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## Executive Summary

While overseas Indians continue to prosper and grow everywhere else in the world, because they are able to avail themselves of the opportunities around them, we, Indians in Malaysia who have lived in Malaysia for up to five generations in many cases, find ourselves hemmed in and blocked by a racist and religious extremist Malaysian Government. This Government has robbed us of our fundamental rights and continues to deny us equal opportunities in every facet of our lives.

Complete neglect of the conditions of the vast majority of the Indian Malaysians both by the Malaysian Government and the elite of the Indian Malaysian community has resulted in large scale dispossession and marginalization of the vast majority of the Indians in Malaysia.

The current ruling coalition in Government, dominated by the UMNO (United Malay National Organization) party runs a racist, Muslim religious extremist and Malay supremacist Government. By explicit State policies the vast majority of Malaysian Indians are excluded from the national mainstream development of Malaysia. We are systematically denied equality and equal opportunities in direct contravention and violation of Articles 8 and 12 of the Malaysian Federal Constitution. Covenants which were agreed upon by the founding fathers of the country now seem to have lost all meaning at the hands of this UMNO regime. About 70 % of the Indian Malaysians have been made to be and/or remain in the hardcore poor, poor and in the working class group with 90% being in the daily or monthly wage-earning category. The poverty we talk about is relative poverty arising from exclusion of the racist / religious extremist system – exclusion from proper basic life facilities, from education at all levels, from economic development programs, from social development programs, from cultural development programs, from equal opportunities in employment to name few areas.

The lopsided development has been facilitated and catalyzed by a system which in Malaysia we have come to call Mandorism. Mandorism's primary manifestation is the employment by the ruling elite (UMNO at the Federal level and Pakatan at the State level) of the country, of a small layer of the somewhat successful Indian Malaysian Entrepreneurs, Professionals and Politicians to subjugate the rest of the majority of the Indian Malaysians in the country.

For our part, we as representatives of the large section of the Indians –poor and marginalized would like to lay out in this report, specific examples in 17 different categories of areas of exclusion, denial of very basic and elementary needs and necessities, of denial of minority rights, of basic human rights, of fundamental entitlements and development opportunities for Indians in Malaysia.

The decision to outlaw Hindraf, a Minorities and Human Rights movement championing the poor and the marginalized Indians in October 2008 has not been rescinded, even though there is not any indication of any threat by Hindraf to any facet of Malaysian life, other than that it represents and effectively the oppressed and marginalized Indians.

## MAP



<http://www.thecommonwealth.org/YearbookHomeInternal/138656/> [44]

## 1.0 BACKGROUND INFORMATION ON MALAYSIA

### 1.1 Demography

**Full Country Name:** The Federation of Malaysia

**Area** : Total area 329,758 sq km (127,317 sq miles)

**Population** : 27.5m (2008)

**Capital City** : Kuala Lumpur (population: 1.5m), Putrajaya (Administrative capital)

**People** : Bumiputra (mostly Malays) (66%), Chinese (25%), Indians (8%).  
Others (1%)

**Languages** : Bahasa Malaysia (Malay) is the national language. Other languages include Chinese, Tamil and Iban. English is widely used.

**Religions** : Muslim 55%, Buddhist 17%, Taoist 12%, Christian 7%, Hindu 7%  
Animist/Other 2%

**Currency** : Ringgit Malaysia (RM)

**Major Political Parties** : “Malaysian political parties are distinguished more by their differing racial compositions than by competing political philosophies. The Government has been dominated since Independence by the Barisan Nasional (BN), a coalition of the United Malays National Organisation (UMNO), Malaysian Chinese Association (MCA), Malaysian Indian Congress (MIC), plus a series of smaller parties (mainly from the East Malaysian states of Sabah and Sarawak and reflecting their complex ethnically mixed populations).

The main opposition parties are the Democratic Action Party (DAP), the Pan-Malaysian Islamic Party (PAS), and Parti Keadilan Rakyat (PKR - People's Justice Party). These three parties formed the loose coalition ‘Pakatan Rakyat’ after the March 2008 elections.”

**Government** : “Constitutional Monarchy: the King (Yang di-Pertuan Agong) is drawn on a rotating 5-year basis from the Sultans and hereditary rulers of the states of the Malay Peninsula.”

**Head of State (Agong)** : HM Al-Wathiqu Billah Tuanku Mizan Zainal Abidin Ibni Al-Marhum Sultan Mahmud Al-Muktafi Billah Shah

**Prime Minister** : Datuk Seri Najib Tun Razak

**Foreign Minister** : Datuk Anifah Aman

**Membership of International Groupings/Organisations** : “Malaysia is a member of the Commonwealth, the UN, the Asia-Europe Meeting (ASEM) and the Asia Pacific Economic Co-operation (APEC). Malaysia is also the current Chair of the Organisation of Islamic Conference (OIC), the Non-Aligned Movement (NAM), and the Association of Southeast Asian Nations (ASEAN)”. (Foreign and Commonwealth Office (FCO), Country Profile: Malaysia, last updated on 13 May 2009) [1]

## 1.2 History of Malaysia

- “1957: Independence for the Federation of Malaya (mainland Peninsular states).
- 1963: Formation of the Federation of Malaysia, comprising the Federation of Malaya, Singapore, Sabah and Sarawak.
- 1965: Singapore left the Federation.
- 1969: Inter-racial riots led to the introduction in 1971 of 20-year New Economic Policy (NEP) aimed at alleviating causes of the tension through enhancing the bumiputra (Malay) economic position.
- 1971 – Present: Country experienced rapid economic growth and industrialisation (with a major but temporary downturn in 1997/98).
- 1981: Dr Mahathir Mohamad became Prime Minister.
- 1997/1998: Asian Economic Crisis.
- 1999: General election returned the Barisan Nasional to power with a reduced, but still two-thirds majority.
- 2003: Dr Mahathir stepped down; succeeded by his Deputy, Abdullah Badawi
- 2004: General election on 21 March resulted in a landslide win by the UMNO-led Barisan Nasional coalition.” (FCO Country Profile, 3 September 2007 [4a]
- 2008: General election on 8 March: Barisan Nasional coalition returned to power, but with a much reduced simple majority.
- 2009: Abdullah Badawi stepped down; succeeded by his deputy, Najib Razak.” [1]

## 1.3 An Overview on Political Parties

The United States Department of State, Country Report on Human Rights Practices 2008, Malaysia (USSD report 2008), noted that “Malaysia is a federal constitutional monarchy with a population of approximately 26.9 million. It has a parliamentary system of government headed by a prime minister selected through periodic, multiparty elections. The United Malays National Organization (UMNO), together with a coalition of political parties currently known as the National Front, has held power since independence in 1957.

