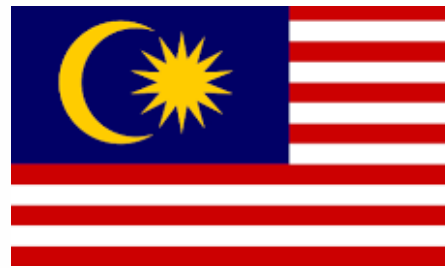


HUMAN RIGHTS REPORT

MALAYSIA



**Centre For Democracy,
Pluralism And Human Rights**

HUMAN RIGHTS REPORT MALAYSIA

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About CDPHR



Introduction

Centre for Democracy, Pluralism and Human Rights (CDPHR) is a public charitable trust registered in 2020. Our motto is- equality, dignity and justice for every individual on this planet. We are committed to uphold values of democracy, pluralism and human rights. We endeavour to voice out human rights violations of individuals, groups or community. We dream of a world that accepts pluralistic ways of life, faith and worship through democratic means and practices.

Vision

CDPHR envisions an equitable and inclusive society based on dignity, justice, liberty, freedom, trust, hope, peace, prosperity and adherence to law of land. We believe that multiple sections of societies are deprived of basic human rights and violation of their social, political, economic, religious and developmental rights is a sad reality. We consider that advocacy, education and intervention are required from multiple fronts to ensure an all-inclusive and just society.



Our mission is to promote and aid in establishing democratic and pluralistic structures and realisation of human rights. To achieve this, broadly the following specific objectives have been set:

- a) To espouse all adoptable frameworks of advocacy, education and policy intervention to realise the stated mission.
- b) To promote and advocate human rights and fundamental freedoms for all without any discrimination of race, religion, caste, gender, colour, and language.
- c) To keep a watch on issues of human rights violations globally and present their authentic analytical documentation.
- d) To use conferences, seminars, meetings, discussions, debates, study courses, collection of statistics, exhibitions, shows, tour trips, publications etc. for ensuring education, advocacy and outreach.
- e) To engage actively with governments, international organisations and human rights organisations to promote national integration, communal harmony, universal fellowship and global peace.
- f) To develop and mobilise community and natural resources so as to be harnessed for sustainable overall development of the marginalised and economically weaker sections of the society.
- g) To promote a culture of democratic values and pluralism in the face of particularistic tensions related to religion, caste, gender, class.
- h) To study the effects of draconian laws and unlawful use of state's machinery and force by the enforcement agencies and prepare reports for submission to appropriate authorities.
- i) To support democratic and economic reforms through the UN framework in countries coming out of totalitarian control.



CDPHR trustees and the team members consist of academics, lawyers, judges, rapporteurs, social activists, journalists and independent researchers who have an established reputation in their respective areas of expertise. Essentially, we are a team of socially sensitive intellectuals who wish to bring about a positive change in the lives of people deprived of minimum dignity and equality. Some of the team members have rich experience in researching and writing on issues of contemporary social interest. A few others have had long social commitments. In addition to the core organisational team, CDPHR plans to expand further and add to the human resources pool.

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ABBREVIATIONS

- ASEAN - Association of Southeast Asian Nations
- Bangsa Malaysia - Malaysian People
- BM - Bahasa Malayu
- BN - Barisan National (National Front)
- DAP - Democratic Action Party
- HINDRAF - Hindu Rights Action Force
- INA - Indian National Army
- ISA - International Security Act
- MCA - Malaysian Chinese Association
- MIC - Malaysian Indian Congress
- PAP - People's Action Party
- PH - Pakatan Harapan
- UMNO - United Malay National Organisation

EXECUTIVE SUMMARY

Malaysia has been one of the key multi-religious and multi-racial countries in the Southeast Asian region that has also emerged as a constitutional democracy. Unlike neighbouring Indonesia, Malaysia has always remained a democratic country even though for a better part of the history of independent Malaysia, it was ruled by the UMNO (United Malays National Organisation) coalition. Malaya gained independence from the British in 1957, and subsequently gave birth to two independent nations - Malaysia and Singapore which came into existence in 1965.

In a country structurally designed to keep the majority Malay Bumiputera (Bumiputera) people at the top and in prominent positions, the overall state of minority communities is unsatisfying. In the overall fabric of the Malaysian society, there are deep racial divisions between Malay, Malaysian Chinese, and the Malaysian Indian communities.

These differences and tensions also exist in terms of religious preferences and the state support to religion. Malaysia is an Islamic country i.e., Islam is officially recognised as the state religion, which leaves other religions with little room to breathe free.

In a way, the Malaysian constitution itself restricted the religious freedom of minorities by officially choosing one religion over the rest. As a result, minorities – particularly the Malaysian Chinese and Indian face several real and cognitive constraints. This constrained space is shared by all other religions including the non-Wahhabi Muslims as well. Persecution of minorities is much severe in case of other varieties of Muslims.

Over the past few decades, Malaysia has made a huge transition towards the Wahhabi philosophy. The Saudi Arabia funding to the Malaysian government, especially under the Najib Razak government, led the country and its majority Malays towards more and more hard-line stance on matters related to religion and social life. So far as the other religious minorities are concerned, it is evident that they have been facing systemic discrimination which is often in both overt and covert forms. At the societal – community level it seems to be more overt with individuals often facing discrimination based on their identities as 'the other'.

