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**THE HINDU RIGHTS ACTION FORCE AND
THE MALAYSIAN INDIAN MINORITY AFTER
THE 2018 GENERAL ELECTION IN MALAYSIA**

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Abstract

The Hindu Rights Action Force (HINDRAF) came out from a series of controversial actions perceived by the Malaysian Indian community as discriminatory. The issues were topical occurrences such as the errant destruction of Hindu temples and the body-snatching cases of Tamil Hindus, thought to have been converted to Islam, as well as the state of poverty confronted by the Tamil Hindu community in Malaysia. From a protest rally in November 2007, led by mainly Malaysian Tamil lawyers, the Malaysian Indian community framed its demands in legal terms and questioned the position of not only the Malaysian Malay-Muslim majoritarian government but also the decolonising decisions of the departing British colonial authorities at the point of Independence in 1957. The 2007 event became known as the HINDRAF rally. It had an overwhelming impact internationally, in drawing attention to the plight of Malaysian Tamil Hindus. Inside Malaysia, by garnering the support of non-Malays, mainly the Chinese, to unite with the Indians, it affected the Malaysian general election in 2008, as the ruling Barisan Nasional government lost its two-thirds majority in Parliament. There was also an unprecedented number of Malaysian Indians who were elected into Parliament in 2008. However, this paper will demonstrate that by the subsequent two Malaysian general elections of 2013 and 2018, the Tamil Hindus, as represented by HINDRAF, had not achieved their goals. Enduring heavy-handed treatment by the Malaysian authorities previously and troubled by internal strife and leadership issues within HINDRAF, this movement of Tamil Hindus in Malaysia stands diluted and divided. After the 14th general election of 2018, it seems that the leadership has also accepted a compromised position. Malay-Muslim majoritarianism remains dominant and the “New Malaysia” appears less than that heralded in the early days of the new Pakatan Harapan government.

Introduction

The 14th general election in Malaysia held in May 2018 shocked everyone. The opposition Pakatan Harapan ousted the Barisan Nasional government of 61 years. The vision of a “New Malaysia” was heralded and the positive vibes in the minority Malaysian Indian community were palpable. This paper will examine such optimism with reference to the role of the Hindu Rights Action Force (HINDRAF) and support for HINDRAF among the Malaysian Indian voters.

Background

In the move towards gaining independence from the British colonial administration at the end of the Second World War, there was a contestation among the Malay, Chinese and Indian communities in the then Malaya (now Malaysia) on what constituted equality of rights for them and who could be citizens of an independent Malaya. The Malayan (Malaysian) Indian Congress (MIC), which was formed in August 1946, eventually conceded the Malays had the “first right”. In sum, there was a general mode of acquiescence by the Indian leaders to Malay demands and communal bargains. It is significant that within the multi-party and multi-ethnic Alliance government led by the United Malays National Organisation (UMNO), which eventually became the Barisan Nasional government, MIC had to always accept the minimum number of electoral seats even though by population share, the Indian community ought to have a few more. Despite frequent calls by party members for stronger resistance to excessive Malay privileges, successive MIC presidents did not succeed in the quest for more Indian representation in the electoral composition.

Through adoption of the 1957 Federal Constitution, defensive Malay nationalism became the official state-religion paradigm. The constitution privileged the Malays over other ethnic groups through guaranteeing the Malays a special position (Article 153), Bahasa Melayu as the national language (Article 152) and Islam as the national religion (Article 3). Of greater significance was Article 160, which defined a Malay as one who professed the religion of Islam, habitually spoke Bahasa Melayu and conformed to Malay custom. This laid down the parameters in the Malaysian political, economic and social milieu that were largely guided by a Malay nationalism that was “defensive and exclusionary” (Arakaki, 2009, 82). Events and policies that were to come later such as the 1969 racial riots as well as the New Economic Policy (NEP), formulated and enforced since 1971, were to fortify the privileged position of the Malays. The NEP and its successors (National Development Policy and National Vision Policy) were also supposed to tackle the poverty problem in the country. Yet, the minority Indian community, especially those in the country’s plantations, argued that they had not benefitted from these policy initiatives.