## 1.4 An overview of Recent Political Development in The USSD Report 2009 (published 11 March 2010):

“Opposition parties were unable to compete on equal terms with the governing National Front coalition, led by the ethnic Malay UMNO party, which has held power at the national level since independence in 1957, because of significant restrictions on campaigning, freedom of assembly and association, and access to the media. Nevertheless, opposition candidates campaigned actively, and in the most recent national elections, held on March 8 [2008], the opposition parties captured 82 of 222 parliamentary seats and 198 of 505 state assembly seats, winning control of five out of 13 state governments.

Political parties could not operate without restriction or outside interference. The lack of equal access to the media was one of the most serious problems encountered by the opposition in the March national elections and in the subsequent by-election.

### **1.5 The FCO Country Profile for Malaysia, last updated on 13 May 2009, reported:**

“Elections are held every five years. The Barisan Nasional coalition was returned to power on 8 March 2008, but with a much reduced simple majority. For the first time since independence, the ruling alliance, which won the 21 March 2004 general election by a landslide, lost its two-thirds majority of the seats in Parliament, and five of 13 federal states to the three opposition parties, which together formed the Pakatan Rakyat coalition.”

### **1.6 Jane’s Sentinel, Country Risk Assessments, Malaysia (last updated on 5 October 2009) observed:**

“The outcome of the March 2008 elections has led to a protracted period of low level instability. While the most important election result since the country gained independence in 1957 was achieved peacefully and without any serious suggestions of electoral fraud, many Malaysians remain uneasy over the country's political direction. The Pakatan Rakyat opposition coalition now controls four of the country's 11 states (with another in dispute), and the dominant United Malays National Organisation (UMNO) has been left in disarray, with its various factions vying for influential positions.

## **2.0 HUMAN RIGHTS**

### **2.1 An overview on Malaysian human rights record in The USSD report 2009 (published 11 March 2010):**

“The government generally respected the human rights of its citizens; however, there were problems in some areas. The government abridged citizens' right to change their government. Some deaths occurred during police apprehensions and while in police custody. Reported abuses by members of the People's Volunteer Corps (RELA) included rape, beatings, extortion, theft, pilfering homes, destroying UN High Commissioners for Refugees (UNHCR) and other status documents, and pillaging refugee settlements. Other problems included police abuse of detainees, overcrowded immigration detention centres, use of arbitrary arrest and detention using the Internal Security Act (ISA) and three other statutes that allow detention without trial, and persistent questions about the impartiality and independence of the judiciary. The government arrested a prominent opposition leader on politically motivated charges of consensual sodomy. The government also arrested other opposition leaders, journalists, and Internet bloggers apparently for political reasons. The government continued to detain without trial five leaders of an ethnic Indian civil rights group. The civil courts continued to allow the Shari'a (Islamic law) courts to exercise jurisdiction in cases involving families that included non-Muslims. The government continued to restrict freedom of press, association, assembly, speech, and religion. Trafficking in persons remained a problem. There were credible allegations of immigration officials' involvement in the trafficking of Burmese refugees. Longstanding government policies gave preferences to ethnic Malays in many areas. Some employers exploited through forced labour migrant workers and ethnic Indian-Malaysians. Some child labour occurred in plantations.”

**2.2 Amnesty International's (AI) 2009 Annual Report noted:**

"The government tightened control of dissent and curtailed the right to freedom of expression and religion. Bloggers were arrested under the Sedition Act, and the Printing Press and Publications Act (PPPA) was used to control newspaper content. Ten people were arbitrarily arrested and detained under the Internal Security Act (ISA). Security forces continued to use excessive force while the establishment of an independent police complaints misconduct commission was postponed. Immigration personnel and volunteers conducted mass arrests of migrant workers. At least 22 people were sentenced to death. The number executed was unknown."

**2.3 Human Rights Watch World Report 2009 observed:**

"Hopes that Malaysia's human rights climate would improve following elections in March 2008 proved unfounded...National Front leaders continue to insist that Malaysia's multiethnic society is too fragile to sustain genuine freedom of assembly and expression or full due process rights for all suspects. The government continues to use outdated repressive laws and regulations to silence its critics and extend its rule."

**2.4 Jane's Sentinel, Country Risk Assessments, Malaysia (last updated on 5 October 2009) observed:**

"Although a largely pro-Western, fully-fledged parliamentary democracy, Malaysia is often regarded as a 'soft authoritarian' state, which has attempted to differentiate itself from liberal democracies in the West. There is little independence in national media, the arts are heavily censored in line with the country's Islamic policies, and a draconian law from the colonial era - the Internal Security Act (ISA) - has been used widely to suppress opposition parties and politicians. Many questions have been raised about the independence of the judiciary."

**2.5 Jane's Sentinel, Country Risk Assessments, Malaysia also noted:**

"Malaysia's greatest internal security threat stems from fears of inter-communal violence based on memories of the May 1969 race riots in which many hundreds (the Chinese community continues to speak of thousands) died in fighting between Malaysia's two largest ethnic communities. Since then, successive governments have sought to remove the causes of the violence, principally through the 'Bumiputera' ('sons of the soil') policy, which ensures that the majority Malay community's share of national wealth is at least equal to that of the Chinese...There have also been ethnic tensions between the Malays and the Indian minority, particularly in 2006 when local authorities demolished many Hindu temples they claimed were built without permission. There were fears that the ruling coalition's dramatic loss of authority in the March 2008 elections would lead to a [sic] Malay backlash. Indeed, in the second half of 2009, populist and xenophobic Malay politicians and groups singled out ethnic Chinese and Indian communities in a number of inflammatory statements, raising tensions across the country. Although this has not escalated beyond rhetoric, relations between the country's three main ethnic groups remain strained and Malay nationalism may resurface in the face of deteriorating economic conditions."

### **3.0 State Promotion of Malay Muslim Supremacy Agenda**

One of the key ways by which this racist system is perpetuated is through the implementation arm, the Administration. All of the Administration is effectively manned by Malays majority of who are members of UMNO or supporters. This is just like in Apartheid South Africa where at the height of the Apartheid system 500,000 all white administration ran South Africa.

This racist administration is indoctrinated with the Malay supremacist ideology by the indoctrination arm called the Biro Tata Negara. The UMNO controlled Utusan Malaysia, a Malay daily continuously spews out racist distortion of events but going by the adage a lie told a hundred times can become the truth, it influences the Malay world outlook and contributes to significant polarization among the peoples of different ethnicity. Racial discrimination is visible in most day-to-day interactions between the Indians and the Administration and also in all the aspects of life of the common Indian people – the discriminatory practices are so evident.