Over the years, it has become apparent that Malaysia is moving towards more radicalisation with a shrinking space for minorities not only from other religions but for others such as Shia Muslims and Ahmadiyah etc. Overall, the current state of inter-racial

relations in Malaysia is mired in deep divisions and tensions. The delicate balance between the majority and minority communities might affect the politico-social fabric of the country in the long run.

This report presents an overview of the current state of inter and intra-racial dynamics in Malaysia in addition to assessing the rise of more fundamentalist forces in the country and its implications on the minority communities in Malaysia.

RECOMMENDATIONS

- Considering that the ethnic situation in Malaysia is systemic in nature, it has become a common practice to call the people of other races (including the Chinese- but to a lesser extent) and communities 'Pendatang asing' or 'Pendatang' on the Malaysian soil. The non-Malay people are still not acceptable to the radical Malays as one of their own in the country possessing equal rights. The international community and global civil society should take appropriate coordinated measures to deal with this challenge and ensure an equitable and multicultural society in Malaysia.
- In view of recent incidents, it may be stated that the discontent among both the Chinese and Indian communities is simmering on accounts of relative deprivation and both real and perceived injustice. It is advised that Malaysia takes prudent steps to make the politics and society of the country more inclusive and egalitarian.
- The most negative role in creating racial divisions in the Malay society has been played by party politics and some politicians in Malaysia. This trend has grown exponentially over the past few years. Petty identity politics played by the PAS (Malaysian Islamic Party or Parti Islam Se-Malaysia), UMNO (United Malays National Organisation or the Pertubuhan Kebangsaan Melayu Bersatu), and more particularly Mahathir Mohamad and his political outfit have been involved in playing identity politics in the country, which has led to unnecessary sensitisation about different ethnic identities. This needs to be systematically addressed by the civil society in Malaysia. Rather than keeping silent and being apologetic about it, the minority communities should raise their voices and do that in a collective manner and stop the racialisation of politics.
- The Malaysian society is increasingly facing the threat of radicalisation of a small yet powerful section of the Malay community. This phenomenon has been actively cultivated by a section of political leaders and political parties including a small but fast emerging political party called Parti Islam Se-Malaysia or the Islamic Party of Malaysia (PAS). This provincial party has a strong base in conservative pockets of the country especially in the northern regions and east coast where majority of the population is also rural. The concept of religious diversity and mutual co-existence

with equal rights is facing challenges in the contemporary Malaysian society.

- No state support during the COVID-19 pandemic has exposed the vulnerabilities of the Hindu community, particularly the temples, leaving them in a miserable condition. Several members of the Malaysian Hindu community believe that greater coordination with India-based Hindu organisations would greatly support the Malaysian Hindus.
- A broad and wide network of Hindus and other Indic communities could perhaps be created which could help the Malaysian Hindus in distress. Such a network based strictly on humanitarian issues could perhaps exclusively focus on socio-cultural linkages before moving on to next steps.
- Considering the difficulties faced by the Hindus in Malaysia, scholarships /fellowships should be offered to the youth from the Hindu and other minority communities. These community-based scholarships/fellowships not only help needy youngsters but it would also bring them closer to their role and responsibility for their community.
- The overall state of minority community in Malaysia is far from what it could ideally be, the responsibility of which is on both the politics and societal dynamics of the country. It takes a large-hearted majority to make sure that minority communities feel safe and secure and join them in envisaging a common vision for the country. The lack of such an approach on part of the majority leaves the minorities alienated and marginalised. The majority community in Malaysia should address this issue as a moral challenge rather than considering it a societal or political task.

INTRODUCTION

With the Malay population accounting for more than half of the total population, Malaysia primarily comprises three other ethnic communities: Chinese, Indian, and indigenous communities. Unlike neighbouring Indonesia, Malaysia recognises Islam as the country's official religion while giving minorities the freedom to practice their respective religions. Practicing one's religion is a constitutional right applicable to all. However, unfortunately, racial tensions have been a predominant factor in shaping Malaysia's recent history. For instance, it was the racial tensions and violence involving the Malays and the Malaysian Chinese that led to the separation of Singapore from Malaysia in 1964. Even afterwards, the Malay-Chinese tensions and riots led Tunku Abdul Rahman, the first Prime Minister of Malaysia, to resign from his post.

Over the years, this policy has led to the predominance of Malays in all spheres of socio-economic ambience of the country. While Chinese are still strong, the Indian community has suffered a lot due to such a policy. This is particularly the case with the rubber plantation areas where the growth and development of Malaysia has not impacted the societies enough.

The discontent among both the Chinese and Indian communities is simmering on accounts of relative deprivation and both real and perceived injustice. The indigenous people (Orang Asli) have also been unable to benefit much from the economic successes of Malaysia.

OBJECTIVES

1. To study and highlight the current state of inter and intra-racial relations in Malaysia. Study the different minority groups and their position vis-à-vis majority Malay community.
2. A brief account of major incidents of race related conflicts and Human Rights violations.
3. A study of Islam, constitution, rule of law, and Malaysia's aspirations to become a multi-cultural nation.
4. A short overview of the status of women in the Malaysian society.