Eruption

HINDRAF originated from a coalition of Indian and Hindu non-governmental organisations in Malaysia and comprising mainly Tamil Hindus. It was a culmination in 2006 of several public controversies involving demolition of Hindu temples and conversion of Hindus to Islam. The official explanation was that those temples were built illegally. The conversion cases proved particularly emotional as deceased persons were not permitted to be buried according to the wishes of their Hindu families. These cases were also significant because of the adverse consequences suffered by the Hindus as a result of the blurred boundaries between the Syariah and secular civil legislation.

As such, even though HINDRAF highlighted the economic, political and social marginalisation of Indians in Malaysia, the issue that drew heightened emotion from the Indian community was primarily religious. The phenomenon was that of escalating Islamisation within Malaysian society, instigating “errant” demolition of Hindu temples and controversies over individual Hindu to Islamic conversions. The incident which aroused considerable eruption of public emotion involved the late Everest mountain climber, M Moorthy, who was serving in the Malaysian military. When he died, his body was “snatched” from the hospital by Muslim activists (who insisted that the deceased had converted to the Islamic faith) from his Hindu family members.

The main HINDRAF protagonists are the Tamil Hindu lawyers P. Uthayakumar and P. Waythamoorthy. They are brothers (now estranged over their respective politics). They decided on a public protest and a petition to the British government. On 25 November 2007, thousands of Indians converged in the heart of Kuala Lumpur as the petition was submitted to the British High Commission. It called for the appointment of a Queen’s Counsel to represent Malaysian Indians in a suit against the British government. Malaysian Indians were suing the British government for their frustration and resentment, pent up over 50 years whilst being resident in post-independence Malaysia. They claimed compensation because colonial Britain, while being responsible for importing mainly Tamil labour from India into Malaya, had failed to carry out its duties to the minority Indian community of Malaya at the time of decolonisation. They felt that the Indians had endured “apartheid” in post-colonial Malaysia as a result.

Although HINDRAF leaders made it known publicly that they were prepared to face arrest for their cause, they asserted that HINDRAF had a track record of peaceful protests and the police need not fear public disturbance during the 25 November rally. Despite this reassurance, hours before the rally was scheduled to take place, the police fired tear gas and chemical-laced water to disperse crowds of Indians who had gathered in various parts of Kuala Lumpur. Uthayakumar claimed that the police had fired tear gas at those sleeping in the Batu Caves Temple as early as 4 a.m. It was estimated that the 700 Indians gathered at Batu Caves were arrested (Malaysiakini, 25 November 2007). HINDRAF leaders loudly protested the alleged police brutality.

In December 2007, the Malaysian authorities arrested five key HINDRAF leaders and detained them under the Internal Security Act (ISA). Uthayakumar was among them. Waythamoorthy was out of the country and so escaped the dragnet. The Malaysian Inspector-General of Police, Musa Hassan, told the media that the detention of the five HINDRAF leaders was imperative because “they clearly have links with international terrorist organisations” (The New Straits Times, 15 December 2007). Another reason given by Musa Hassan was the five’s involvement with activities to incite “racial hatred”. The ISA detention without trial resulted in a leadership vacuum in HINDRAF and this provided an opportunity for MIC President, Samy Vellu, to present himself as the voice of the Malaysian Indians.

Impact

It is undeniable that the 25 November 2007 rally and the official actions against HINDRAF had an impact on the 12th general election in March 2008. The sympathy of non-Malay voters was with the Indian community and the HINDRAF cause. Even Samy Vellu lost his 33-year hold on the Sungei Siput parliamentary seat. Consequently, the incumbent Barisan Nasional lost its two-thirds majority in Parliament. The sympathy vote helped to secure the victory of an unprecedented number of parliamentarians of Indian ethnicity, especially from the opposition Democratic Action Party (DAP). Academics heralded the 2008 general election as a turning point in Malaysia’s ethnic politics, and HINDRAF was given credit for this development.

After the 2008 general election, Samy Vellu did a dramatic turnabout. He called for the release of detained HINDRAF leaders, announced a “rebranding of the MIC” and claimed that families of a few of the detained HINDRAF leaders had sought his assistance for their early release. On the other hand, his moves were viewed as an attempt to gain political mileage for himself (Malaysiakini, 1 April 2008). HINDRAF leaders called on him to apologise for failing to oppose their arrest and for misleading the government and public that HINDRAF was a threat to national security. They also accused him of misrepresenting HINDRAF’s struggle and its 18-point demand for addressing grievances.