The Government is the largest employer in the country and has 1.2 million employees. If teachers of Chinese and Tamil were taken out more than 95% of these employees would be Malays. In effect the entire Administration can be said to be Malay. This becomes another pillar in the perpetuation of the racist system. This is akin to the Administration of South Africa during the Apartheid days where the entire Administration was made up of whites, some 500,000 of them.

Such an ethnically homogeneous Administration did not happen by accident. It happened by design of UMNO to facilitate the implementation of the various UMNO/Malay/Muslim biased policies.

To further ensure implementation of the UMNO/Malay/Muslim biased policies the employees are put through an UMNO/Malay/Muslim slanted education program called Biro Tata Negara. 1,016,749 civil servant " graduates" have been put through this Education at a cost of RM 55 Million per year to implement the UMNO led government's racist and religious extremist policies against and in particular the Indians (refer UM Bulletin 27/6/09 at page 19). This indoctrination ensures the blocking of the non-Malay Indians and the promotion and support of the Malays.

#### **Examples of Racism:**

1. Applications for entitlements are rejected on slightest reason.
2. Ensuring information on entitlements are blocked out from the eligible Indians.
3. Ensuring it is difficult for the Indian Malaysian poor to register as citizens of the country.
4. Ensure that lower level policies are in line with the overall racist bent of the higher-level policies.
5. Ensure statistics of the disbursements or acceptance or selections are kept away from the non-Malays –Indians.
6. Ensure interpretation of policies is such as to disfavour Indians.
7. Make the procedures for various applications in respect to the Government unduly complicated for Indians.

The State controlled mass media especially the Utusan Malaysia seeks to project a very racist interpretation of events and happenings in the country. News is always presented with a twist to make it favourable to UMNO position. This results in continuing polarization among the people of different ethnic groups

We get glimpses of the indoctrination that is mostly carried out behind closed doors occasionally. In September 2010 the Civics Bureau Assistant Director in a closed door meeting of the Women's Youth wing of UMNO on how to approach the non-Malays and non- Muslims for votes in an election uttered the following "The Si Mata Sepet who has never gone to a mosque or surau only has one vote.

The Si Botol who only knows how to go up and down Batu Caves only has one vote," It is this kind of bigotry that is disseminated by the Civics Bureau a million times. The BTN has been shown to be an extremely racist and highly divisive politically-orientated agency to promote the Malay Muslim supremacist Agenda. The BTN is in fact an indoctrination tool. Some of the consequences we can see in the examples below.

To further institutionalise the Malay/Muslim Supremacy agenda the UMNO government is tampering with the education system in the country one more time – this time in the SPM examinations, where a candidate now must get a credit in History for a First grade in the SPM and a pass in history for a pass in SPM.

## **4.0 SECURITY FORCES**

### **4.1 Police**

#### **4.1.1 An overview in The USSD 2009 Country Report on Malaysia noted:**

"The approximately 100,000-strong Royal Malaysia Police force is under the command of the inspector general of police (IGP), who reports to the home affairs minister. The IGP is responsible for organizing and administering the police force. The government has some mechanisms to investigate and punish abuse and corruption. There were NGO and media reports that security forces acted with impunity during the year.

Several NGOs conducted local surveys on government corruption and identified the police as among the country's most corrupt government organizations. During the year a Home Affairs Ministry survey noted that 70 percent of respondents had bribed police officers under duress. Reported police offenses included accepting bribes and theft. Unlike in past years, there were no known accusations of rape against police personnel.

### **4.2 Arbitrary Arrest and Detention**

#### **4.2.1 An overview in The USSD 2009 Country Report on Malaysia stated:**

The constitution stipulates that no person may be incarcerated unless in accordance with the law. However, the law allows investigative detention to prevent a criminal suspect from fleeing or destroying evidence while police conduct an investigation.



Four laws also permit preventive detention to incarcerate an individual suspected of criminal activity or to prevent a person from committing a future crime. Such laws severely restrict, and in some cases eliminate, access to timely legal representation and a fair public trial.

The law permits police to arrest individuals for some offenses without a warrant and hold suspects for 24 hours without charge. A magistrate may extend this initial detention period for up to two weeks. Although police generally observed these provisions, a 2005 police commission report noted that police sometimes released suspects and then quickly rearrested them and held them in investigative custody. The law allows an arrested individual the right to be informed of the grounds of his arrest by the police officer making the arrest. Police must inform detainees that they are allowed to contact family members and consult a lawyer of their choice.

Police often denied detainees' access to legal counsel and questioned suspects without giving them access to counsel. Police justified this practice as necessary to prevent interference in ongoing investigations, and judicial decisions generally upheld the practice. The commission stated that an "arrest first, investigate later" mentality pervaded some elements of the police force and recommended that detention procedures be reviewed to prevent abuse. On some occasions law enforcement agencies did not promptly allow access to family members.

Prison overcrowding, concentrated in facilities near major cities, remained a serious problem. In July the Home Ministry reported that the prisoner population at the country's 29 prisons was 28 percent above capacity. Local and international NGOs estimated most of the country's 16 IDCs were at or beyond capacity, with some detainees held for a year or more."

### **4.3 Abuses by the Security Forces**

#### **4.3.1 The USSD 2009 Country Report on Malaysia noted:**

"Security forces failed to prevent or respond to some incidents of societal violence. Minority groups complained of perceived police unwillingness to take appropriate action on August 28 to disperse a group of Muslims protesting the relocation of a Hindu temple to their residential area and of the government's immediate closing of a candle light vigil held in response by members of the Hindu community.

#### **4.4.1.Extra-Judicial killings and Police abuse.**

##### **An overview found by The HRP, Malaysia:**

Police shootings and custody deaths largely involve Indians. Racial profiling of Indian Diaspora suspects to point of being killed in police lockups and shot dead are widespread. The steady increase in crime rate reflects the corruption in the law enforcement agencies and their ineffectiveness as a law enforcement agency. The weakness in the law enforcement agency, which is riddled with corrupt officers, is further undermined by its willingness to act in cohorts with the ruling government to overlook any misdeeds perpetrated by the ruling authorities. In return, the police force is immune from any prosecution of any crimes they may commit in the process of fulfilling their master's bid and the danger of such an alliance produces a police force that views itself above the law. An additional factor to the increase in crime rate is the direct influence of the ever widening effects of marginalization experienced by the poverty line Indians. The involvement of Indian youths in crime is now a widely acknowledged fact in Malaysia.

To counter the rising trend in crime rate, the Police resort to brutal and violent methods to deal with the problem. There are well-documented instances where the police have used unlawful force and torturous means to extract confessions from detainees for their suspected activities. Almost 90% Malaysians killed whilst in Police custody are ethnic Indians suspected of committing crimes. The Police also practice an unofficial 'shoot to kill' policy codename 'Operasi copperhead'. The Officers who act with impunity clearly violate the rule of law and the universal law of basic human rights.

