that could not defend themselves against the sledgehammers

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34 Ibid.

35 Ibid.
that were used to destroy the Hindu deities before their eyes'.\textsuperscript{36} The letter to the Attorney General also explains that the offers for the relocation of Hindu temples were unreasonable. For example, the 60 years old, Om Sri Balakrishna Muniswarer Temple was located on a piece of land approximately 20,000 square feet and was scheduled to be demolished to make way for a highway development project. The temple serves 800 devotees of mainly the laboring class. The relocation land assigned to the temple was a piece of land measuring 10' x 10' which the Hindraf felt was 'nothing but a calculated attempt to humiliate and belittle the Hindu faith and customs and its labouring class devotees'.\textsuperscript{37} The Hindraf also questioned why pre-Independence Hindu temples had not been made into temple reserves, gazetted and had the temple land alienated by the government before allowing the developer to acquire the said land, as is being done for Muslim places of worship.\textsuperscript{38}

When the letters and memoranda sent out by Hindraf did not elicit a response from local authorities, Hindraf approached International organizations such as the United Nations. In a letter dated 16\textsuperscript{th} August 2006 to the United Nations Secretary-General, Kofi Annan, the Hindraf explained the crisis of Hindu temple demolition in Malaysia.\textsuperscript{39} It was explained that it was an imbedded belief amongst the Hindu –Tamil community that they should not live in a village that does not have a temple. The Hindraf described the Hindu-Tamils as a temple building community. As the Hindu migrants settled in different parts of Malaya, various temples were built in those areas, therefore it was not surprising that a community in a Rubber Estate of 100 acres would have twenty temples in that area. This was because the migrant Hindu population originated from various clans and

\textsuperscript{36}Ibid.

\textsuperscript{37} Ibid.

\textsuperscript{38} Ibid.

\textsuperscript{39} Letter addressed to Kofi A. Annan, dated 16\textsuperscript{th} August 2006 by P. Waythamoorthy, chairman of Hindraf.
villages and each clan and village had its own deity with its own unique style of worship. The consecration of these temples was allowed and encouraged by the colonial masters as not only the spiritual lives but also the social lives of the Hindu Tamil estate workers were centered around the temple. Problems ensued after Malayan/Malaysian Independence when estates belonging to British land owners were bought over by private businessmen and companies and later acquired by the government using the Land Acquisition Act for development purposes. When the land was acquired by the government or sold to private developers, these temples were not given recognition as sacred places of worship of the minority Hindu Tamil community. Instead, they are declared buildings of illegal squatters and demolished. Hindu temples remained without a status, unlike mosques and madrasahs. Hence one witnesses the unequal treatment as meted out by the government towards the different races and religions that reinforced social hierarchies and Malay Muslim supremacy.

The retort of the Malaysian authorities to these allegations was that there were too many Hindu temples in the country, which hampered development. The Indian community, too, acknowledged this and issued planning guidelines for ‘Places of Worship for Non-Muslims: primarily Hindu temples’. These guidelines explain the significance of the Hindu places of worship, their priests and Hindu pooja (prayer). The main point made was that of Agamas (specific categories) of religious texts which gave detailed guidance regarding temple building and temple worship. Hindu Agamas (scriptural instructions) specify that Hindu temples should be built in a fertile place with a clean environment, central location and accessible to the devotees. While these guidelines informed the government, they were also a polite protest against the numerous times Hindu temples have been relocated next to an oxidation tank, mining land, or transmission line or river.

Despite this amount of protest, temple demolitions continue on state land that is under the charge of the UMNO or the Opposition. Nagarajan describes the low morale of the Malaysian Hindu community in quoting a devotee, ‘Why do they have to tear down our temples? We are poor and our only comfort is our temples and now we are losing that also’.  

The 18-point document demands drawn up by the Hindraf began by examining the Reid Commission of 1957, which advised the Malaysian Federal Constitution. Hindraf’s reading of the Reid Constitution led them to argue that a ‘Common Nationality’ was stipulated for the whole of the Federation, with equality and equal opportunity for all Malaysians irrespective of race and religion. Based on the findings of Uthayakumar, Waythamoorthy and Regu during their trip to the London Archives, the Hindraf issued a statement, ‘...the Malaysian Federal Constitution, which is the supreme law of Malaysia as drawn out by the Reid Commission in 1957 was passed by the inaugural Malayan parliament and which formed the basis of independent Malaysia’, implying that the Malaysian Federal Constitution was / is premised on equality instead of affirmative action. And that Hindraf argues that the UMNO-controlled government had actually flouted the Malaysian Federal Constitution for the last 50 years. 

The Hindraf articulated their argument thus:

Over the last 50 years since independence in August 1957, the United Malays Organization (UMNO) controlled Malaysian government with their majoritarian might, and backed by the police, Attorney General’s Chambers, Judiciary, civil service and the media have continuously violated the Malaysian Federal Constitution by their racist and Islamic extremist policies and which in effect have created an apartheid system ala Malaysia and especially resulting in the degeneration of the at least 70% of the ethnic

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41 Ibid.


43 Document presenting 18 point Indian demands of the Hindraf.
minority Indians to become the underclass of Malaysia who end up in the poor and hardcore poor category. The rest of the 29% raised above the poor and hardcore category wholly and/or substantially through their own efforts, sacrifices and labour with no or little assistance by the UMNO controlled government. The 1% of the cream thrives away.44

The use of the words ‘majoritarian might’, ‘Racist and extremist policies’, ‘apartheid system’, ‘resulting in the degeneration ...’ reveals that the negotiation processes between the Hindraf and Malaysian government had broken down. With the Malaysian government ignoring their memoranda and letters of protest, the dialogue was non-existent. Instead there was a sense of inflamed emotional finger-pointing at the UMNO. In referring to the Reid Commission, it is as though the Hindraf was looking to a point of genesis to correct the imbalances in the distribution of national resources and to hold the Malaysian government accountable. Hindraf had failed to realise that, as in all institutions, state and communal identities, the Malaysian national identity, as determined by the UMNO-led government, has evolved. BN has had to alter the state image to cope with mounting pressures from the Islamic opposition party, PAS as well as the Malay-Muslim middle class that has increasingly started to participate in more rigid Islamic practices. Based on the discourse of the 18-point demand, Hindraf at best can be seen as a pressure group that through its refutation of the social contract, Malay special privileges, is testing the boundaries of the state to concede more to the Indian minority community. And while the November 2007 rally displayed that Hindraf was able to draw unprecedented support from the Indian community, despite state counter measures and repression of the Hindraf spokesmen, a sense of pessimism prevails that the task in attaining equal rights is an insurmountable one.