METHODOLOGY

This report is based on the information available with the international human rights agencies, non – governmental organisations, news and other media outlets as well as secondary sources available on the subject matter.

UNIT 1: A MULTI-RACIAL MALAYSIA: HISTORICAL BACKGROUND

Malaysia is one of the most significant examples of a multi-racial country in Southeast Asia, comprising the Malays as a majority, and people of Chinese and Indian ethnic origin as two key minority communities. In addition to the Malays, Malaysian Chinese, and the Malaysian Indians, this multi-racial country is inhabited by the earliest inhabitants to these lands. They are called as the Orang Asli or the “original people”. Interestingly, unlike other multi-racial countries such as the United States, Malaysia's multi-ethnic composition is more than a millennium old. And yet, Malaysia is far behind countries such as Canada, New Zealand, or the US when it comes to multiculturalist dimension of the society, politics, and overall domestic set-up of the country.

a. Socio-Religious Scenario

The Bumiputera (Bumiputera) constitute 69 percent of the total Malaysian population. Of these, 51 percent are Malays, while native Bornean people constitute 17 percent and indigenous people or the Orang Asli are one percent of the total Malaysian population. Amongst the minorities, Malaysian Chinese comprise 23 percent, and Malaysian Indians constitute 7 percent of the total population (Department of Statistics, Malaysia, 2018). Among the non-Muslim Malaysian Indians, majority are Hindus, followed by Christians, Sikh, Jain, and Buddhists.

Like several other countries of the Southeast Asian region, Malaysia too has been massively influenced by the Chinese and the Indian cultures. Norm localisation and norm adoption has been a defining feature of the Southeast Asian culture and Malaysia is no exception to that. However, over past several years, Malaysia's inclination towards more hard-line and conservative Islam has gained attention and support of the Malays. This grew particularly during Abdullah Badawi's rule followed by Najib Razak and Mahathir Mohamad (2018-2020). Over the past three decades, the mainstream politics shifted more towards hard-core Islamic politics, which was also due to its efforts to push the Malaysian Islamic Party (PAS) to the margins by wooing its constituency of hardliner Islamist voters. Role of the PAS, funding from Saudi Arabia, and influence of Zakir Naik, especially during Mahathir Mohamad's prime ministership, the latest of which happened between 2018 and early 2020, have been some of the major factors in shaping the current nature of religious-ethnic fabric of Malaysia.

b. Religious-Ethnic Setting of Malaysia

When Malaya gained independence from the British empire in 1957, the country had two critical issues to decide upon. First, how to accommodate the monarchy into a democratic political system. Taking cues from the former colonial master- the United Kingdom, and the neighbour Thailand, Malaysia adopted constitutional monarchy as its preferred way of political system. The decision on keeping the Sultans (royalty) supreme in the political chain of command also gave the majority Malays an opportunity to have a decisive position on whether the state should have an official religion. The decision was taken in favour of the majority and Islam was declared as the official state religion.

Declaring Islam as the official state religion has had a profound impact on the socio-cultural fabric of a multi-racial Malaysia. With Islam getting the state patronage, it was easier for hardliner Muslims to marginalise the minority community including Buddhists (also believers of Taoism, Confucianism, and ancestor worshipers from the Malaysian Chinese community), Christians, Hindus, and other religious minorities.

c. The Bhumiputra and the Ethnic Minorities

As a part of its official state policy, Malaysia follows the Bhumiputra (Bumiputra or Bumiputera) policy. The term was coined by Abdul Razak Hussein – the second Prime Minister of Malaysia, who launched it in the early 1970s.

Back then, the policy was launched as an affirmative action measure arguing that in comparison to the Malaysian Chinese or the Malaysian Indian community, the local Malays and the Orang Asli (the indigenous people) were far behind in terms of education, development, and prosperity. However, there is a huge difference between what was promised and how was it implemented on the ground. The Articles – 153, 160(2), 161A (6)(a)- [Sarawak], and Article 161A (6) (b)- [Sabah], deal with the provisions without mentioning the term Bhumiputra or Bumiputera.

For instance, the term Bhumiputra (son of the soil) was not even mentioned in the constitution, which left it open for interpretation by the state governments and public service agencies. Unlike other democratic modern states, the mainstream Malaysian discourse does not revolve around the people who were residents of Malaysia at the time of its independence. The flawed historical narrative goes back in history and draws in the Bhumiputra narrative.

Unfortunately, this identity-based quota system formed deep divisions within the society. It also created a strong impenetrable vote bank for the Malay politicians leaving the other communities on the margins. One may argue that in the formative years of Malaysia, the minority leaders failed to show any vision for their own community and got played at the hands of the Malay leaders. The race riots of 1969 also played a role in deterring them. The Bhumiputra system also overlooked the fact that just as not every Malay was poor, not every Malaysian Chinese or Malaysian Indian was rich.

Consequently, today a vast majority of Malays are in a privileged position with a solid sense of identity embedded in a common religion and a sense that they are the ones who own Malaysia – that they are the real “sons of the soil” and everybody else who is not a Malay or a Muslim is an outsider. This is despite the fact that historians have proved that most of the Malays also came to Malaysia from today's Indonesia, while genetic experts have proved that majority of Malays have Indian genes in them. A research conducted by Wan Isa Hatin et. al. has following to state (Hatin et. al, 2014):

“We found evidence of genetic influx from Indians to Malays, more in Melayu Kedah and Melayu Kelantan which are genetically different from the other Malay sub-ethnic groups, but similar to Thai Pattani. More than 98% of these northern Malays haplotypes could be found in either Indians or Chinese populations, indicating a highly admixture pattern among populations.”