As Samy Vellu and HINDRAF leaders engaged in political toing and froing, the Malaysian Prime Minister Najib Razak and leader of UMNO, the dominant party in Barisan Nasional, decided to act on his own. He dealt directly with Indian NGOs and other Indian political factions instead of following the tradition of using MIC as the channel to reach the Indian community. He presented himself at Indian populated areas and community events to personally mingle with the Indian electorate. Najib visited the Batu Caves temple before and during Thaipusam, a tradition followed by former prime ministers but discontinued by his two immediate predecessors - Mahathir Mohamad and Abdullah Ahmad Badawi. This was seen by the Indian community as an act of contrition for the police brutality committed during the 2007 HINDRAF rally.

Najib also handed out cash aid. For example, a grant of RM1 million was given to the Sri Murugan Centre (headed by educationist M Thambirajah, who is close to UMNO leaders), an NGO which for years has been helping poor Indian students excel in public examinations by running tuition centres all over the country. This was taken as a gesture that Barisan Nasional was ready to help the Indian community uplift itself from its economic and social conditions. There was also the allocation of Amanah Saham unit trusts for the Indian community. To demonstrate that Barisan Nasional was willing to work with Indians outside the MIC, Najib supported the launch of Malaysia Makkal Sakti Party (MMSP) headed by a former HINDRAF activist and which was to become a component party of Barisan Nasional.

Fissure

Uthayakumar and fellow HINDRAF leaders were finally released in early 2009. Uthayakumar remained aloof from the other Indian leaders and individuals linked to the original HINDRAF. He 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, Uthayakumar had begun to disassociate himself from the opposition Pakatan Rakyat (PR) over land allocation issues for Indian schools and cremation grounds as well as the destruction of the Kampung Buah Pala Indian settlement in the state of Penang. Waythamoorthy had continued to stay overseas. The political support of the Indians had been diverted to different bodies -- MIC, MMSP, Malaysian Indian United Party (MIUP) formed by K S Nallakaruppan. All this happened in a short span of time and divided the loyalties and mobilisation abilities of the already fragmented Malaysian Indian community.

The Kampung Buah Pala issue was the turning point in relations between PR and HINDRAF. Penang's state government under PR refused to abandon the original plan of the previous Barisan Nasional state government to demolish Kampung Buah Pala, the last remaining Indian traditional village, to give way to a condominium housing project. The PR Penang Chief Minister Lim Guan Eng was unsympathetic and his handling of the issue was resented by the Indians who began to realise that the PR leaders were no better than the Barisan Nasional politicians when dealing with Indian problems (Malaysiakini, 14 September 2009).

Consequently, the HINDRAF faction led by Uthayakumar abstained from the Bagan Pinang by-election in Penang. While the point was made that PR was losing the support of the Indians supporting HINDRAF, it also shut out HINDRAF from any credible political power base. Without such a base and with the dissipation of Indian political support into several factions and NGOs, HINDRAF was weakened considerably on the eve of the anticipated 13th general election in 2013. Uthayakumar revealed this when he stated that HINDRAF had lost its momentum for public advocacy due to the threat of government suppression and fewer temple demolition cases and conversion controversies.

Waythamoorthy had continued his campaigning for the HINDRAF cause overseas and this led to embarrassment for the Malaysian government. His Malaysian passport was revoked by the Malaysian government but the British government granted him asylum status. He returned to Malaysia voluntarily in August 2012. He then went on a 21-day hunger strike, "Hunger Virantham" to draw attention to a HINDRAF five-year blueprint (Sahabat Rakyat Malaysia BlogSpot, 4 October 2013).

The "Hunger Virantham" captured the attention of the opposition DAP whose leaders initiated the "Gelang Patah Declaration" as the solution to the plight of Malaysian Indians. Critics claimed that the "Gelang Patah Declaration" was merely a manoeuvre on the part of the PR in 2013 to usurp the HINDRAF agenda by cherry picking points from the HINDRAF five-year blueprint to win the support of the minority Malaysian Indian community. Waythamoorthy was at that point still agitating to repeal Article 153 of the Federal Constitution (Sahabat Rakyat Malaysia BlogSpot, 4 October 2013).