The 18-point demands45 reveal that the issues of the Indian community’s low economic equity in the Malaysian economy, neglect of Tamil education in the

44 Ibid.

45 See Appendix 2
state, and the lack of professional and business opportunities for Indians has become compounded with the struggle for Hindu rights. But the 18-point demands, according to Malays, are framed within hyperbolic terms which according to PKR, opposition leader Anwar Ibrahim, ‘would scare the Malay community’. For instance, clause number 5) requires that state to ‘extend and implement with immediate effect to Indians the affirmative action plans, grants, scholarships, loans etc as extended to Malay Muslim citizens with the view to providing equal opportunities for higher education, university education, admission to foreign universities …’ or clause number 6) that ‘20% of the Government’s top most level postings (Secretaries Generals), Middle Level Management (Directors) and management level (Managers) postings and the same for the private Sector’ be reserved for Indians or in clause number 12) in demanding a RM 1,000,000.00 compensation for each and every citizen killed, permanently maimed or injured in the Kampung Medan tragedy. There is also an explicit critique of the MIC when Hindraf refers to them as the, ‘Mandore’, a term borrowed from the colonial era referring to the supervisor of workers who primarily did the bidding of the British planters or the colonial regime. In this context, the MIC are referred to as ‘mandore’ implying that they have been the lackeys of the UMNO, who control the Indian masses for the BN. Clause 7, requires ‘the UMNO to stop “playing politics” through the ‘Mandore’ system by dishing out on piecemeal and / or peanuts basis or merely public and /or newspaper announcements and declarations by the Malaysian Indian Congress (MIC) who have no or very little power or say in the UMNO controlled Malaysian government’. This demonstrates the disillusionment the Indian community has had with the MIC and its leaders as already explained in Chapters 3 and 4 and reveals the Hindraf’s desire to be the alternative voice for the Indians in Malaysia.

46 Dialogue between Anwar Ibrahim and staff and students of the Australian National University, Asia and Pacific Department, November 2010.
The Saffron Rally

On September 12th 2007, 40 Malaysian Indians led by the Hindraf group gathered outside the Parliament building to submit a protest note to the Prime Minister. The group was protesting the 2008 Malaysian Budget which the Hindraf felt did not offer anything to the 70% ‘hardcore’ poor Indians. Uthayakumar, as the spokesman of the group, noted that the Indigenous Malay group, Orang Asli, had been allocated a generous share of the budget but the Indians had been snubbed. He also voiced concern that no provision had been made for a minimum wage of RM 1000 a month and that the scheme of five-year maternity leave to bring up ‘quality children’ was extended only to the civil service, which is largely controlled and staffed by Malays. Hindraf appealed to the Prime Minister to allocate RM 990 million of the budget to Tamil schools in the country and another RM 2 billion to help the ‘hardcore’ poor in the country. This demonstration was a precursor to the rally in November. Its significance lies in the fact that despite the Hindraf sending a letter to the Prime Minister to receive the protest note or to assign a Minister to receive the note, the request was snubbed. The group was also stopped at the entrance to the road leading up to the Parliament Building. The fact that the Hindraf was continuously ignored by the Malaysian government for its numerous memorandums, protest notes and demonstrations probably drove Hindraf to enacting symbolically larger and larger acts of protest to gain national and international attention. Further, the trajectory of Hindraf’s protests lends credence to the theory of multiculturalism theorist Charles Taylor who postulated on, ‘the need, sometimes the demand for recognition’. The need, it can be argued, is one of the driving forces behind nationalist movements in politics. And the demand comes to the fore in a number of ways in today’s politics, on behalf of minority or ‘subaltern groups’, in some


48 Ibid.
forms of feminism and in what is today called the politics of multiculturalism." 49

In the case of Hindraf, the Malaysian state refused to recognize their position to represent Indians, therefore the unwillingness to enter into any dialogue with the group and this remained the case even after the November 2007 Rally. Instead, punishment in the form of actions of the Federal Reserve Unit, police arrests, murder charges and Internal Security (ISA detentions) were meted out in response to defiance to the state.

On November 3rd 2007, the police cordoned off a temple in Banting, Selangor, which was a venue for a forum organised by the Hindraf. The forum was on ‘50 years of marginalization and discrimination of Indians’ and was the tenth of its kind. Previous forums had been held in Semeyih, Teluk Intan, Seremban, Klang, Sungai Petani, Butterworth, Kluang, Chaa and Port Dickson.50 At this event the show of state force was evident. There were 300 policemen in the vicinity of the temple and they were backed by Federal Reserve Unit trucks and numerous other police vehicles, including two helicopters. The police then persuaded some 500 people gathered near the shops surrounding the temple to leave but many stayed to hear the Hindraf leaders speak through a loudhailer at the roadside at about 8 pm.

On November 17th 2007, the Hindraf announced that it was aiming to gather 100,000 protesters to hand a petition meant for Queen Elizabeth through the British High Commission.51 The petition would urge the Queen to appoint a Queen’s Counsel to represent Malaysian Indians in a suit against the British government. The suit of one million pounds sterling for each of the two million Malaysian Indians was filed by Waythamoorthy, the chairman of Hindraf. The suit was filed over Britain’s alleged failure to protect the minority community’s interests during the Independence talks. The British High


50 Malaysiakini, 3rd November 2007. ‘India group forum stopped by police.’

51 Malaysiakini, 17th November 2007. ‘Indians to petition Queen E via British envoy.’

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Commissioner had been informed and police permits for a rally had been applied for. Within two days the local authorities reacted by raiding the offices, belonging to Waythamoorthy and Uthayakumar looking for a seditious document entitled ‘50 years of violation of the Federal Constitution of the Malaysian government’.

The police did not find anything but took photographs of the offices making the two brothers feel that their safety was under threat. The MIC subsequently asked the Indians to stay away from the rally while the official police permit for the rally was rejected.

There were appeals by Opposition parliamentarians, such as DAP’s M. Kulasegaran, to grant the police permit as it was the Constitutional right of the Hindraf to hold the rally but to no avail. On 23rd November 2007, three key leaders, Uthayakumar, Waythamoorthy and V Ganapathy Rao, were arrested. The Cheras police chief also received an unprecedented court order banning all Hindraf supporters from attending the rally at the British High Commission. The order named Hindraf lawyers as defendants and was issued under Section 98 of the criminal procedure code, applicable to urgent cases of nuisance. The Hindraf leaders who were arrested were later released on bail within two days. However, Waythamoorthy refused to post bail of RM 800 in protest against the government using the police. Although Rights groups such as the Aliran and Opposition parties such as PKR condemned the arrests, the government continued its clamp down.

Roadblocks were erected on several highways to ensure that Indians from out of state would find it difficult to attend the rally.

On 24th November 2007, Hindraf leader P. Uthayakumar made it known publicly that he and his fellow members were prepared to face arrest for their cause but at the same time asserted that Hindraf, after holding numerous rallies, had a track record of peaceful protests and the police therefore need not fear for the planned rally the next day. Instead he requested the

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54 *Malaysiakini*, 23rd November 2007. ‘Cops obtain rare court order against Hindraf.’
authorities to let Hindraf members present the memorandum intended for the British authorities and ‘go home peacefully’. Despite this reassurance, the next day, even hours before the rally was scheduled to take place, the police had already begun firing tear gas and chemical-laced water to disperse crowds of Indians located in parts of Kuala Lumpur. According to Uthayakumar, the Malaysian police had fired tear gas at those sleeping in the Batu Caves Temple even as early as 4 a.m. It was estimated that the 700 Indians that had gathered at Batu Caves were arrested.