Even amongst the minority communities, the Malaysian Indian community members find themselves in a weaker position as compared to the Chinese community as the latter have a greater sense of community, and it also demonstrates more solidarity whenever a situation arises. Noted radical religious preacher Zakir Naik exploited these sentiments when he called Chinese and Indians “guests” in Malaysia who should go back to their own country. In a talk given on 8 August 2019 in Kota Baru, Kelantan, Naik made outrageously racist comments, which received a backlash from the Malaysian Chinese community. Surprisingly, except a handful of Chinese and Indian leaders nobody from the political community protested against such statements. Naik said:

“People call me a guest. So, I said, before me, the Chinese were the guests. They aren't born here. If you want the new guest to go first, ask the old guests to go back...Later on, more people came, and Malaysia became fully Muslim. Then you have the Chinese coming, the Indian coming, the British coming. They are our new guests...The Chinese weren't born here, most of them. Maybe the new generation, yes.”

Naik did not stop at attacking the Malaysian-Chinese. He did not spare the Hindus in his speech either. He added that Hindus too are old guests who came and stayed on in Malaysia just like the Chinese and even the British colonial masters. Naik's statements have not only shaped an anti-India sentiment in Malaysia but have also been very anti-Hindu in nature. In what may be termed as an attempt to incite differences between Malay Muslims and Malaysian Indians in Malaysia, Naik "compared minority Hindus in Malaysia to minority Muslims in India, saying that the Hindus in Malaysia enjoyed "100 times" more rights than Muslims in India. "Zakir Naik has single-handedly done more damage to the minority communities in Malaysia than anybody else. In Mahathir, he has found a good companion. Even though the controversy led to criticism of Naik especially by the Malaysian Chinese community, and resulted in him making attempts to clarify his position and (later) apologise, it has left a scar on mainstream political debates vis-à-vis the Indian and Chinese communities in Malaysia. Mahathir himself is of the Indian origin. But then, perhaps the very fact that Mahathir's forefathers came from India makes him even more sensitive about his own identity of an outsider making him radically against the Indians in general and Hindus in particular. Nonetheless, issues such as these have only weakened the position of minorities in Malaysia where they are not only being accused of being a 'guest' to Malaysia but are also being unjustifiably termed as loyal to the Chinese and the Indian governments.

d. Education

One of the major handicaps faced by the minority communities in Malaysia is that it has been forced to accept a sort of quota system in the country. In Malaysia, the majority Malay community is a beneficiary of the quota system. Despite excelling in the entrance and other competitive examinations for medical, engineering, or even social sciences degrees, the minority Indian and the Chinese community student often find it difficult to secure a position in colleges and universities. This is particularly difficult in case of reputed public universities and medical colleges. This leaves the students from minority communities to go for private universities which generally charge fees that is more than three times higher than a standard public university. Such discrimination has been a source of frustration among students from the minority communities.

The quota system is not confined just to the higher education, it has pervaded the public services recruitment and promotions as well, which has created a deep sense of dissatisfaction amongst the minorities.

e. Employment Opportunities

So far as the overall employment situation, particularly the government jobs in Malaysia are concerned, the country follows the policy that has been termed as the New Economic Policy (NEP), which was launched in 1970. This so-called policy of “affirmative action” in favour of the majority Malays has two principal objectives (Overseas Development Institute, 2006):

1. To eradicate poverty irrespective of race or ethnicity.
2. To restructure society so as to remove the identification of race or ethnicity with economic status and/or function.

While on paper this looks a reasonable objective, the very fact that poverty alleviation, education and uplifting of the community is attached just to the Malay people tells that the practice is clearly racist in nature. Poverty, unemployment, and illiteracy cut across communities. It is also intriguing that rubber plantation workers who are widely believed to be at the fringes of development, happen to be mostly from the Malaysian Indian community of Hindus. Over the years, this systematic policy led to a swift growth and development of the Malays. Today, the Malays command an influential role in the Malaysian media, education sector, government jobs, and business world with decades-old grip on legislature, executive, and judiciary in Malaysia. Yet, the government still follows the policy of making sure that Bhumiputras are given subsidies in opening business and running the same through consistent capacity building programmes. Quota in tertiary education has been a major challenge for equitable development of all the communities. This has affected the natural growth of other communities in Malaysia.

Lack of enough opportunities for minority communities in both public universities and government jobs has been a demotivating factor for the Malaysian Chinese and Malaysian Indian communities who have been seeking refuge in other countries and private universities and institutions for better job and life prospects. Another shocking aspect of

contemporary Malaysian society is that job opportunities are compartmentalised. Malays compete among themselves and have to never compete with the other communities for jobs etc.

f. Political Representation

So far as political representation of the minority communities is concerned, there are three important political parties that claim to be the true representative of the Chinese and the Indian communities. The Malaysian Chinese Association (MCA), is one of these political parties that claim to be the representatives of the Malaysian Chinese community. The other political party is called the Democratic Action Party (DAP). Founded by Devan Nair and Chen Man Hin, the DAP is considered a multi-ethnic party with a left of the centre political leaning. In terms of political representation, DAP represents both the Chinese and the Indian communities. The Malaysian Indian Congress (MIC), which was earlier known as the Malaya Indian Congress has traditionally been a representative of the minority Malaysian Indian community. Over the years, though, the MIC has lost its predominance over the Malaysian Indians.