Eventually, Waythamoorthy managed to strike a deal with Prime Minister Najib Razak. They signed an MOU between HINDRAF and the government for uplifting the socio-economic standing of the Indian community in Malaysia. At the signing ceremony of the MOU, Waythamoorthy urged Indian voters to support the ruling Barisan Nasional in the 2013 general election. Following this general election, Najib appointed Waythamoorthy as a Deputy Minister in the Prime Minister's Department. However, in February 2014, Waythamoorthy resigned arguing that the Barisan Nasional government had breached trust and failed to start the reform needed to help the Malaysian Indian community.,

2018 General Election

In 2017, in preparation for the upcoming 14th general election, Prime Minister Najib Razak also unveiled a ten-year programme for the Malaysian Indian community, the Malaysian Indian Blueprint (MIB). The key points of this ten-year programme included looking to the financing and educational needs of the Indian community, their quota of admission into the Malaysian civil service, faster clearance for citizenship and creating a national temple database to track all Hindu temples (The Straits Times, 25 April 2017). MIB looked promising but by 2017, the minority Indian community had become jaded with such plans, points of action that had not materialized and called such declarations and blueprints, "kosong" – empty promises. Hence, on the threshold of the 14th general election, the Malaysian Indian community needed a political mandate to concretise its own plan of action and not just wait for "help" from opportunistic political coalitions.

With the countdown to the general election in 2018, Waythamoorthy returned to the forefront and formally registered HINDRAF as Persatuan HINDRAF Malaysia (PHM). The leader of the opposition Pakatan Harapan coalition, former Prime Minister Mahathir Mohamad, accepted PHM as a "strategic partner" of Pakatan Harapan instead of being taken in as a coalition component due to the issue of electoral seat allocations. However, in a YouTube clip of an event titled "HINDRAAF Pakatan

Harapan, An evening with Y.A. Bhg Tun Dr Mahathir” published by Vanja Film Production,¹ it was clear that a bargain had been struck between Waythamoorthy and Mahathir . Waythamoorthy spoke at this event, which was held at the KL & Selangor Chinese Assembly Hall and highlighted the problems of the Malaysian Tamil community, which include attaining financial and educational support for the community’s underclass, a lack of opportunities for the Tamils, the issue of temple demolition and preservation of Hindu cremation grounds. In return for Mahathir’s support, Waythamoorthy promised that HINDRAF would campaign for Pakatan Harapan under the mantra of “Zero vote for Barisan Nasional”.

On his part, Mahathir highlighted that the chief concern of the 14th general election was economic. Mahathir stated that he felt “there was no confrontation between different races” and ousting Najib over the 1MDB scandal was his main objective. Mahathir claimed that he felt let down by Najib, as the son of former Premier and founding father of Malaysia, Tun Razak. Mahathir said that he would see to it that Pakatan Harapan will “accommodate” HINDRAF. The use of the word “accommodate” implies both positive and negative connotations, in that while HINDRAF is no longer dismissed or considered as a non-supporter of the Malaysian national interests by political leaders such as Mahathir, HINDRAF’s highlighted needs for the Malaysian Tamils, would be considered possibly, but not as a priority.

Going into the national polls, Pakatan Harapan consisted of DAP, Parti Keadilan Rakyat (PKR), Parti Pribumi Bersatu Malaysia (Bersatu) under Mahathir and Parti Amanah Negara, a breakaway group from Malaysian Islamic Party (PAS). Many political analysts consider Pakatan Harapan a coalition of compromises. DAP was formed with the slogan of Malaysian Malaysia, translating into equality of all races. Bersatu was formed to capture Malay votes through upholding of the Malays’ special position with the definition of “Pribumi”. Full rights as a member of Bersatu is only for those categorised as “Pribumi” whilst non-Pribumi (mainly Indians and Chinese) are associate members (Wan Saiful, 2018, 13). PKR is the party of Anwar Ibrahim who was sent to jail by Mahathir and prevented from succeeding him as Prime Minister.