The rally was scheduled to begin at 9 a.m. The police had cleared the vicinity of the British High Commission of protestors. But by 9.30 a.m. the crowd surrounding the Twin Towers KLCC had increased to between 10 000 to 15 000. There was a large number of Malaysian Indians from different parts of the country gathered at Kuala Lumpur from the night before for the rally despite a tight police cordon to seal off the city. Malaysiakini reported from the site by quoting individuals like lawyer Haris Ibrahim, a member of the Bar Council monitoring team, who was ‘stunned by the heavy handed police action against the protestors’. Hindraf leaders naturally protested alleged police brutality. For instance, A. Sivanesan condemned the police for turning Kuala Lumpur ‘into a war zone.’ Sivanesan claimed that ‘things were getting out of hand. We blame the police. They have beaten women and children.’ DAP Member of Parliament, M. Kulasegaran, was upset with the crackdown stating that ‘Over the last 50 years Indians have been marginalised in the country. And now we want the same rights as enjoyed by other communities.’ After six hours of confrontation between the Hindraf

55 Malaysiakini, November 24th 2007. ‘Hindraf: Let us hand petition and go home.’

56 Malaysiakini, November 25th 2007. ‘Tear gas fired at defiant protestors.’

57 Ibid.

58 Ibid.

59 Ibid.

60 Ibid.

61 Ibid.
supporters and the police, the police eventually allowed the Hindraf to submit the petition but they rejected the offer. This protest maneuver was very much in line with Gandhian style of civil disobedience. Gandhian style politics was also displayed through the symbolism the protesters displayed through wearing saffron headbands or T-shirts. Dozens more were wearing placard – posters of Gandhi himself. When the crowd was discharged, through chemical- laced water cannon, they defiantly returned to their original positions chanting 'We want justice' in English or Tamil. Warnings were given to the crowd before water cannon was discharged after which plainclothes policemen were sent in to arrest several dozen Hindraf protestors. According to the bar council team, police detained more than 400 people during the rally.\textsuperscript{62} A telling interview quoted in \textit{Malaysiakini} with a Hindraf protestor gives some insight to why the crowd was agitated and adamant in their protest, unlike the stereotypical image of the docile Malaysian –Indian , Tamachelvey said that, ‘We felt very hurt after watching VCDs how the government would destroy our temples. We are Malaysians but our government treats us like foreigners’.\textsuperscript{63} The religious suppression of the Hindus was a much more emotive for the Indians than just the marginalisation of the community in terms of job, business and educational opportunities.

After the rally, there was a show of force by the Malaysian government towards the Hindraf leaders. Although the three key leaders, Uthayakumar, Ganapathy Rao and Waythamoorthy, were discharged from their sedition case one day after the rally as the persecution had failed to submit the Tamil transcripts of the alleged seditious remarks\textsuperscript{64}, 89 protestors were charged for allegedly taking part in an illegal gathering and defying police orders to disperse.\textsuperscript{65} On 29\textsuperscript{th} November 2007, Ganapathi Rao was rearrested but

\begin{itemize}
\item \textsuperscript{62} \textit{Malaysiakini}, 25\textsuperscript{th} November 2007. ‘Hindraf to submit petition in London.’
\item \textsuperscript{63} \textit{Malaysiakini}, 25\textsuperscript{th} November 2007. ‘A Gandhi – inspired mas civil disobedience.’
\item \textsuperscript{64} \textit{Malaysiakini}, 26\textsuperscript{th} November 2007. ‘Hindraf trio discharged from sedition.’
\item \textsuperscript{65} \textit{Malaysiakini}, 28\textsuperscript{th} November 2007. ‘89 protestors charged with illegal gathering.’
\end{itemize}
released on bail 8 hours later under the Sedition Act over a speech he had
made at a Hindraf forum at a Chinese primary school in Seremban\textsuperscript{66}. On
December 4\textsuperscript{th} 2007, 26 Hindraf supporters were charged for murder when a
policeman was assaulted with bricks and iron pipes during the rally.\textsuperscript{67} Another
5 were added to the attempted murder charge the next day.\textsuperscript{68} On December
6\textsuperscript{th} 2007, the 31 Hindraf protestors charged with attempted murder against
the policemen were denied bail on the grounds of Internal Security reasons
and based on the severity of the charges which also included mischief.\textsuperscript{69}
Newspapers were advised by the Internal Security Ministry to play down
news on the Hindraf.\textsuperscript{70} On December 11\textsuperscript{th} 2007, Uthayakumar was arrested
and immediately charged with sedition for the letter to Prime Minister Gordon
Brown, dated November 15\textsuperscript{th} 2007 on the Police Watch website.\textsuperscript{71} As soon
as Uthayakumar posted bail of RM 50 000 he was rearrested and his office
was raided the next day looking for seditious material.

**Post-rally Response**

On December 13\textsuperscript{th} 2007, the Malaysian government finally enforced its
Internal Security Act and took five Hindraf leaders into detention without trial.
The five leaders were P. Uthayakumar, M. Manoharan, R. Kenghada
Ganabathirau and T. Vasantha Kumar. The Inspector-General said the
arrests, under Section 8(1) of the ISA, were made against the five for
carrying out activities that threatened national security. The five were sent to
Kamunting detention centre in Taiping Perak to be detained for two years,
without undergoing the 60-day investigation period.\textsuperscript{72} The ISA was a
regulation enforced by the British during the Emergency era to clamp down

\textsuperscript{66} Malaysiakini, 29\textsuperscript{th} November 2007. 'Arrested Hindraf leader Ganapathi freed.'

\textsuperscript{67} Malaysiakini, 4\textsuperscript{th} December 2007. 'Attempted murder charge for Hindraf protestors.'

\textsuperscript{68} Malaysiakini, 5\textsuperscript{th} December 2007. 'Five more face attempted murder rap.'

\textsuperscript{69} Malaysiakini, 6\textsuperscript{th} December 2007. 'Bail denied for 31 Hindraf protestors.'

\textsuperscript{70} Malaysiakini, 5\textsuperscript{th} December 2007. 'Ministry clamps down on Hindraf coverage.'

\textsuperscript{71} Malaysiakini, 11th December 2007. 'Hindraf leader faces fresh sedition charges.'

\textsuperscript{72} Malaysiakini, 13\textsuperscript{th} December 2007. 'ISA crackdown : 5 Hindraf leaders detained.'
on the Malayan communists, however the Act was continued post – Independence, enforced as a tool of the state to suppress opposition to the incumbent government. For many Malaysians, the ISA flouts the basic fundamentals of Human Rights and should be discontinued.

The ISA detention of the ‘Hindraf 5’ immediately drew flak from the Malaysian opposition. DAP secretary general Lim Guan Eng condemned the detention as an act of desperation. He urged the government to give the Hindraf an open trial so that proof and evidence could be brought to public attention. The then Prime Minister Abdullah Badawi defended the detention, claiming that the Hindraf were a threat to national security and safety. He claimed that between public safety and freedom of action, he would choose public safety. He also said that the Malaysians were not dumb but if Hindraf wanted to speak up there were proper procedures for this. This last claim of Badawi was disingenuous as it has been established that Hindraf had sent numerous memorandums and tried to engage the Malaysian government in dialogue several times to no avail. Meanwhile, Malaysian Indian supporters of the Hindraf had begun responding to the arrests by protesting outside police headquarters, Bukit Aman in Kuala Lumpur. On 14th December 2007, a number of Indian non-governmental organizations (NGOs), in the presence of Samy Vellu of the MIC met with the Prime Minister at Putrajaya in a closed door meeting. In that meeting the Indian NGO representatives expressed sympathy for the Hindraf cause by asking the government to review the use of ISA against the Hindraf 5 and to charge them in an open court instead.

The ISA detention of the Hindraf 5 had several ramifications. First, the Opposition was quick to capitalise on the unleashed Hindraf fury. On December 14th 2007, PKR chief, Anwar Ibrahim, engaged in ‘Samy (Vellu)

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73 Malaysiakini, 13th December 2007. ‘ISA dragnet : Gov’t is desperate.’