In 1954, a coalition of political parties, involving MIC, United Malay National Organisation (UMNO), and the Malaysian Chinese Association (MCA), called the Alliance was formed, which was later renamed as the Barisan Nasional (BN) in 1973. Between 1954 to 2018, MIC remained in power, and yet it could not do enough for the community that it had promised. Allegations of corruption, nepotism, and intra-community politics have led to mistrust among the Indian community.

The situation has come to such a stage today that a sizable portion of the Malaysian Indians believe that their ethnic identity and interests are protected more by the Democratic Action Party (DAP) – which calls itself a multi-racial party even though it is heavily dominated by the Malaysian Chinese leaders with more than 90 percent members and activists from that community. The Malaysian Indian community seems to be having no fall-back option during times of crisis. All these factors together make majority of Malaysian Indians, especially from the younger generation, feel that the odds are not in their favour. Some even feel that they should migrate to Canada, New Zealand, Europe, or the US to ensure equality and freedom; more importantly a life free of perceived and real discrimination.

UNIT 2. MAJOR HUMAN RIGHTS INCIDENTS INVOLVING MINORITIES IN THE POST-INDEPENDENT MALAYSIA

Difficult inter-racial relations have been one of the major historical challenges for modern Malaysia and the Malaysian society. Inter-community disparity on economic and social development fronts along with relative deprivation led to such a situation. At the time of its independence, Malaya had clear ethnic divisions which were also manifested in job profiles and economic conditions. Malays, for instance, were based in rural areas with lack of enough access to higher education. Malaysian Indians, a large chunk of whom were based in the rubber industry and similar sectors, were poorly placed. The Malaysian Chinese, however, were based in urban centres and were comparatively in a better economic condition generally.

For a newly independent Malaysia, the question of ethnic reconciliation and harmonisation became a major challenge. Nevertheless, between Malay supremacy (Malay Malaysia) and a 'Malaysian Malaysia', the political elites settled for the former creating a deep-seated mistrust between majority and minority communities. The Article 153 of the constitution, according special privilege to the Malays, registered this division in Malaysian society with an indelible ink.

a. The 1969 Race Riots Involving the Malay and the Chinese

The 13 May 1969 riots in Kuala Lumpur were a manifestation of this mutual distrust in which more than 600 people lost their lives. On the political front there clearly were two sides: The United Malay National Organisation (UMNO) representing the Malays and the DAP (Democratic Action Party) representing the Malaysian Chinese. The 13 May riots are considered a major event in the Malaysian history as it led to an unprecedented level of Malay domination in Malaysia. However, it was not the first incident of a violent ethnic clash. Before 13 May 1969, several such clashes had happened mostly involving the Malay and the Malaysian Chinese communities. The George Town (1957), Singapore (1964; led to 'expulsion of Singapore from Malay federation in 1965) are other incidents of significance.

The '13 May incident' as the Malay-Chinese race riots of 13 May 1969 are known, took place in Malaysia's capital Kuala Lumpur after the elections in which the opposition parties had

fared better than the Alliance Party (the ruling coalition). With the reports of around 600 people (mostly Chinese) killed in the riots, the event is considered one of the most decisive events that led to the predominant position of the Malay community in Malaysia as it led to the launch of the New Economic Policy. Declaration of national emergency, which was in place for around two years, led a caretaker government to rule the country. The New Economic Policy or Dasar Ekonomi Baru was launched by the caretaker government. An affirmative action plan for the Bumiputera Malays (sons of the soil), it was put in place for 20 years and implemented through the Malaysia plans. However, like affirmative action policies in several other countries, it was never withdrawn. In 1991, a rather improvised version – the New Development Policy (NDP) was launched.

b. Operation Lalang and Curbing of Civic Freedoms

In the early years of its existence as an independent country, Malaysia was concerned about the communist insurgency and unlawful interference in its internal affairs. Neighbouring Indonesia was again a good signpost for Malaysia, cautioning it about the pitfalls of the growth of the communist movement and insurgency. However, during the 1980s, it was used as a tool to ostracise political opponents even extending to those that belonged to the communist party and its supporters in Malaysia. The Communist Party of Malaya (CPM) aka Malaysian Communist Party (MCP), which was established in the 1930, got dissolved in 1989. Between 1968 and 1989, the CPM waged a war against the Malaysian government. In 1981, when Mahathir Mohamad came to power, he not only pitched for great economic efficiency and reforms but also greater elements of Malay nationalism. In the process, he also became more and more authoritarian, which was strongly manifested in the form of the Internal Security Act. In 1987, the Malaysian government jailed as many as 106 (later increased to 119) opposition leaders, intellectuals, and political activists who were advocating for greater political reforms. The ‘Operation Lalang’, as this month-long-police crackdown (27 October 1987 – 20 November 1987) was termed, was defended by the Mahathir government on the grounds that the opposition was promoting racial tensions and the Royal Malaysian forces had no option but to crush such “anti-national” voices. The most debated and contested issue with the Operation Lalang was that the people were jailed without even any judicial trials. The event also marked the beginning of the rise of Mahathir Mohamad as an authoritarian political leader. Freedom of the press and human rights of people were also restrained.