Mahathir’s legacy as Prime Minister from 1981 to 2003 cannot simply be wiped out, especially when those 22 years actually laid the foundations of the composite principles of Malaysian “nationalism, capitalism, Islam, populism and authoritarianism” (Khoo Boo Teik, 2018, 2). Khoo Boo Teik, links Mahathir’s nationalism to concern over “Malay economic backwardness”. Mahathir preferred to retain the NEP while Anwar accepted the need for policy adjustment over time. When it comes to the propagation of Islam as a key identity marker of the Malays, Mahathir openly declared that Malaysia is an Islamic nation, even though he might have said it to subdue the growing influence of PAS on Malaysian voters.

¹ “HINDRAAF Pakatan Harapan, An evening with Y.A. Bhg Tun Dr Mahathir” *YouTube*, 16 March 2018. <https://youtu.be/BwXBt6CzZ7c>

Results

Many non-Malays who watched the 14th general election in a non-partisan manner claimed that the victory of Pakatan Harapan was simply a majority in the Malay electorate shifting its loyalty from one Malay coalition (Barisan Nasional) to another (Pakatan Harapan). Sentiments remain that the special position of the Malays is too entrenched within the Malaysian political system and cannot be dismantled within a term or two of Pakatan Harapan's best intentions in making Malaysia a more equitable society.

Perhaps it was the promise of change and "help" for the Malaysian Indian community that was demonstrated in Indian support for the Pakatan Harapan. 16 parliamentarians of Indian ethnicity were elected. This number is larger than the 2013 group of 11 Indian parliamentarians (Malaysiakini, 12 May 2018). Both the MIC president and the deputy president failed to win a seat in Parliament. MIC was almost obliterated save two parliamentarians who were re-elected. Prominent academic and social activist Denison Jayasooria stated (Malaysiakini, 3 May 2018) that Malaysian Indians formed a significant minority voter block with 9 percent to 27 percent of voters in 64 parliamentary constituencies in nine states in Peninsular Malaysia. Where there are 5,000 or more Indian voters within a constituency, they have the capacity to swing the results if there are splits among Malay and Chinese voters.

Waythamoorthy claimed that under his leadership, HINDRAF managed to swing 88% of the Malaysian Indian votes to Pakatan Harapan that led to the historic defeat of Barisan Nasional in the 2018 general election. In the 2013 general election, the opposition Pakatan Rakyat had obtained 50.56% of the Indian vote. In recognition of the contribution of HINDRAF, Waythamoorthy was sworn in as a Senator on 17 July 2018 and appointed as the Minister of Unity and Social Well Being in Mahathir's cabinet. Time will tell if Waythamoorthy actually plays a role in policy formation in creating national harmony among Chinese, Malays and Indians, or if his position is a token gesture.

Waythamoorthy is forming a new political party called Malaysia Advancement Party (MAP). It will protect, promote and advance the political, economic, educational, cultural, religious and social interests of the Malaysian Indian community. With MAP, he felt that there is hope among the Malaysian Indian community that there is an effective representation of their interests. MAP has stated that it will work with all component parties of Pakatan Harapan to enhance the reform agenda under the new Pakatan Harapan government.²

Waythamoorthy's tactics were a misnomer to the very objectives he was supposedly devoted to, that of promoting the case of underclass Tamil Hindus. He had joined Barisan Nasional in 2013 (before the 13th general election) claiming that only the ruling coalition under Najib could take care of the

² "Waytha Moorthy Launches New Party to Protect and Promote Interests of Indian Community" *The Star*, 8 September 2018. <https://www.thestar.com.my/news/nation/2018/09/08/waytha-moorthy-launches-indian-party/>

Indian community's welfare. But, this was the adversary that HINDRAF was confronting during the 2007 rally and its aftermath. Waythamoorthy was appointed deputy minister in the Prime Minister's Department following the 2013 general election but resigned within 8 months. His quick entry and exit have been portrayed by his detractors as showing his indecisive and knee-jerk personality.

In the run-up to the 14th general election in 2018, HINDRAF encountered great difficulty in negotiating for a political mandate with the other coalition components of Pakatan Harapan. It was Mahathir who favoured HINDRAF under Waythamoorthy, in its weakened and frayed state, in the hope that this would win the support of Indian voters for Pakatan Harapan. Reports of strong Indian support in the victory of Pakatan Harapan in the general election seemed to vindicate Mahathir's choice. At the same time, disquiet in the Indian community over Waythamoorthy's leadership surfaced as it seemed his return favour to Mahathir was to give in on the Zakir Naik case.