74 Malaysiakini, 14th December 2007. ‘PM: ISA action is justified.’

75 Malaysiakini, 13th December 2007. ‘Police disperse Hindraf supporters at BkT Aman.’

76 Malaysiakini, 14th December 2007. ‘Charge them in court: Indian groups tell PM at special meet.’
bashing' at a ceramah (gathering). He directed jeers and insults at the MIC chief and although laying the caveat that there were some things that he too did not agree with the Hindraf, he sympathized with their cause for fighting for the Indian poor and the Hindu temples that they were demolishing.\textsuperscript{77} The Hindraf phenomenon was also to impact on the dramatic turn of events for the BN government in the 'March 8\textsuperscript{th} 2008 elections when otherwise ambivalent Hindraf leaders in supporting outcomes in elections actually came out on March 3\textsuperscript{rd} 2008 and told their supporters to vote for the opposition and deny BN its two-thirds majority in parliament. The Indian slogan 'makkal sakti' (people's power) was a rallying cry for not just the Indians but also many non-Indian candidates in the opposition.

The BN government did lose its two-thirds majority. Samy Vellu, dubbed the unshakable stalwart of the MIC, lost his Sungai Siput seat to Jeyakumar Deveraj and an unprecedented number of Indians became parliamentarians on the opposition ticket, with one of the most prominent being Prof. Ramasamy who was appointed deputy Chief Minister of Penang. Manoharan, legal adviser to the Hindraf and also one of the Hindraf 5 detainees, was put up for elections. His wife campaigned for him and he managed to win the Kota Alam seat in Klang with a 7184 vote majority.\textsuperscript{78} Hindraf chairman Waythamoorthy was quick to demand the prize for supporting the Opposition in the elections. The Opposition won 36 out of the 56 state seats in Selangor and Waythamoorthy did not mince his words when he said that the Indian community had supported the Opposition and now it was time to repay the community by making Manoharan a Deputy Menteri Besar of Selangor. This reveals that Hindraf were very motive centred in their actions, their prime concern being only the Indian community. This reflects a sense of focus but also disillusionment that anyone else understood and sympathized with the Hindraf cause. All returns for the Indian community had to be negotiated and bargained for.

\textsuperscript{77} \textit{Malaysiakini} 14\textsuperscript{th} December 2007. ‘Samy – bashing’ at PKR ceramah.’

\textsuperscript{78} \textit{Malaysiakini}, 9th March 2008. ‘Hindraf: make ISA detainee S’gor deputy MB.’
The second ramification of the ISA detention of the Hindraf 5 was that, the ISA clampdown kept the Hindraf saga and struggle alive in the local and international media. The international lobby for the Hindraf cause had already started in early December 2007 after the rally. Waythamoorthy began to travel to India and then to London to inform and garner support for the Malaysian Indian cause. His meeting was with the Tamil Nadu leaders, Chief Minister Karunanidhi and opposition leader Selvi Jayalalitha. Prime Minister Manmohan Singh received a letter from Hindraf urging him to take immediate action considering the Malaysian government crackdown against the Hindraf cause. After New Delhi, Waythamoorthy hoped to meet with Gordon Brown’s aid. This trajectory of international lobby was particular to Hindraf as they chose to appeal to the authorities of the homeland of their original migration, South India and to the former colonial masters, England, to mediate on their behalf with the Malaysian authorities. With the ISA clamp down, the United States raised objections but were hastily rejected by Deputy Prime Minister Najib Razak who asked the Americans to give a fair detention to those in Guantanamo Bay first. On 1st February 2008, Waythamoorthy, together with 200 Hindraf supporters, held a peace protest in London. The supporters from all around the United Kingdom gathered opposite 10 Downing Street holding placards showing support for Hindraf and its leaders. On 22nd April 2008, the Hindraf urged the United Nations to appoint a special rapporteur to specifically look into the plight of the Indian community in Malaysia.

The Hindraf displayed an ability to mobilize, though to a lesser extent, to protest the ISA detention of their leaders and the exile of the Hindraf chairman to London. On 16th December 2007, the police stopped Hindraf supporters from gathering at the Kamunting detention camp where they were to hold prayer meetings with family members of the detained. The police had

79 Malaysiakini, 1st December 2007. ‘Hindraf lobby goes global.’

80 Malaysiakini, 15th December 2007. ‘Gov’t rejects US criticism of detentions.’

81 Malaysiakini, 6th February 2008. ‘Hindraf takes cause to the UK.’
Federal Reserve Unit (FRU) trucks on standby but used persuasion with the gathering of Indians to disperse. They were told to adjourn to a nearby temple to pray instead. On 27\textsuperscript{th} December 2007, Thanenthiran, who had begun to coordinate Hindraf activities in the absence of leadership, announced the intention to launch a campaign to collect one million signatures to pressure the government to release the Hindraf 5 under ISA detention. From within their detention centers, the Hindraf 5, decided to stage a hunger strike to protest their unlawful detention. The strike which was to last for five days began at 7.30 a.m on 20\textsuperscript{th} January 2008. On 23\textsuperscript{rd} January 2008, 130 Hindraf supporters decided to go on a week long hunger strike to join the Hindraf leaders in detention themselves. Subsequently, Uthayakumar’s health began to deteriorate rapidly in detention from heart ailment, diabetes and even fear of being fed food with beef (which is anathema to Hindus). The treatment meted out to P. Uthayakumar and his health condition was picked up in the media and it helped to portray a sense of martyrdom in promoting the Hindraf cause.

The following form of protest in using the symbolism of roses and valentines was in the vein of demonstrating a sense of peaceful protest but given the government’s response to the November Rally, the Hindraf leaders must have anticipated an equally negative response. In analyzing Hindraf’s motives or tactics, one witnesses acts of courting martyrdom to either demonstrate the extreme nature of their cause or/and the demonstration of self sacrifice to attain attention for their cause. On 22\textsuperscript{nd} January 2008, Waythamoorthy’s daughter, Vwaishhnnavi, fronted the protest by delivering a letter informing the Prime Minister of the Hindraf intention to stage a demonstration whereby Vwaishhnnavi, accompanied by hundreds of other

\begin{itemize}
  \item[82] *Malaysiakini*, 16\textsuperscript{th} December 2007. ‘Hindraf 5: Supporters pray for freedom.’
  \item[83] *Malaysiakini*, 27\textsuperscript{th} December 2007. ‘One million signature campaign to free Hindraf 5.’
  \item[84] *Malaysiakini*, 10\textsuperscript{th} January 2008. ‘Hindraf 5 to go on hunger strike.’
  \item[85] *Malaysiakini*, 23\textsuperscript{rd} January 2008. ‘130 Hindraf supporters on hunger strike.’
  \item[86] *Malaysiakini*, 22\textsuperscript{nd} January 2008. ‘A Hindraf valentine: ‘Mr PM, take my roses.”
\end{itemize}
children would be handing flowers to the Prime Minister at the Parliament House. The cause was to lobby for Malaysian Indian rights but also to seek the release of the Hindraf 5 from ISA detention. On 13th February 2008, the police denied a permit for the Hindraf Rose protest on the grounds of ‘security and public order’. Nonetheless the Rose rally still occurred at Jalan Raja Laut. The crackdown on the Rose rally was equally severe as police fired tear gas chemical-laced water cannons to disperse the crowds. About 200 people were arrested and roads leading up to the venue were closed before the event.87 Once again the signal that was given to the Hindraf and its supporters was that negotiations were off and the Malaysian government was not prepared to engage in dialogue with the Hindraf. Another attempt to engage in dialogue with the Prime Minister was during a Hari Raya Open House at the Putra World Trade Centre in Kuala Lumpur. The Prime Minister allowed about 200 Hindraf activists into the event but expressed disappointment with their behavior which he felt flouted the spirit of Hari Raya. He claimed that they failed to shake hands with some of the Cabinet Ministers and they were chanting slogans to abolish the ISA.88 These rebuffs over the Hari Raya visit were made public in the media to portray the image of Indians as sullen and disrespectful.