#### **4.4.2 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

##### **Update:**

- A review of the incidents mention below, in November 2010 by HRP, Malaysia, showed remains unresolved by the authorities. Moreover, the level of ethnic Indian detainees in custody or in prison remains unabated based on the following published reports collated by the HRP, Malaysia.
- 'The Star'(Malaysia) newspaper (16 March 2010, page N40) published information obtained by the Selangor Hindu Sangam which confirmed that 48% of prisoners in the 28 prisons nationwide continue to be ethnic Indians.
- The Utusan Malaysia newspaper (20 September 2010,page 5) reported that four months alone in 2010, 300 ethnic Indian youths were arrested and detained under Emergency Ordinance in the state of Selangor. A further 900 Indian youths have been arrested in Selangor in 2010 and a total figure of 5,000 in 2010 countrywide.
- The same newspaper (22 September 2010, page 10) reported that there were about 100,000 known ethnic Indian gangsters operating in Malaysia.
- According to page 20 of the News Straits Times of Malaysia (25 March 2010, page 20) 36,000 prisoners nationwide including 17,256 are serving a custodial sentence for minor crimes.
- Babu a 28 year old orphan who surrendered himself voluntarily to Police in Jempol on a suspected petty robbery case on the 24<sup>th</sup> January 2010 was found dead in a Police lock up a week later under mysterious circumstances. He allegedly hanged himself but the Police were not willing to disclose the findings of a CCTV linked to the cell on requests of NGO's representing Babu's family. (Malaysiakini 3<sup>rd</sup> February)Police denied any wrongdoing.
- On June 14<sup>th</sup> 2010 A Gnanapragasam, 53, died in Police custody. He had previously complained to a Magistrate who heard his remand proceedings that he was beaten in custody. His wife met him the Friday before and noticed he had beatings mark. The Police told her that he would be released on Monday, however he died mysteriously on Sunday. Police claimed he could have died due to drug abuse. No inquest was held to determine the cause of his death.
- The investigation and prosecution into the unlawful killing of Kugan remains unchanged at review date of our report. In this high profile prosecution where only one police officer was prosecuted after much public pressure for the use of unlawful force to extort confession from a 22 year old ethnic Indian detainee who had been subjected to the most horrific forms of ill treatment at the hand of the authorities.
- On July 16 2010, police arrested R Gunasegaran, who died in custody at the Sentral Police Station approximately two or three hours after his arrest.

- An initial autopsy found that Gunasegaran died of a drug overdose. Several witnesses claimed he was beaten in police custody. At his family's request, the high court ordered a second post-mortem examination and an inquest into his death. The inquest into the cause of his death was inconclusive despite presence of various wounds and injuries to the body.
- An eyewitness to the above inquest was subsequently arrested by the police at his home in the presence of his family who witnessed him being beaten by the police who then took the eyewitness into custody.
- On 8 November 2010, police shot and killed five ethnic Indian youths aged 17 to 24. The police described them as members of a criminal gang who fired first; however, an outcry, particularly from the Indian community questioned the police 'shoot to kill' policy. The police denied using such a policy and defended the police officers' right to defend themselves. At year's end there had been no known official inquiry into the matter
- On 22/11/10 K. Kalaiselvan (21) was believed to have been murdered by the Malay members of the police force at the Kota Tinggi, Johor, police station. But the cause of death has been reported (covered up) to be lung congestion. (see New straits Times 17/12/2010 at page 22).
- Mahalingam (35) was similarly believed to have been killed by the police at the Nibong Tebal police station on 23/11/10 and to cover up the police placed the blame on five other fellow detainees and sent them away to the Simpang Renggam Prison to be detained without trial for two years and thereafter indefinitely. (see Makkal Osai 7/12/10 at page 7).
- Two brothers from Taiping were shot dead by the Malay police force in what is believed to be a police shoot to kill policy of Indian suspects (humanrightspartymalaysia.com 4/5/2010). The road where these two brothers were travelling were cordoned off and the police baclava wearing Special Action Forces simply murdered them in cold blood.
- On 6<sup>th</sup> January 2010 Isaikumar Sathieyananthan reported he was beaten by several policemen with rubber hose while a policewoman stuffed her booth into his mouth and took pictures of his private parts. He was slapped and kicked by her. He was arrested for suspected theft and released 8 days after the police realised he was not involved. (NST 7<sup>th</sup> Jan 2010). Federal CID Director promised full investigations but till date there are no response.
- 14 year old Mugilan was slapped on the spot for accidentally touching a young Malay girl in an open area swimming pool. He will now be forced to plead guilty for an offence he did not commit as he cannot afford the bail of even a mere RM 1,700 (USD 485) let alone being able to pay a lawyer. As at date he is now serving a two-month jail without even being found guilty in a Court of law. (see Free Malaysia Today 6/8/2010).
- 13 year old girl, G. Karpagam who complained to the police that her brother was stabbed was in turn locked up with adults at the Ipoh police station (see Makkal Osai 13/12/2010 at page 13).
- In the sedition trial of human right lawyer P.Uthayakumar on 30/11/10 (humanrightspartymalaysia.com 1/12/10) the Deputy Federal police criminal investigations department Director DCP Acryl Sani Abdullah Sani testified in effect that the Indians are disproportionately 60% higher in comparison to the local in population that are killed in police lock ups and shot dead by the police.
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- In another written parliamentary reply to Michael Jeyakumar Devaraj (PSM-Sungai Siput) on 28.6.2010, Home Minister Hishammuddin revealed that the police shot dead 82 suspects in 2008 and 88 in 2009.
- Although 5 million Malaysian Ringgit has been allocated to legal aid foundation 80 % of the defendants appear unrepresented at their trials (The Star, 30 July 2010, pageN24). The News Straits Times (24 January 2010, page 20) reported that 80% of the accused involved in theft and assault were unrepresented when charged in court.
- Segregation and exclusion of the Indian poor Diaspora from the national mainstream development of Malaysia has no doubt forced thousands in the gangsterism and a world of crime.