The Zakir Naik Case

Zakir Naik is a controversial Islamic preacher whose rhetoric is popularly known for causing religious conversions. Outlawed from India under the suspicion of inciting religious hate, Malaysia granted him sanctuary. HINDRAF protested against this in 2016, and in 2017, it lobbied the UN to get Zakir Naik's permanent residency in Malaysia revoked (Malaysiakini, 17th July 2017). Media reports cast Waythamoorthy as being unwilling to challenge Mahathir's decision regarding Zakir Naik's stay in Malaysia. Waythamoorthy stated that this matter was not under his portfolio but he would be discussing with the cabinet on ways to socially uplift the Indians and deter those who fell by the wayside from being involved in crime (Malaysiakini, 17th July 2018).

The individual who stood his ground on the Zakir Naik issue was Penang Deputy Chief Minister Professor P Ramasamy. Ramasamy's argument was that the world is watching Malaysia over this controversy. Zakir Naik is wanted by the law in India and he therefore did not need to commit a crime in Malaysia before being extradited. To Ramasamy, what is a crime in one country must be a crime in another country (Malaysiakini, 9 July 2018). Ramasamy claimed that Zakir Naik made "hate speeches" and just as the Malaysian government had dealt with the Chinese Uighur minority in Malaysia at the request of the Chinese government, it should do the same in the case of Zakir Naik.

Ramasamy's open criticism triggered a whole series of responses against the Penang Deputy Chief Minister. He was challenged by the far right elements amongst the Malaysian Muslim population, ranging from engaging in a public debate with conservative Islamic scholars, to Ramasamy being touted as a supporter of the Sri Lankan Liberation Tigers of Tamil Eelam (LTTE), which is classified as a terrorist organisation. Events culminated for Professor Ramasamy in late July of 2018 when two groups for and against Ramasamy, on his alleged links to LTTE, came face to face in a public confrontation at a landmark location in Penang. The anti Ramasamy group was made up of 15

Muslim NGOs, which shouted out Ramasamy as a “terrorist”, demanding he resign as Deputy Chief Minister while chanting “Allah-u-Akhbar.” (Malaysiakini 27 July 2018).

The Recent Temple Incident

More recently, on Monday, 26 November 2018, violence broke out between a Malay group hired by the developer of the Seafeld Hindu temple land and the 1000-odd Indian devotees protecting the Seafeld Sri Maha Mariamman Temple from demolition. This brought back fears amongst both the Malaysian Tamil community and the Pakatan Harapan government. The Sri Maha Mariamman temple in Subang Jaya (outskirts of Kuala Lumpur) is said to be 140 years old. Indian plantation workers set up the temple for their worship. However, the temple is now on private land purchased by One City Development Sdn Bhd and had been planned for relocation. The Indian community has made offers to buy the land; but complications came to a climax when the violence erupted on 26 November 2018. Eighteen cars and two motorcycles were torched in the incident. A police patrol car was damaged. One person died from injuries. A Malaysiakini report (27 November 2018) states that “some 1000 devotees gathered again at the temple in the early hours of Tuesday, 27 November 2018, and torched the wreckage of at least two cars burnt the night before ... at least 300 rioters then marched to MCT Tower, a kilometer away from the temple (where the landlord’s office is situated) and attacked the building and several vehicles”.

Selangor EXCO member and former HINDRAF activist, V Ganabatirau was swift to apologise over his statement that it was a “Muslim group” that led the attack on the Seafeld temple (Malaysiakini, 28 November 2018). Malaysian Indian political leaders questioned the statement by Subang Jaya police regarding the clash, “initially described as a fight between two ethnic Indian groups, stemming from the issue of temple relocation” (Malaysiakini, 26 November 2018). The Deputy Inspector-General of Police provided details and showed that the issue was not a racial clash. It was admitted that “Perhaps the party which wanted to take over (the land) hired a group of Malay men to facilitate the process of taking the land ... The police and the Federal Reserve Unit on site during the violence did not move in to contain the crowd but instead stood ‘proof’ of the carnage” (Malaysiakini, 27 November 2018).