The ISA clampdown was also strategic in creating tension within the Indian community. By placing the Hindraf leaders in ISA detention, there developed internal dissension and opportunists like Samy Vellu were able to benefit. The ISA clampdown became too hard for some of the Hindraf 5 detainees to bear and the ramifications began to show when Vasanthakumar, the Hindraf secretary, accused P. Uthayakumar, the legal adviser, over the misuse of Hindraf funds.89 The police report was lodged at the very detention centre the Hindraf 5 were detained at. Uthayakumar’s lawyer, N. Surendran, provided an insight into the situation when he said that the accusations against his client should not be taken seriously as Vasanthakumar had lodged the report

87 *Malaysiakini*, 16th February 2008. ‘Rose protest: All but 9 released’.
88 *Malaysiakini*, 6th October 2008. ‘PM rebukes Hindraf over nosiy Raya visit’.
under detention and the circumstances did not permit credibility to the report. On 22\textsuperscript{nd} January 2008, K. Vikneswary, wife of Vasanthakumar, dismissed speculations that her husband was a police officer, a plant by the government. She also claimed that Vasanthakumar had denied that public funds collected by P. Uthayakumar had been misused.\textsuperscript{90}

Since the Hindraf leaders were under detention and the chairman, Waythamoorthy, was in exile, the Hindraf movement lacked leadership. A leadership crisis erupted with the Hindraf 5 allegedly denying that they had appointed RS Thanendran to take over the reins in their absence.\textsuperscript{91} A two page statement was released with the signatures of the Hindraf 5 saying that Thanendran had self-proclaimed the leadership of Hindraf and that he had to return the funds collected for the Hindraf cause to the public.\textsuperscript{92} Waythamoorthy expressed surprise that such a statement had been released and confirmed that he had appointed a ten-member interim committee to run the day to day affairs of the Hindraf, and Thanendran was the movement's coordinator. Thanendran’s take on the accusations was that four of the five Hindraf leaders under detention had been bought over and he claimed that Uthayakumar’s signature had been forged.\textsuperscript{93}

After the March 8\textsuperscript{th} elections, Samy Vellu did a dramatic turnabout and on March 30\textsuperscript{th} 2008, he called for the release of the Hindraf 5 and announced a ‘rebranding of the MIC’. This was perhaps a rethinking of perspectives or possibly a strategy to win the Malaysian Indian support. Samy Vellu also claimed that two families of the Hindraf 5, Manoharan and Kenghadharan, had approached him for assistance. He promised to speak on behalf of the Hindraf 5 to the Prime Minister.\textsuperscript{94} The Malaysian Indian public immediately

\textsuperscript{90} \textit{Malaysiakini}, 22\textsuperscript{nd} January 2008. ‘My husband not a turn coat.’

\textsuperscript{91} \textit{Malaysiakini}, 15\textsuperscript{th} February 2008. ‘Leadership crisis in Hindraf.’

\textsuperscript{92} Ibid.

\textsuperscript{93} Ibid.

\textsuperscript{94} \textit{Malaysiakini}, 30\textsuperscript{th} March 2008. ‘Samy calls for Hindraf 5’s release.’

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understood that Samy Vellu wanted political mileage out of this maneuver\(^95\) and the Hindraf 5 called on him to apologize. Hindraf chairman Waythamoorthy said that Samy Vellu’s call to free the Hindraf ‘was appalling’ and asked for an apology for failing to oppose the arrest of the Hindraf leaders, misleading the government and public that Hindraf was in the first place a threat to national security, misleading Hindraf’s struggle for his own political survival, denying the 18 points of Hindraf as absurd and claiming that the Indians were not marginalized.\(^96\)

**The struggle ensues**

When Uthayakumar and the remaining Hindraf 5 were finally released in early 2009, *Makkal Sakti* had cooled momentarily. Uthayakumar remained aloof from the other Indian leaders and individuals linked to the original Hindraf while his brother Waythyamoorthy is still in exile. He publicly stated that he needed time to rethink strategies for the Malaysian Indians. When he finally announced his Human Rights Party as the political arm of Hindraf, he had began to disassociate with the Pakatan Rakyat (PKR) state governments, his only alternative political power base to the BN, over land allocation issues for Indian schools and cremation grounds as well as the destruction of the Kampung Buah Pala Indian settlement. The by-election victory at Hulu Selangor for the BN coalition party, MIC reveals the lengths at which the Najib government would go at wooing back the Indian vote. From giving out generous temple grants down to dishing out free mutton curry meals to Indian voters. The Hulu Selangor victory was crucial for Najib in restoring confidence in the MIC. An interview with the newly elected MP, Kamalanathan, revealed that MIC was back on the political map of Malaysia. He expressed confidence in MIC saying that it was an established party since Independence. He branded the success of Hindraf episode of 2007 as one that had banked on effective ‘emotional marketing’ that had fizzled out. Kamalanathan believes that Indians should understand that in any

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\(^95\) *Malaysiakini*, 1\(^{st}\) April 2008. ‘Hindraf tells MIC chief to apologise.’

\(^96\) Ibid.
multicultural country such as Malaysia, minorities would always encounter limitations. Rather than taking to street protests, tact, diplomacy and negotiation were the way forward.

Conclusion

The Hindraf phenomenon reveals that deliverance has yet to come to the Indian community in Malaysia. The feelings of resentment with the government are high because there is a sense of betrayal that from the indentured days to the present generation, Malaysian Indians feel that they have been loyal in their contributions to the Malaysian soil. Yet there is still no recognition and placement of opportunities for the Indian community. Hindraf expresses the desperation that now even their right to their own religion is denied as their temples are being snatched and their right to Hindu rites of passage are not being recognised due to blurred boundaries between Islamic and Civil law. The saffron rally was a demonstration of this desperation which met with even more governmental suppression instead of open dialogue. Although Hindraf’s might has been weakened since by BN manoeuvres through the employment of ISA detentions, creation of new Indian political organisations under leaders like Thanendran, splintering Hindraf’s support base and the rejuvenation of MIC party spirit through Kamalanathan’s victory in Hulu Selangor, the Hindraf Rally of November 2007 has set a precedence in the history of Malaysian Indians. It has given a clear signal to the powers that be in Malaysia that Indians are no longer content to be dubbed a docile community. They want equality, freedom to worship and culture and opportunities in Malaysia. Given the entrenched Malay hegemonic political mileu of Malaysia, this is a tall order, but Hindraf symbolises the current Malaysian Indian spirit that the ‘people’ are prepared to take matters into their own hands, are no longer prepared to recede to the old ways and are keen for a better future.
Conclusion

The Hindraf demonstration and class action suit of November 2007 that appealed to the British government for redress of their problems in postcolonial Malaysia instigated my research path to go ‘in search of a navel’ that would explain the Malaysian Indian community’s woes. Like the Hindraf, who believed that the genesis of their problems was larger than an immediate event or reason but lay with the British colonial authorities who had bestowed Malays with privileged rights, I too looked for answers examining a span of five decades (if not slightly longer) examining circumstances, epoch-making moments, heroes and also villains within and without the community to understand why the Indian community in Malaysia had taken fifty years to protest a plight that was already evident at Independence. Short of looking ‘for the beast or the nature of the beast’ that had caused the plight of the minority, non-Muslim, Indian Community of Malaysia, I began to realise as I poured through newspapers, conducted interviews and examined documents in musty archives, that it was going to be simplistic to reduce the entire phenomenon to one single cause. There was no particular method to the madness which was mired in not just the internal challenges of the Indian community but could also be attributed to the systemic failures of the Malaysian political milieu and lack of good governance.