**Previous:** In the last 18 years, crime rate rose by 300%.

- The Human Resources Minister recently announced in Malaysian Parliament that 200,000 Indian youths are involved in crime. The age bracket of 15-34 year old Indian males makes up 330,000. Therefore, 60% of the youth are at a risk of being involved in crime. The acute problem, which requires multi faceted intervention to address the issue, is understood to have low priority with the government, which lacks the political will to avert the situation. The only known current policy towards the social problem is the alarming increase in police killings.
- In November 2009, the police shot and killed 11 suspects – 10 of whom were Indians (see UM paper; dated Nov 12/2009). One of those killed; a youth named Surendran (referred to later on in the report) had a sister who attempted to kill herself and her 4 children following the murder of her brother, as he was the sole breadwinner in the family. The lady subsequently lost her battle to survive from her trauma; leaving behind her four young children.
- On February 18<sup>th</sup> 2009 Police shot dead 6 suspected Indians for alleged robbery when they raided a house allegedly being used as a centre for gold smelting. Police claimed they acted in self defence. Four women were detained alive but till date the Attorney General and Police have not conducted inquest or revealed the result of their investigations nor the amount of gold allegedly confiscated.
- 95% of Malaysian victims shot dead by the police are Indians;
- 90% of the deaths in police and prison custody victims and 80% of victims who experience police harassment, unlawful arrests, frivolous and malicious prosecutions, inmates of police lock ups and prisons are ethnic Indians. This fact is significant when the Malaysian Indian population is a mere 8%.

## **5.0 PRISON CONDITIONS**

### **5.1 An overview reported in The USSD Report 2009 noted:**

Prison overcrowding, particularly in facilities near major cities, remained a serious problem. In December the Home Ministry reported that the country's 31 prisons held 32,130 prisoners in locations designed to hold 32,600. According to the International Centre for Prison Studies, in mid-2008 women made up 8.3 percent of the total prison population. Local and international nongovernmental organizations (NGOs) estimated most of the country's 16 IDCs were at or beyond capacity, with some detainees held for a year or more.

NGOs and international organizations involved with migrant workers and refugees made credible allegations of inadequate food, water, medical care, poor sanitation, and prisoner abuse in the IDCs.

In 2008 SUHAKAM identified poor medical care as the principal reason why 1,300 detainees had died over the previous six years in IDCs, prisons, and jails. On October 1, SUHAKAM Commissioner Siva Subramanian reiterated these statistics, noting that this was a rate of 18 deaths per month since 2003.

Most of the deaths were reportedly due to communicable diseases that thrive in unsanitary and overcrowded detention facilities. Siva recommended that the IDCs observe better health standards to prevent the spread of disease.

The government does not permit prison visits by the International Committee of the Red Cross. The authorities generally did not permit NGOs and the media to monitor prison conditions. The government approved visits by SUHAKAM officials on a case-by-case basis.

### **5.1.1 Torture and Abuses in Prisons**

#### **5.1.2 An overview reported by The USSD Report 2009 noted:**

"No constitutional provision or law specifically prohibits torture; however, laws that prohibit "committing grievous hurt" encompass torture. According to the Government, every report of abuse of prisoners is investigated; however, the Government routinely did not release information on the results of internal police investigations, and whether those responsible for abuses were punished was not always known. There were press reports of alleged torture or mistreatment by the police. Local NGOs stated that police sometimes subjected criminal suspects and illegal alien detainees to physical and psychological torture during interrogation and detention. In May, the international NGO Human Rights Watch (HRW) stated that some prisoners were subjected to sexually humiliating questioning and were made to stand semi-naked for long periods. The Government denied these allegations. In July, Suhakam representatives visited the prison where the prisoners were allegedly mistreated and told the press that they found no evidence of such treatment.

#### **5.1.3 The HRP, Malaysia noted the following high profile case study:**

Mr A. Kugan, a 22-year-old youth of Indian origin, was taken into custody on suspicion of being involved in theft of cars by the police based at Taipan, Subang Jaya Police Station. Whilst in detention, Kugan was repeatedly tortured for information. The unfortunate young man, Kugan later died from his horrific injuries sustained whilst in detention. Although his death was caused at the hands of at least 11 policemen only one officer was charged for the heinous crime against humanity. Unusually, the photographs of Kugan badly tortured body exist because HINDRAF and Kugan's family members were able to take and release for publication in order to expose the bloody murder of the detainee (published by The Star Online dated 23/1/09).

## 6.0 LAW JUSTICE AND THE FEDERAL CONSTITUTION

### 6.1 An overview on the above in The USSD Report 2009:

Three constitutional articles provide the basis for an independent judiciary; however, other constitutional provisions, legislation restricting judicial review, and additional factors limited judicial independence and strengthened executive influence over the judiciary.

The constitution does not directly vest judicial powers in the courts but rather provides that Parliament confers judicial powers. The constitution also confers certain judicial powers on the attorney general, including the authority to instruct the courts on which cases to hear, the power to choose venues, and the right to discontinue cases.

The attorney general controlled and directed all criminal prosecutions and assumed responsibility for sessions court judge and magistrate judicial assignments and transfers. The Judicial Appointments Commission, created in December 2008, makes appointments of judges to the high court, Court of Appeal, and the Federal Court. Session and magistrate court judges report to the Attorney General's Office.

#### HRP, Malaysia's overview.

- The Federal Court of Appeal ruled on the 20<sup>th</sup> of August 2010 that the Syariah Court is the proper court for a ruling on whether an individual is a Muslim or not. In the case of M.Moorthy who the Syariah court had ruled as a Muslim and whose religious status is contested by his wife Madam S Kaliammal, a non-muslim is left in a serious Legal limbo without any recourse since the Syariah Court has no jurisdiction over non Muslims. The two judicial systems leaves almost **12 Million Minorities** the minorities in the country without their due rights and the Government is in no mood to intervene to effectively correct this matter.
- The Apex Court, the Federal Court continues to show its disregard for resolving fundamental issues of the religious rights of non-Muslim Minorities. On the 12<sup>th</sup> of November 2010 they refused to rule on key constitutional issues concerning the validity of the unilateral conversion of Madam Shamala's children to Islam by her recently converted husband.
- On the 9<sup>th</sup> of December, Lawyers and Hindu Rights Action Force (Hindraf) legal advisors P Uthayakumar and M Manoharan filed suits against Prime Minister Najib Abdul Razak and five others over their arrest and detention without trial under the Internal Security Act in 2007 for 514 days in Kamunting, Perak.
- Lawyer P Uthayakumar filed a notice of motion seeking an order that the Sedition Act 1948 is void in accordance with Article 4(1) of the Federal Constitution on the 24<sup>th</sup> of November 2010.  
Uthayakumar, 49, is also seeking to have the charge against him under the act to be suspended or revoked. Article 4(1) of the Federal Constitution states that the constitution is the supreme law of the country and any law passed after Merdeka Day, which is inconsistent with the constitution, shall, to the maximum extent of inconsistency, be void.