c. 2001 Kampung Medan Riots

The 2001 ethnic violence against the Malaysian Indian community is another classic case of state's negligence and overlooking of atrocities against the minorities. The sectorial clash involving the Malays and Malaysian Indians at the receiving end happened from March 4 to 13, 2001 in Kampung (Malay word for village) Medan, which is located in Petaling Jaya, Selangor. Kampung Medan is not very far from the capital Kuala Lumpur. The place is known for low-cost houses and their under-employed and under-educated inhabitants. While Malays constitute around 70 percent of the total population in the area, Malaysian Indians constitute 20 percent and the remaining population is that of the Malaysian Chinese community. During the clashes, which spread to neighbouring villages and even suburban areas of Petaling Jaya, six people died and more than a hundred people got seriously injured. Unfortunately, Malaysian Indians became the victims in the Kampung Medan riots. Complete justice is still awaited but is nowhere in sight. S. Nagarajan and K. Arumugam highlight this by stating (Nagarajan and K. Arumugam, 2012). They state:

Just as the "May 13" pogrom was allowed to go on for weeks in 1969 when it should have been nipped in the bud right at the start, the Kampung Medan violence should not have been allowed to go on for as many days as it did. Clearly, there is a serious credibility problem surrounding our law enforcement and security forces. Eye witness accounts show that in some of the racial attacks there, the police just stood by without stopping and apprehending the (Malay) thugs.

There is no doubt that the Kampung Medan riots still have a scar on the psyche of the victims and their relatives and friends. The wider Malaysian Indian community too has not been completely able to overcome it. The state and police inaction and covertly letting the violence happen indicate the state's unwritten consent to such a situation.

d. The HINDRAF (Hindu Rights Action Force) Movement

The Hindu Rights Action Force (HINDRAF) emerged as a collective response to protect the rights and cultural heritage of the Malaysian Indians. It was a collective front of the 50 Hindu organisations of the non-governmental nature. It was reported in the media that, "Since February (2006), three Hindu temples have been knocked down, while one has been partly

destroyed and threatened with further destruction, and two have been served demolition notices-mostly in the Malaysia's biggest city, Kuala Lumpur and neighbouring Selangor state." (Financial Express, 2006). According to P. Waytha Moorthy, who was one of the founding leaders of the HINDRAF movement said, "These state atrocities are committed against the most underprivileged and powerless sector of the Hindu society in Malaysia. We appeal that this Hindu temple and all other Hindu temples in Malaysia are not indiscriminately and unlawfully demolished" (Financial Express, 2006). The immediate goal of the HINDRAF movement was to stop the government from demolishing Hindu temples. However, the government atrocities led to accentuation of people's response further leading to a strong movement which later translated into a political movement. The Abdullah Badawi tried to crush the people's protest by using the ISA (Internal Security Act) and arrested dozens of people. The movement later led to debates about the poor status of Indian community in general and Hindus in particular in the Malaysian society. Questions were also raised about the Article 153 of the constitution, which according to the critics has given an undue advantage to the Malay community. As a matter of fact, the Malaysian Indian community leaders filed a class action suit in the Royal Court of Justice in London against the United Kingdom government (former colonial rulers) stating that the British left Malaysian Indians at the mercy of the Malay-Muslim government of Malaysia without ensuring the protection and preservation of the rights of the community. The collective angst of the Malaysian Indians against the state assault of their religious places and rights made the HINDRAF a popular representative force of the community. The HINDRAF showed its strength in the 12th General election. The UMNO, which had an uncontested control over Malaysian politics began to lose its grip over the parliament. From more than two- – third majority, the UMNO came down to around half of the seats. The contribution of the HINDRAF episode cannot be overlooked in the first-ever change of government in Malaysia and political defeat of UMNO in the 14th general elections held in 2018.

UNIT 3. EXTERNAL SOURCES OF THE PROBLEM

In addition to its domestic politics, the international dynamics and its foreign relations have also shaped Malaysian government and majority's perceptions about the minority communities. The aspiration of some of the Malaysian politicians to get closer to the Islamic world has, in particular, contributed to this approach. The self-generated desire to fit into its purist parameters, and flawed politicised attempt to execute such a desire has led to divisions in the Malaysian society.

a. The Arab Influence

Like several other Islamic countries far from the Arab world, Malaysia too has been influenced by the Arab world. Saudi Arabia's impact is clearly seen in the growing Salafi-Wahhabi Islamic ideas and practices in Malaysia. However, inching towards such a puritan approach has not come alone. It has brought along an aggressive stance towards those who do not conform to the Salafi-Wahhabi doctrine. The atheists and non-Muslims have faced discrimination and criticism at the hands of Islamic puritans. Islamic preachers often come up with their own sets of to-do and not-to-do list of tasks for Muslims during Chinese and Indian festivals cutting across Buddhism, Christianity, Hinduism, Sikhism and Jainism.