Irregardless of whether if I was wearing the lenses of an insider or an outsider to the Hindraf phenomenon and the Malaysian Indian plight, I realised it would have been foolhardy to arrive at blame or judgement over the situation. Politicians, Indians or Malay, had an electorate to appease. Power brokering and management within the relevant party structures has remained a challenge and too often being ‘in the heat of the crucial moment’ was too difficult to bear for community leaders to have made well thought-out decisions and policies. The case for scholarly humility is thus clear in the words of Brij V. Lal are apposite, ‘Open-mindedness and clarity; certainly; but I would add another attribute; sympathetic understanding. I have seen enough of politics at work from close range,
enough of the role of contingency, emotion and sheer stupidity play in human affairs so as not to rush to judgement. I have seen enough decision making done on the run, in the heat of the moment, without the privilege of leisurely reflection and detailed research, to approach the past with a proper sense of humility.¹

The fact that the Indian labouring class did not have the capacity to rally beyond bread and butter issues rather than ideational or ideological, even class solidarity to have been effective agents for the community at large, the knee-jerk reactions of the Indian middle class at the point of decolonisation and confusion over new national identities, legal papers and flux of capital to be able to negotiate effectively for Indian minority rights at a crucial moment, Sambanthan’s overly acquiescing nature to the Malay supremists and inept internal organisation of the only representing party of the Indians, MIC, Manickasavagam’s untimely death and Samy Vellu’s Machiavellian politicking and mismanagement of community projects. The Indian ethnicity is a complex one entailing sub-ethnicities, caste, regional and linguistic divisions, which meant that unifying Indians into a political entity would always be a challenge with the ever-looming threat of inherent factionalism. This was worsened by the fact that Malaysian Indians did not have their political house in order, hence crippling their ability to deal with Malay hegemonic practices and poor governance evident in Malaysian crony capitalism. Furthermore, Malay autocrats such as Tun Razak and especially Mahathir Mohamad left very little political space for a credible opposition to emerge, establishing a ‘one party electoral system’ through the creation of the Barisan Nasional and later even a judiciary and royalty made subservient to the powers of the Prime Minister. Hence, Indian parliamentarians in opposition parties and even Indian NGOs had very little opportunity to negotiate minority rights effectively and NGOs operated within their limited and specific areas of concern of education, religion, social welfare or human rights separately. There was very little scope for an umbrella Indian organisation, political or non-political, to emerge that could address the

¹ Bij V.Lal, In the eye of the storm: JaiRam Reddy and the politics of Postcolonial Fiji (Canberra, Australian National University Press, 2010), Introduction XV.
community's challenges and issues in a holistic manner and be an alternative force to the MIC.

Malaysian Indians whom I interviewed claim that 'the people' had already begun taking matters into their own hands with the emergence of organisations like Sri Murugan Centre and Alaigal, when capable individuals, sincere in their motives in helping the community, identified areas of concern and set up organisations or took initiatives to improve their lot. However, I feel that the courage to make 'a push' for rights was built up from the Reformasi era of the 1990s. It was then that Malaysians in general began questioning governance, corruption and autocracy in Malaysia. Coincidently timed with the IT revolution and knowledge-based era, the Reformasi witnessed the proliferation of websites and bloggers opening up new areas of resistance and information dissemination. It also informed the newly emerging Indian-educated modes and methods of protest within a recent generation of Malaysians who were no longer afraid to question and challenge areas of concern that were previously impermissible due to the Sedition Act established after 1969. Therefore it is not difficult to understand Hindraf and its strategies in setting up its own websites, disseminating information through phone messages, organising rallies and questioning the Reid Commission and inadvertently Malay rights when considered against this background.

However, Hindraf has, to express it metaphorically, 'punched above its weight', in that the Hindu coalition was not fighting an individual, party or even organisation. It was opposing an entire way of being. It was questioning the entire trajectory of Malayan/Malaysian national identity and national consciousness over the last 50 years. Hindraf has declared on several occasions that it refutes the 'social contract' at Independence that gave Malays special rights in exchange for citizenship for non-Malays. Farish Noor and Shamsul both acknowledge that Malaysian national identity is an on-going project, still in construction as with most other post-colonial
nations. But, Noor acknowledges that the running theme through this on­
go ing project had been 'ethnic and religious communitarianism'. From the
junior public officer to the Senior- most Minister in Parliament, the language
of governance has been Malay rights in recruitment, educational
opportunities, promotional prospects, easy bank loans, investment
opportunities and more recently, distinction given to the Islamic religion in
matters of spatial organisation (in the building of suraus and
mosques), banking, judiciary and state conduct. The inter-ethnic relations in
Malaysia exist in tiered co-relation, with Malay-Muslim ethnicity at the core
and other ethnicities on the periphery. Hence Noor’s reflection, 'If one were
a Malaysian citizen who happens to be a woman, of Indian origin and a non-
Muslim to boot, where is one’s place in the national imaginary? The
discourse of the Malaysian nation-state, developed and articulated primarily
by Malay men who happen to be Muslim and middle-class, leaves no space
for such individuals whose existence is not seen as part of the nation’s
historical tapestry.' This would explain the state response to Hindraf as
'kurang ajar' since the state could not fathom anyone or any community so
forthrightly questioning what has been taken as a given for such a long time.

The Hindraf was literally shut down by the state, its leaders were put into
Internal Security detention after the November 2007 rally, its remaining
supporters were splintered into new Indian political parties and organisations
and the MIC was revamped, albeit on a gradual basis, with Samy Vellu
stepping down as MIC head and more money promised by the government
for the welfare needs of the community. Since Uthayakumar, the main
spokesman of Hindraf was released from detention, he has somewhat
resurrected the movement by setting up a Human Rights Party. Even as I am

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2 Farish A. Noor, “In search of a Malaysian Identity still” in Out of the Tempurung ed.Fong Chin Wei
forms of Nation

3 Farish A. Noor, “In search of a Malaysian Identity still” 20.

4 Ibid. 23.

5 Prime Minister Abdullah Badawi appeared on state television during the November Rally calling
the Hindraf leaders 'kurang ajar' - direct translation as one who has not been taught manners.
writing this, small groups of Hindraf supporters have been arrested protesting the Interlok Malaysian school textbook that allegedly portrays Indians in poor taste. Hindraf continually updates the Indians as well as the wider web community of opportunities denied, temples demolished and the continued Human Rights violations endured by Malaysian Indians through its website and outreach programmes.