## **7.0 POLITICAL AFFILIATION**

### **7.1 Opposition groups and political activists**

#### **7.1.1 The HRP, Malaysia noted the following on the functions of Opposition Political Parties in Malaysia:**

“2009 has been a year of revelation about the true position with regards to the poor and the marginalized by the opposition political parties which rose to power on the cries of Makkal Sakthi, a Hindraf rallying call in the 2008 general elections. It appears that they are more closely aligned with the ruling UMNO than they are with HINDRAF when it comes to the issues of the poor and marginalized. The opposition political parties use the same system of ‘Mandorism’ against the poor Indians.

Mandorism is a mix of class and race approach to the tyrannical subjugation of the Indian poor. Mandorism has been the Machiavellian way to deny the rights of the Indian poor left behind by the British Colonial regime. What Mandores do is, instead of addressing and solving the real problems, they create illusions of actions. They effectively try to bury the issue through this deceiving delusional tactic.

#### **7.1.2 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

##### **Update:**

- There are a total of 222 Parliamentary seats and 576 State Assembly seats (P. Uthaya Kumar, Indian Political Empowerment Strategy, HRP).
- A survey conducted from 2009 to March 2010 shows that the share of votes was as follows: 51.6 % or 5.8 million are Malays; 31.5% or 3.5 million are Chinese and 7.3% or 819,975 are ethnic Indians (Berita Harian, 9 July 2010, page 4)

After two years of taking power in 4 states, the opposition political parties at state control level have demonstrated that their style of government is no different to the National Front government's racist, religious extremist for the following reasons:-

- The Perak State Government granted 6000 hectares of land to 110,000 Malays under the Rancangan Kampung Tersusun (RKT) project and Chinese living in the Chinese New Villages and a further 1012 hectares for 9 Chinese Independent schools (Malaysiakini 23.12.2008) but yet nothing were allocated to the poor and underclass Indian community.
- The 4 state controlled (opposition) Governments failed to secure places for the 236 Tamil school students who had scored all ‘A’s in their UPSR at the full residential elite schools.
- The 4 state controlled (opposition) Governments failed to resolve the 53 year old issue plaguing the Tamil Schools, Places of worships and crematoriums by refusing to act positively in issuing land titles to resolve the problems faced by Malaysian Indians. State Governments have absolute powers in matters pertaining to Land.
- HINDRAF and the HRP, Malaysia also noted that the opposition coalition party Pakatan Rakyat use of [Indian] Mandores such as the use of the MIC by the ruling UMNO government to divert Indian orientated issues to the Indian Exco leaders (State Ministers)

however these Indian Mandores invariably possess little or no mandate to deal or negotiate the issues in favour of the Indians.

- The 4 state controlled (opposition) Governments failed to bring fundamental change to the policies of the country in such ways that the plight of the minority Indians would be brought in the mainstream of development and their trampled Human Rights set right.
- The DAP Government of Penang despite its admission that the settlers of Kampung Buah Pala were 'cheated' of their land by the previous government has failed to resolve the land issue and make public an independent committee findings into the land scam by the previous government. Instead they colluded with the previous Government in muddling the scandal and worked hand in glove with developers to demolish the last remaining Hindu Tamil Heritage village.
- PAS and PKR without due care and consideration of the local Indian community unilaterally demolished an old Hindu burial ground at Kg. Ladang Pekaka Kuala Ketil; The PKR Selangor state government also unilaterally demolished a Hindu Temple based in Ampang in early 2010.

## **8.0 FREEDOM OF ASSOCIATION AND ASSEMBLY AND EXPRESSION**

### **8.1 An overview on Freedom of Assembly reported by The USSD 2009 Country Report:**

The constitution states that all citizens have "the right to assemble peaceably and without arms"; however, the government placed significant restrictions on this right through use of the Public Order Ordinance and the Police Act. The ordinance restricts public assemblies that could damage security and public order, while the act requires police permits for all public assemblies except for workers on picket. The act defines a public assembly as a gathering of five or more persons.

The decision to grant a permit rests with the district police chief; however, senior police officials and political leaders influenced the granting or denial of some permits. Police granted permits routinely to government and ruling coalition supporters but used a more restrictive approach with government critics, opposition parties, NGOs, and human rights activists.

On August 28, 50 Muslim residents from Selangor protested the relocation of a Hindu temple to their residential area by carrying a severed cow's head to the front gate of the Selangor State government office. The protesters took turns stepping on the cow-head and threatened bloodshed in the name of Islam if the government relocated the temple to their neighborhood.

On September 4, Police Inspector General Tan Sri Musa Hassan issued a warning against attending a candlelight vigil scheduled for September 5 in protest of the August 28 demonstration, stating that the assembly was illegal and action would be taken against those who took part. On September 5, police arrested 16 persons for attempting to join the peaceful protest. On September 6, the police released all 16 without pressing criminal charges.

### **8.2 An overview on Freedom of Association reported by The USSD 2009 Country Report:**

The constitution provides for the right of association; however, the government placed significant restrictions on this right, and certain statutes limit it. Under the Societies Act, only registered organizations of seven or more persons may function as societies.



The government sometimes refused to register organizations or imposed conditions when allowing a society to register. The government prohibited the Communist Party and its affiliated organizations from registering because they allegedly posed a national security threat. In August 2008 the government approved the registration of the Socialist Party of Malaysia, which it had blocked since 1999. The government has the power to revoke the registration of an existing society for violations of the act.

### 8.2.1 HINDRAF's Position

- The movement led by Mr Waytha Moorthy remains a banned organisation since 2008 despite an appeal against the government's refusal to register the organisation. The government has to date refused to provide a full written explanation for its decision. Although allegations of the Movement's link to the LTTE was made, thus far the government has failed to produce any evidence to substantiate its allegation.
- On 10.4.2010 a Press Conference held by Human Rights Party secretary general at the funeral procession of 2 Indians shot dead in the unofficial shoot to kill policy by the Malaysian police was abruptly stopped by the Police on grounds it was hindering traffic flow.
- On 15<sup>th</sup> June Human Rights Party members and Hindraf well wishers were stopped from gathering outside Parliament to hand over a memorandum to the Prime Minister to lobby for the increase of Public service Department allocations for students who obtained top marks in the SPM and STPM examinations. (NST 16<sup>th</sup> June 2010)
- On 28.8.2010 around 70 Police officers and 50 plain-clothes officers prevented the Human Rights Party and Hindraf from launching its Perak Head office. The event was abruptly called off when Police charged into the canopy when Human Rights Party Chairman W. Sambulingam began his speech. More than 300 Human Rights party well-wishers who were seated with their families were threatened with arrests if they did not disperse. The head of Perak team, Ramesh was left with no alternative but to call off the event.
- On 29<sup>th</sup> August 2010 more than 100 Human Rights Party and Hindraf members were prevented from proceeding to the Palace of the Perak Ruler to hand over a memorandum to urge His Highnesses' intervention on the state policy of forced conversion into Islam. They were denied their right to hand over the said memorandum and one individual Captain Bala was arrested for alleged unlawful assembly. He was manhandled in the presence of Hindraf well wishers and despite 20 Police reports lodged against the Police abuse, no action was taken.