The Shariah court's jurisdiction applies over Muslims, Malay or otherwise, often making it even more powerful than the civil court of law.

The Arab influence on Malaysia has not come without its political implications though. For instance, Najib Razak, the former Prime Minister of Malaysia, who is now facing charges of graft including the 1MDB (Malaysia Development Berhad) scandal has also been accused of pocketing Saudi Arab funds. Najib's critics such as Mahathir also used the opportunity for accusing him of corruption, political malpractices, and Arabising the country even though Mahathir has been one of the critical figures responsible for enticing inter-racial distress. Another major implication of Salafi-Wahhabi influence has been the growing inclination among the Malay youth to join the ISIS terrorist groups. This has alerted the state agencies but their efforts are constrained by politics of Malaysia.

b. India

Zakir Naik has undoubtedly been the biggest source of discord and spoiling of ties between Malaysia and India. Additionally, the Tablighi Jamaat has also been one of the propagators of anti-Hindu sentiments in Malaysia.

Malaysia, especially since May 2018, came under shadow of Mahathir Mohamad who not only has been nurturing a radical Indian Islamic preacher Zakir Naik, but has also exploited the fundamentalist appeal of the latter to gain support of the Malay Muslim voters. During Mahathir's 2018-2020 term as the Prime Minister of Malaysia, India faced several challenges of which extradition of Zakir Naik has been the most prominent issue.

Mahathir refused to extradite Zakir Naik, an Indian fugitive who is accused of terror financing and money laundering cases in India. Mahathir's explanation in this regard has been that the Indian government might pose a life threat to Zakir Naik if he is extradited to the Indian authorities. Moving along the Hindu-Muslim divide for his own domestic political gains, Mahathir reoriented the Malaysian foreign policy and Malaysia-Pakistan relations received a boost at the cost of Malaysia-India ties.

Several new challenges have emerged over the past few months. One of the major issues that emerged recently was the illegal visit and stay of Malaysian Muslims in the Delhi Tablighi Jamaat congregation amidst the COVID-19 pandemic.

Clearly, polarisation is never a one-way road. Rising Islamic radicalism in certain sections of Malaysian society have also given birth to greater consciousness amongst the Malaysian Chinese and Malaysian Indians about their ancestral places.

It is a common practice to call the Indian (and also the Chinese- but to a lesser extent) community 'Pendatang asing' or 'Pendatang' on the Malaysian soil. The Indian people are still not acceptable to the ordinary Malays as one of their own inhabitants of Malaysia with equal rights. The most negative role in this context, in the recent past, has been played by Mahathir Mohamad, the former Prime Minister of Malaysia, who himself is of Indian origin. But then, perhaps the very fact that Mahathir's forefathers came from India makes him even more radically hostile against the Indians.

c. The Pakistan Factor

Pakistan has been a major factor in influencing Malaysia-India relations. This, not surprisingly, has been responsible for downfall in Malaysia-India relations. During the prime ministership of Mahathir Mohamad, the relationship fell to an all-time low.

Mahathir even opposed revoking of the Articles 370 and Article 35 (a) of the Indian

constitution, which are related to redefining the state of Jammu and Kashmir as Jammu, Kashmir, and Ladakh union territories of India. Traditionally, Malaysia has been a votary of non-alignment and believes in Panchsheel policy. It used to refrain from making comments on domestic affairs of other countries including India. However, during Mahathir's term, Malaysia turned out to be a vocal opponent of India. Mahathir even went to the extent of making a mention of Kashmir in the United Nations General Assembly. Speaking at the 74th assembly of the United Nation General Assembly on September 27, 2019, he said:

Now, despite UN (United Nations) resolution on Jammu and Kashmir, the country has been invaded and occupied. There may be reasons for this action but it is still wrong. The problem must be solved by peaceful means. India should work with Pakistan to resolve this problem. Ignoring the UN would lead to other forms of disregard for the UN and the Rule of Law.

It is interesting to note here that Mahathir's concerns were not about the territory as such, which he explained in his comments later. His target has been to cater to the Muslim community in Malaysia. Despite repeated appeals and clarifications by the Ministry of External Affairs (MEA) of India, Mahathir-led Malaysian government did not pay heed to calls to keep bilateral relations cordial.

With the change in the government and Tan Sri Muhyiddin Yassin becoming the Prime Minister of Malaysia in March 2020, reconciliatory steps have been taken by both the governments to normalise Malaysia-India bilateral relations.

UNIT 4. MINORITIES IN A 'NEW MALAYSIA': THE CURRENT STATUS

The overall state of minority communities in Malaysia is far from what it could ideally be, the responsibility of which is on both the politics and societal dynamics of the country. It takes a large-hearted majority to make sure that minority communities feel safe and secure and join them in envisaging a common vision for the country. Lack of such an approach on part of the majority leaves the minorities alienated and marginalised. The majority community in Malaysia should address this issue as a moral challenge rather than considering it a societal or political task.

a. Inter-religious and Intra-religious Discords

According to media reports in June, the Kelantan State Islamic Religious and Malay Customs Council (MAIK) planned to convert all indigenous people (Orang Asli) living in the state to Islam by 2049. According to MAIK's deputy chairman, the organisation worked with religious authorities and public universities and targeted indigenous groups through a database of profiles of those who had converted and those who had not. A human rights activist also reports about it stating that she had heard of cases of indigenous individuals not informing state authorities about the deaths of family members in order that the deceased not be buried against their will in an Islamic cemetery. The Society for the Promotion of Human Rights, an NGO, said, "We condemn any attempt by preachers who exploit the vulnerable Orang Asli community to lure them into religious conversions" (2019 Report on International Religious Freedom: Malaysia).