Malaysian civic space for non-Malay Muslims has tightened over the last fifty years and there is very little room for negotiation given blurred judicial boundaries between civic and syariah courts as well as between the political and judicial realm. Non-Malay Muslims do not have much recourse to beat the un-egalitarian modes of existence and practices in Malaysia as the majority of the electorate, Malay-Muslims and decision makers, middle class Malay Muslims, are privileged within this modus operandi. Even as there is dissension in the contemporary Malaysian political arena it is to compete for the Malay vote. Hindraf is at best a pressure group which unfortunately no longer enjoys the mass support it did during the build up to the November 2007 rally. Nonetheless, the Hindraf role in creating unprecedented awareness of the Indian community’s plight and highlighting the adversities of the increasingly Islamised Malaysian state in governing a multi-racial Malaysian society cannot be denied. Hindraf may be taken as a fleeting phenomenon as its critics argue. But it is also a harbinger of things to come if the public space for non-Muslim minorities in Malaysia continues to be restricted. Time will tell as it always does.
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OPEN LETTER

HINDU TEMPLES/SHRINES CONTINUOUSLY HAUNTED BY UNSCRUPULOUS DEMOLISHMENT

The Malaysian Federal Constitution is regarded to be a sacred document encompassing various established Universal Rights. One of those is the freedom of worship/religion. This is protected and guaranteed by Article 11 of the Federal Constitution. Malaysia by nature both pre and post independence has been and will continue to be a multiracial society. The Federal Constitution unreservedly declares this state to be a secular state.

While freedom of worship/religion is enshrined in the Federal Constitution however there are clear impediments in the absolute implementation of Article 11. The recent demolishment of the SRI AYANAR SATHISHWARY ALAYAM is the most deplorable repulsive and regrettable act. Why was there a need to demolish a place of worship and bury the defaced statutes on the same land when the said place of worship was erected some 60 years ago which erection took place prior to the existence and formation of DBKL and had 3,000 devotees to this date. The SRI AYANAR SATHISHWARY ALAYAM has actively participated and organized charitable events spiritual events and public forums from time to
time which act has been most useful to Hindus residing in and around the locality. The number of devotees registered with the SRI AYANAR SATHISHWARY ALAYAM has steadily grown over the years. The place has been regarded by the Hindus as a sacred place of worship which possessed special significance and value.

The act to launch a complaint and initiate possible legal actions if necessary by lawyer M. Manoharan against those responsible is a brave daring and commendable act. We urge YAB to urgently direct the Police and the Attorney General Chambers to immediately suspend detain and prosecute all those responsible for this barbaric and satanic act and sack the Mayor of Kuala Lumpur. The act of demolition has created disharmony hatred and racial polarization in the country. This irresponsible behavior will certainly rock our cradle of harmony. Those responsible are desperately and deliberately inciting and ribbing the Hindus to retaliate. This is a provocative act well engineered and designed to destabilize and cause serious turmoil in the country.

It is impossible to construct any place of worship on a plot of land measuring 10 X 10 feet. Presently there is no place of worship constructed on such plot of land bearing such measurements. Why must a temple be built on a plot of land of such measurement? Why must the temple be demolished before an alternative suitable site is found? The act of DBKL is very embarrassing, rhetoric and tarnishing the good image of this country and secularism. The actions of DBKL undoubtedly portrait religious hatred for the Hindus. We urge the YAB to intervene immediately to restore order and uphold the good spirit and values of the Federal Constitution which document has been the core of unity and harmony. It is important to preserve the integrity of this document and the harmony. Therefore the Government must find a permanent solution instead of continuously demolishing temples and shrines in thousands belonging to Non-Muslims.

This illegal act of demolition is well within the knowledge of the Government and the relevant authorities. Why there were no immediate steps and/or actions taken to halt the demolition? It appears that only M.
Manoharan of DAP has run to salvage and rescue the said SRI AYANAR SATHISHWARY ALAYAM. It is also imperative to note that while your Government is aggressively and vehemently advocating racial co-existence, national unity, mutual respect and appreciation between multiple races in the country, it appears that the Government institutions do not observe those fundamental rules and principles. We therefore remind your Government to take immediate and concrete steps to restore the real spirit of Article 11 of the Federal Constitution or otherwise the effect of the said Article would soon run into oblivion. We further emphasize politics and religion are explosive mixtures and if left unmonitored could have a catastrophic effect and may cause the collapse of a decent State and Government and no amount of oxygen could resuscitate the collapse.

Thank you.

Yours Sincerely

P. Waytha Moorthy
Chairman
50th year Merdeka (Independence) demands by the two (2) million ethnic minority Indians in Malaysia to
Y.A.B. Dato' Seri Abdullah Ahmad Badawi Prime Minister of Malaysia on Sunday the 12th day of August
2007 at 10.00a.m at Seri Perdana, Putrajaya Malaysia.

1. Whereas:
The Reid Commission was appointed by her Majesty the Queen of England and the Conference of Rulers in
1956 with the view to Malaya (and now Malaysia) achieving independence by August 1957. Among the
primary terms of reference of the Reid Commission were a Common Nationality for the whole of the
Federation.

2. And whereas:
The overwhelming of the 131 written memoranda submitted to the Reid Commission as evidenced by the
declassified documents from the Public Records Office, Kew, London, United Kingdom which represented
the will and wishes of the then Malayan population were primarily equality and equal opportunities etc for
all Malayans irrespective of race or religion as follows: -
2.1 The grant of state land,
2.2 Admission to public and administrative service;
2.3 To trade and do business, licences, permits etc
2.4 Primary, secondary, skills training, university and overseas university education.
2.5 No special privileges for the Malays,
2.6 No discrimination of any ethnic community based on race or religion,
2.7 The retention of all their places of worship in particular Hindu temples, crematoriums and burial sites,
2.8 Freedom of Religion,
2.9 Malaysia is to be a Secular State and not an Islamic state,
2.10 Right to mother tongue education in particular Tamil schools to be fully aided,
2.11 Minimum wage for the lowest paid, and
2.12 Equal recognition as sons of soil for all Malayan born.

3. And whereas
Based on the aforesaid proposals the Malaysian Federal Constitution, which is the supreme law of Malaysia as drawn out by the Reid Commission in 1957 was passed by the inaugural Malayan Parliament and which formed the basis of independent Malaysia.

4. And whereas
Over the last 50 years since independence on the 31st day of August 1957, the United Malays Organisation (UMNO) controlled Malaysian government with their majoritarian might, and backed by police, Attorney General's Chambers, Judiciary, civil service and the media continuously violated the Malaysian Federal Constitution by their racist and Islamic extremist policies and which in effect have created an apartheid system in Malaysia and especially resulting in the degeneration of at least 70% of the ethnic minority Indians to become the underclass of Malaysia who end up in the poor and hardcore poor category. The rest of the 29% raised above the poor and hardcore poor category wholly and/or substantially through their own efforts, sacrifices and labour with no or very little assistance by the UMNO controlled government. The 1% of the cream thrives anyway.

5. And whereas
The plight of the Indians have been made worse by the racist UMNO mindset having spilled over to even almost all of the Opposition parties, NGOs', Civil society, Malaysian Human Rights Commission (Suhakam), Bar Council, the media etc who do not take up the Indian plight for they are deemed to be lacking "politico mileage" (race based) and/or no funding.

6. And whereas
The Indians having no or very little opportunities for upward mobility or hope either turn to crime (60% of Malaysian detainees are Indians though they are only 8% of population-Suhakam 2005) or end up committing suicide which is 1000% higher than Malays (Utusan Malaysia 12.9.2005).