#### Previous:

- Most of the 241 participants who were arrested on 25 Nov 2007 at the HINDRAF Rally were forced to plead guilty for rebelling against the dominantly biased UMNO government. (Reference source: New Straits Times (NST); dated 17/12/09; page 12). HINDRAF Legal Advisors, P. Uthaya Kumar and Manoharan Malayalam both of whom actively championed and campaigned against the direct racial and religious discrimination and exclusion of Indians from mainstream development of Malaysia were particularly targeted by the authorities who detained the lawyers under draconian laws namely,

the Internal Security Act (ISA). The lawyers, to whom bail and fair trial were denied, were detained under inhumane conditions for 514 days until 9 May 2009 when they were released.

- The HINDRAF lawyer P. Uthaya Kumar is currently standing trial for Sedition charges for having used the term “ethnic cleansing” and raising “ethnic cleansing” issues against the Malaysian government at the Commonwealth Heads of Government Meeting in Harare in 2007.
- Uthaya Kumar had relied on recorded account of Indians injured and killed in an incident commonly known as the ‘Kampung Medan’ racial attack, which to date, has not been investigated by the authorities and had also highlighted reported incidents that on an average one temple per week was demolished in Malaysia during Khir Toyo’s reign in Selangor in 2006/2007.
- The authorities are pursuing the trial of P Uthaya Kumar in an overzealous attitude to secure a conviction that is likely to attract three years of imprisonment, which in turn would potentially prevent him from participating in the forthcoming General Elections in March 2011. P. Uthaya Kumar is reported to have remarked that his only crime against the State is to have spoken up for the ethnic Indians in Malaysia against the racist UMNO government policies.
- The UMNO led government has pursued every angle to discredit everyone linked with HINDRAF for example, HINDRAF’s application for registration with the authorities on the unsubstantiated allegation that HINDRAF links with the LTTE. Despite various calls by HINDRAF for the government to proof its ill founded allegation, the authorities have failed to produce any evidence to support their baseless allegation. HINDRAF in the meantime remains outlawed. Officials of the movement are confident that the real basis for the refusal of registration by the authorities is for no other reason than their support for the poor and marginalized Indians.
- The government continues to outlaw the organization in total disregard of its Constitutional provision for freedom of association guaranteed under the Federal Constitution.

## **9.0 FREEDOM OF RELIGION**

### **9.1 An overview on the Rights Enshrined in the Federal Constitution of Malaysia**

Article 11 of the Federal Constitution provides for religious freedom, which includes the right to establish and maintain places of worships and own and acquire property.

Article 12(2) among others provides that no person shall be forced to receive instruction in or to take part in any ceremony of act of worship of a religion other than his own.

Article 12(4) provides his parent or guardian shall decide the religion of a person below the age of 18 years.

#### **9.1.2 An overview reported in The USSD 2009 Report on Malaysia stated:**

The constitution provides for freedom of religion; however, the constitution and the government placed some restrictions on this right. The constitution defines all ethnic Malays as Muslims at birth and stipulates that Islam is the "religion of the Federation."

The government significantly restricted the practice of Islamic beliefs other than Sunni Islam. Article 11 of the constitution states, "Every person has the right to profess and practice his religion," but it also gives state and federal governments the power to "control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam."

Civil courts continued to cede authority to Shari'a courts on cases concerning conversion from Islam and certain areas of family law involving disputes between Muslims and non-Muslims.

Shari'a courts ordered some Muslims attempting to convert to other religions to undergo mandatory religious reeducation classes.

On March 11, K. Patmanathan converted from Hinduism to Islam and changed his name to Mohammed Ridzuan Abdullah. On April 12, he converted his three children, ages 12, 11, and one, to Islam without his Hindu wife's knowledge or consent. A Shari'a court in Perak State awarded custody of the children to Patmanathan. Although on April 24 the high court granted his wife, Indira Ghandi, interim custody of the three children pending the court's decision, Patmanathan still had custody of their youngest child. On April 22, the cabinet decided that when one spouse converts to another faith, the children of the couple should be brought up in the common faith at the time of the marriage. The cabinet further stated that the proper venue for settling such disputes is the civil courts not the Islamic courts. Muslim NGOs and PAS condemned the cabinet decision, claiming that it contradicted both the federal constitution and Islam. On June 29, the Conference of Rulers asked for the views of the respective state religious councils on child conversion issues. Because Islam is considered a state matter and the sultans are the head of Islam in their respective states, their decision effectively negated the cabinet decision. At year's end the situation remained unresolved.

Non-Muslims, who constitute approximately 40 percent of the population and include large Buddhist, Christian, Hindu, and Sikh communities, were free to practice their religious beliefs with few restrictions.

According to the government, it allocated 428 million ringgit (approximately \$125.9 million) to build Islamic places of worship and 8.1 million ringgit (\$2.4 million) to build Christian, Buddhist, Hindu, and other minority religions' places of worship between 2005 and the end of 2008.

The government generally respected non-Muslims' right of worship; however, state governments have authority over the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. State authorities sometimes granted approvals for building permits very slowly. Minority religious groups reported that state governments sometimes blocked construction using restrictive zoning and construction codes.

In practice Shari'a, as interpreted in the country, does not permit Muslims, born into Islam, to convert to another religion. Shari'a courts routinely denied requests to convert from Islam.

The law strictly prohibits non-Muslims from proselytizing Muslims; proselytizing of non-Muslims faced no legal obstacles.

Some religious minorities have complained that the government undermined their rights in deference to the status of Islam....”

## 9.2 FORCED RELIGIOUS CONVERSION

### 9.2.1 HRP/HINDRAF Malaysia’s overview is:

Forced religious conversions and religious intolerance are evidence of creeping Islamization in Malaysia. Whenever there is a conflict between Islam and Hinduism, the tendency is for Islam to prevail over the Hindu issue regardless of the merits of the case. This can be seen in the several cases of Indian Hindus who have found themselves or their children forcibly converted and are not able to reverse the process. This is an area where clearly minority rights are being deliberately overdrawn by the majority Muslims over minority ethnic Indians. The decision of the Court of Appeal on 21<sup>st</sup> August 2010 in the case of Maniam Moorthy is a disturbing trend in the role of the Judiciary which has abdicated its powers to the inferior Shariah Courts which was meant to serve the Muslims only on matters (personal) pertaining to marriage, divorce, property distribution ect. The amendment to Article 121 of the Federal Constitution in 1988 has been manipulated by the state in forcing of Islamisation upon non- Muslims in Malaysia.