The ICERD Case

The Zakir Naik issue and the Seafeld Sri Maha Mariamman Temple violence seem to have been “managed” through compromise and restraint. However, the hope for one of the 14th general election’s slogans, “Malaysian Malaysia” is seen to be receding further into the background as systemic demographic, constitutional and religious structures do not permit a move away from the reservation of Malay rights. This is most aptly illustrated in the discussions on ratification of the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) since the election of the Pakatan Harapan government. After forming the government, Pakatan

Harapan leaders have called for appointment of a number of ministers holding key positions who were not Malay and sought to review the decades-old NEP, stating that aid should be dispensed on needs, not on the basis of race. However, even from the early inception of such moves, there was protest against the Attorney-General's appointment on the grounds that he is not a Malay-Muslim.

In fact, the call to ratify the ICERD was made as early as 2016, under the Barisan Nasional government, to be in line with its "1 Malaysia" concept that promoted equality amongst the races of Malaysia. This was promoted by organisations such as Suaram (Voice of the Malaysian People) and Pusat Komnas (an organisation that promotes Democracy and Equality through the use of popular media) (Malaysiakini, 25 July 2016). In September 2018, Mahathir, in a speech made to the United Nations General Assembly, declared that many in Malaysia were opposed to the idea that Malaysia should accede to the ICERD. This is because it is inconsistent with Article 153 of the Malaysian Federal Constitution that "safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with provisions of this article". He alluded to the adoption of ICERD by the UN General Assembly in December 1965 as a vestige of the colonial era.

Several anti-ICERD events took place thereafter. The "ICERD – coffin" protest occurred in October 2018. About a hundred representatives from Malay-Muslim NGOS, (including the reported presence of UMNO Youth grassroots members), brought a coffin to a protest, symbolising the "death" of Malay-Muslims in the country, to the Parliament's main gate. As personalities such as social activist Chandra Muzaffar and Minister Waythamoorthy, as well as the Human Rights Commission of Malaysia (SUHAKAM) deliberated publicly over the issue, tensions rose amongst Malay-Muslims. This culminated in the "White protest" of December 2018 whereby tens of thousands of protestors, clad in white, were seated along Jalan Raja at Dataran Merdeka, the city square, voicing their objection to the ICERD. A commentary in Singapore's TODAY newspaper (13 December 2018) titled "A 'new Malaysia' but same old racial and religious divide" claims that the opposition UMNO and PAS are now ready to pounce back by politicising the race and religion card. Mahathir then made an abrupt u-turn and declared that ICERD would not be ratified and that the Federal Constitution would be upheld.

Conclusion

In the fervour of regime change after more than 60 years, the Indian position of support and optimism for more promising times ahead has been expressed in the words of Denison Jayasooria. He said that "Malaysian Indians have voted for multiracial political parties to represent them in Parliament, based on the results of the 14th general election" (Malaysiakini, 12 May 2018). However, given the ensuing developments after the 14th general election mentioned in the paper here, various analysts and politicians in Malaysia have voiced doubts that the Pakatan Harapan government can change the entrenched attitude and institutional practices easily.

The story of HINDRAF, highlighted in the preceding sections of this paper, shows that personalities matter in the quest for more equitable treatment of the Malaysian Indians and their Hindu culture, religion and traditions. The leaders' commitment and passion for the well-being of the Indian community cannot be doubted. Yet, their ability to rally the fragmented Indian ground into a cohesive and sustainable political force has fallen short at critical moments. In addition, the patchwork of historical compromises and political give-and-take to have a workable multi-ethnic coalition to govern a culturally and economically diverse country have created a huge challenge for the relatively small Indian community (7 to 8 per cent of total population in Malaysia) to secure all the rights and privileges it needs.

While HINDRAF has activated segments of the Malaysian electorate, especially among disaffected Tamil Hindu voters, the evidence does not show that it has made an unequivocally positive contribution to the success of Indian candidates seeking political office within the context of a multi-ethnic Malaysia. Ultimately, the advancement of the interests of the Indian community lies in the rule of law and an enlightened multi-party and multi-ethnic political leadership, which builds on the common strength of the various ethnic communities pulling together for a "New Malaysia". The stunning results of the 2018 general election may have set the stage for such a Malaysia but the work has only just begun.

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