7. And whereas at a public forum attended by 1,000 over Indians on 28.7.2007 at 7.00p.m at the Selangor Chinese Assembly Hall, the participants unanimously resolved to forward their 18 point demands and which this peaceful assembly gathered here today on the 12th day of August 2007 at Putrajaya once again unanimously resolves to demand as hereinbelow outlined.

And now it is hereby demanded for and on behalf of the two (2) Million ethnic minority Indians in Malaysia from the UMNO controlled Malaysian Government their 18 point demands as follows:

1. End 50 years of violations of the Malaysian Federal Constitution.
2. End Racism, end Islamic extremism and end Malay privileges on the 50th year golden jubilee mega Independence celebrations of Malaysia on 31st August 2007.
3. Call for affirmative action plans for all poor Malaysians especially the ethnic minority Indians (Protection of Ethnic Minority Malaysian Indian Act 2007 be passed to secure and safeguard the interests of the poor and defenceless ethnic Indian Minority Community.
4. All 523 Tamil Schools in Malaysia be made fully aided government schools with immediate effect and to have equal and same facilities as granted to national schools especially in terms of financial allocations, sufficient graduate teaching staff, financial allocation for extra tuition, ample computers, Information Technology facilities, school fields, sports, recreational facilities, air conditioned library, textbook loans,
kindergarten, school uniforms and pocket money for poor pupils, nutritional food programmes, teaching aids, school building, infrastructure, film screening room and facilities, financial assistance for poor students, rehabilitation classes, non Muslim religious classes, etc. A RM 100 Billion grant @ 20 Billion per year with effect from 2007 be allocated to Indians under the 9th Malaysia Plan (5 years) for refurbishing the existing 523 Tamil schools and rebuilding of the 300 Tamil schools demolished over the last 50 years.

(5) Extend and implement with immediate effect to Indians the affirmative action plans, grants, scholarships, loans etc as extended to Malay Muslim citizens with the view to providing equal opportunities for higher education, university education, admission to foreign universities, post graduate studies locally and overseas, Trade and Skills Training Institutions, Science Colleges especially for each and every Indian student from the 70% poor and hardcore poor Indian category.

(6) Extend and implement with immediate effect affirmative action plans as extended to Malay Muslim citizens with the view to providing equal opportunities in acquiring wealth, venturing into business, trade, industries, medium and small scale industries, government linked companies, corporate sector, procurement of direct government contracts, in acquiring licenses for contractors, blue chip and /or guaranteed return shares, lorry, taxi and bus permits, loans and licenses to venture into trade, business banking and the corporate sector for each and every Indian from especially the 70% poor and hardcore poor Indian category. To this effect the UMNO controlled government allocates RM100 Billion at RM20 Billion per annum with effect from 2007 and implements successful strategic schemes in investments for the Indians as implemented for the Malay Muslims with the view to the Indians acquiring at least 10% of the nation's equity.

(7) All the aforesaid is to be handled directly by the UMNO controlled government and UMNO is to stop "playing politics" through the "Mandore" (supervisor) system by dishing out on a piecemeal and/or peanuts basis or merely public and/or newspaper announcements and declarations by the Malaysian Indian Congress (M.I.C) who have no or very little power or say in the UMNO controlled Malaysian government.

(8) 20% of the Government top most level postings (Secretaries Generals), Middle level Management (Directors) and management level (Managers) postings, and the same for the Private Sectors, and positions of District Officers; Foreign and Diplomatic Service positions, civil service positions are reserved for Indians for the next 15 years.

(9) The UMNO controlled government makes public and is transparent on all of the aforesaid affirmative action plans i.e. the aforesaid education places, licenses, scholarships, grants, loans, permits, licenses, opportunities etc by publishing the same in the official website of the Government of Malaysia as and when the same is granted and/or on a monthly basis specifying the Indian beneficiaries thereto.

(10) Stop the indiscriminate unconstitutional and unlawful demolitions of Hindu temples, crematoriums and burial sites in Malaysia. All existing Hindu temples, crematoriums and burial sites be granted state land and permanently gazetted as Hindu temple reserves as has been done for all Islamic places of worship and burial sites. Compensation at RM10 Million per temple be paid by the UMNO controlled Malaysian Government for the 15,000 Hindu temples demolished up to date over the last 50 years.

Every individual given the Right to practice and profess Religion/s of his/her choice in accordance to Standards adopted by the Universal Declaration of Human Rights 1948. The State and its Authorities barred from interfering in the personal beliefs and conscience of individual citizens. Disputes between Muslims & Non Muslims should be adjudicated in the Civil Courts.

(11) Stop the victimization and direct discrimination by the Police and all other state authorities of the Indians. All Malaysians earning RM 3,000.00 and below are to be fully borne by state funded legal aid for any criminal charges they face.

(12) The UMNO controlled government forms with immediate effect a Royal Commission of Inquiry into the Kg Medan Mini Genocide, condemns the violence thereto, apologises to the Indian community on this mini genocide, undertakes not to repeat the same in future and pay a compensation of RM1,000,000.00 for each and every citizen killed, permanently maimed, maimed or injured in this tragedy.

(13) Each and every Indian especially the Indian poor in the aforesaid 70% Indian poor and hardcore poor category is paid compensation which is to be adjudicated and determined by the United Nations Secretary General for the aforesaid 50 years of Constitutional violations by the UMNO controlled government.
(14) All homeless Malaysians are to be provided affordable homes and not low cost flats by law. A minimum wage of RM1,000.00 for each and every Malaysian be made law.

(15) A Royal Commission of Inquiry is initiated to report on the aforesaid constitutional violations by the UMNO controlled government and appropriate recommendations for amongst others further affirmative action plans for especially the 70% Indian poor and hardcore poor category.

(16) All forms of racial and religious discrimination, oppression and suppression of the Indians / Hindus in both the public and private sectors are stopped with immediate effect and a Race Relations Commission Act 2007, an Equal Opportunities Commission Act 2007 and a Freedom of Religion Commissions Act 2007 be passed and powerful Commission thereto be put into force to give effect to anti racism, anti Islamic extremism and anti direct discrimination practices by the UMNO controlled government in both the public and private sectors.

(17) The UMNO controlled government passes specific laws to give effect to the Independence of the Judiciary, the Attorney General's Chambers, Civil service, Police Force, Army, the Malaysian Human Rights Commission and the Malaysian media and for the Opposition parties, NGOs' Civil Society groups, Bar Council and the media not to discriminate and side step Indian issues but instead to voice out the same without fear or favour. The Malaysian media is also to be legislated to report the real happenings especially on the 70% Indian poor and hardcore poor without fear or favour.

(18) A minimum of 20 Opposition members of Parliament are elected exclusively by the Indian Community to represent their interest at the highest political level and also as a Parliamentary Democracy check and balance and the same is safeguarded and entrenched into the Federal Constitution and which is to be increased proportionately with the increase in Parliamentary seats.

Proposer: P.Waytha Moorthy Seconder: V.K Regu
(Chairman, Hindraf) (Secretary, Hindraf)

Compiled by P.Uthayakumar legal Adviser, Hindraf based on the ground reality, sentiments, pulse, blood, sweat and tears of the Malaysian Indians after 50 years of marginalisation, discrimination, oppression and suppression by the UMNO controlled Malaysian Government.

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