Clearly, religious conversions are creeping into the state policies over the past few years, making minorities a vulnerable group. What makes the situation even more difficult is the fact that the Islamic Shariah law runs along parallel tracks with the civil court laws. This means that if a dispute arises between a Muslim and non-Muslim, the Shariah court can intervene and take the matter in its hands to safeguard a Muslim even if s/he has committed an offence against a member of the minority Hindu community. Moreover, both the state and federal governments have also enacted laws which give them the powers to promote Sunni Islam in the country above all other religious groups (State, 2019).

The Ahmadiyya community has not only been facing increasing marginalisation in Malaysia but their religious status has also been questioned by the court of law in Malaysia. For instance, according to the reports, "Twenty Malaysians, eight Pakistani asylum seekers, two

Indian nationals and an Indonesian were performing Friday prayers on April 11, 2014 at the community centre in Batu Caves, Selangor” (Free Malaysia, 2020). The difficulty with such cases is that it would lead to a complete non-recognition of minority sects among the Muslim in Malaysia. Shia Muslims also face similar challenges in Malaysia which makes it difficult for this minority to conduct its religious practices without any fear. Such incidents threaten the democratic nature of multi-religious Malaysia.

b. The Indira Gandhi (Malaysia) Case

In its report titled Report on International Religious Freedom: Malaysia, 2019 the US States department discloses that several important instances make it clear how minority communities face discrimination at the hands of state authorities mostly in the 13 provinces. The report cites a case involving one Malaysian citizen named Indira Gandhi. It states (State, 2019):

“Despite calls from the High Court for police to locate Indira Gandhi's ex-husband and their youngest child, whom he abducted in 2009, both remained missing at year's end. Gandhi, a Hindu, had earlier sued successfully to deny her ex-husband's unilateral conversion of their three minor children to Islam. Gandhi filed a police report in July alleging organisations affiliated with the Pan-Malaysian Islamic Party (PAS), southern Thailand separatists, and followers of Islamic preacher Zakir Naik were involved in helping her ex-husband evade arrest” (State, 2019).

From the above it is clear that in cases of conversion to Islam by a Hindu, the state authorities have failed to ensure justice.

c. Gender-based Minorities

The fact that Malaysia is an Islamic country where Muslims follow the Shariah law, allows the men to go in for four marriages. Women, however, are not allowed to follow the same. As far as the jurisdiction of Shariah law is concerned, the Islamic courts deal with the issues related to morality such as gambling and alcoholism, in addition to giving rulings on matters relating to family relations. Polygamy, thus, falls under the purview of the Islamic courts. The civil or secular courts deal with the matter that fall under criminal and civil law categories.

While it is true that not all Muslims go in for polygamy, the option itself makes the Malaysian Muslim women vulnerable to such a possibility, which they dread all along. This, naturally, makes them inferior to men. Kids, particularly girls from families where a husband has more than one wife, often find themselves caught in difficult and vulnerable situations.

Even in the political sphere and workplaces, Malaysian women have not found their due space. For instance, there has never been any female Prime Minister in the history of independent Malaysia. This is in stark contrast with Indonesia, Singapore, Thailand, and even the Philippines.

Scholars have termed Malaysia “regressive” in a world that has strived and to a certain extent succeeded in promoting gender balance in political, educational, and economic spheres. Women in Malaysia are still far behind in terms of achieving their due representation in political and social domains of public life.

CONCLUSION

Overall, it can be said that the Malaysian society is increasingly facing the threat of radicalisation of a section of the Malaysian society. This phenomenon has been actively cultivated by a section of political leaders and political parties including a small but fast emerging political party called Parti Islam Se-Malaysia or the Islamic Party of Malaysia (PAS). This provincial party has a strong base in conservative pockets of the country especially in the northern regions and east coast where majority of the population is also rural. The concept of religious diversity and mutual co-existence with equal rights is facing challenges in contemporary Malaysian society. This was recently demonstrated in a recent case in May where the Malaysian police arrested four Muslims for plotting attacks on a Hindu temple. The reason behind that was that a firefighter had died earlier while trying to protect a temple area. Calls to buy only those products that are made by Muslims are also growing, which might lead to greater economic marginalisation of the minority communities, some of which are involved in small scale businesses and restaurants.

So far as the overall state of the minority communities in Malaysia is concerned, their condition is far from satisfactory. Discrimination against the minority communities is more in terms of workplace opportunities, political representation and equal status in the Malaysian society. The position of the women in the Malaysian societies, especially among the Muslim is not satisfactory for sure. Gender discrimination and gender under-representation has been a major problem in the Malaysian society. Inability to enjoy equal rights due to the Shariah law has also been a major challenge. No state support to the non-Islamic religious places during the COVID-19 pandemic has exposed the minority communities to another challenge, leaving places of worship and its dependents in a miserable condition.

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