### 9.2.2 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:

#### Examples of forced conversion:

Rani, 56, has been struggling for the past thirty years to get her Muslim name and religious status changed to Hindu. Rani was only a sixteen-day-old baby when she was given away by her Muslim biological mother to a Hindu neighbour family due to extreme poverty. Rani’s Hindu adopted father brought her up as a Hindu. **Her marriage registration application was rejected and her Hindu husband was forcefully taken away, circumcised and converted.**

He agreed to the conversion after he was threatened with jail sentence if he refused to convert to Islam. As a consequence, Rani’s children as well as her grandchildren have all been denied their Birth Certificates even after thirty years of struggling as they are all practising Hinduism. In an interview with HRP, Rani’s family threatened to commit suicide should they be forced to convert.

According to Rani, once when they applied to change their religion, the Islamic authorities told them if they converted to Islam, they will get all the special privileges and if they refused, their bodies would be snatched upon deaths regardless of them having lived their lives as staunch Hindus.

- A mother of two, S Banggarma was unknowingly converted to Islam by state religious authorities as a child at the age of 7 while at a welfare home in Penang against the provisions of Article 12(4) of the Federal Constitution. She discovered this when seeking to register her marriage in 2000.
-

Due to her Muslim name, she could not register her marriage to Sockalingam, which was conducted according to Hindu rites. She was also unable to register her husband's name as the father in her children's birth certificates.

- Banggarma had difficulties in registering the birth of her two children - Kanagaraj, eight, and Hisyanthini, two. Till date she is unable to change her name and religious status, and remains technically a Muslim. Her 2 children are also deemed Muslims.
- Indira Gandhi's 3 children were converted without her consent and knowledge and her baby girl abducted by her husband who had converted to Islam just to spite her because of marital problems (see NST 28/4/09 at page 4). The Islamic authorities and the police had refused to secure her baby from her estranged husband despite a High Court Order in favour of applicant. (The star Apr 24 2009)
- Another example in Perak is that of Mr T Tharmakanoo whose estranged wife converted their two children to Islam without consent. (Conversion without consent - <http://www.thenutgraph.com/conversion-without-consent>, 21<sup>st</sup> Apr 2009)
- As of December 19<sup>th</sup> 2010, the conversion case of Mohd Ramzan Maniarasan remains unresolved as his application to renounce his Islamic faith and return to his original faith is still pending.
- On 21<sup>st</sup> August 2010 the Court of Appeal ruled that the Muslim Syariah Court has the sole and absolute jurisdiction to determine if a person is a Muslim. Madam Kalliammal the wife of late Sergeant M.Moorthy had sought a declaration that her late husband was at all times a practising Hindu. In December 2005 the late M.Moorthy was unitarily declared a Muslim by the Syariah Court and he was accordingly buried as a Muslim.
- Raimah Bibi is a practicing Hindu. She was once adopted by a Indian-Muslim family when she was a child. Her IC had never indicated that she was a Muslim until when she applied for her new Identity card when her name was changed to Rahimah Bibi bt Noordin and identified as a Muslim. On 2nd April, 2007, seven officers from JAIS arrested her and told her husband that his wife of 21 years was a Muslim and that she and the six children must be placed in a rehabilitation centre. She is still forcibly separated from her family by order of the Islamic Shariah Court.

### **9.3 Real threat and actual demolition of Hindu places of worship, Hindu burial ground or Indian Settlements**

#### **9.3.1 State Sanctioned Destruction of Hindu Places of Worship**

Throughout the years since Malaysian independence in 1957, the government has been disregardful of the systematic destruction of Hindu places of worship, which previously stood on estates and state owned estates and land. To date, HRP can only estimate (because data previously collected by HINDRAF was confiscated during police raids on HINDRAF operated offices in 2006) that about 10,000 Hindu places of worship have been demolished.

The government justifies the demolition of the places of worship on the grounds that they were illegally constructed or were occupying government land. However; HINDRAF refutes the allegation for the following reasons;

- Most of the places of worship and graveyards/crematoriums demolished by the state were built during the colonial era and therefore existed up to 200 years ago.
- The Indian migrant workers transported under the indentured labour system were assigned to clear large acres of thick jungle areas and prepare land to plant rubber trees; these lands later referred to as rubber plantation estates. The workers who were encouraged by their colonial employers to reside on the plantations were given permission to build their places of worship on the plantation land, which survives to date.
- After attaining independence, the government of Malaysia failed to observe its responsibilities under the Federal Constitution specified above and issue land rights to the Hindu places of worship, whereas existing mosques built before independence were granted land titles to legitimise them
- A study by Centre for Public Policy studies, shows that since the 1970's whilst in the process of acquiring thousands of plantation estates under the Land Acquisition Act for development purpose the government has been directly responsible for displacing 300,000 ethnic Indians from the estates as well as sanctioning the destruction of places of worship without a relocation programme on the basis that temples sited on government land were without permit
- The rights of the poor Indians are seldom acknowledged or respected in those situations and the State Governments tend to use their full might of State power and the media to manipulate public opinion, corruption and 'Mandorism' to evict the marginalized Indians who, unaware of their entitlement, are denied their legal ownership of land in majority of cases. Their historical occupation of the land in the many cases appears not to count for much and any offer of compensation seldom matches their loss.
- Although HINDRAF is without an exact figure on the number of places of worship destroyed since 1957, witness statements available from community leaders, estate workers, temple committees, union leaders and residents clearly demonstrate that the number of such places destroyed by the state runs into thousands.

### **9.3.3 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

- There are 23,000 Hindu temples and shrines in Malaysia (NST 4/5/09 page 11) but the government steadfastly refused to grant them land and gazette the same as they have for all Islamic places of worship;
- These Hindu temples are time bombs that can be demolished any time at the behest of the fundamentalist Malaysian Islamic authorities;
- The Kaliaman Hindu temple near Semambu had to be moved three times in a few years to avoid being demolished ( NST Newspaper; dated 18/2/09; page 13);
- As late as 22 December 2009, opposition controlled state Government of Kedah (North Malaysia) refused to preserve a Hindu Cemetery in the area of Ladang Pekaka Kuala Ketil which was over 100 years old was demolished on 22 December 2009;
- Under the watch of the former Selangor Chief Minister Khir Toyo up to 2007 on an average one Hindu temple was demolished each week (reply given to question by Mr Manoharan Malayalam, the Legislative Member for Kota Alam Shah in early 2008 at the State Legislative Assembly);

- In early September 2009, Malay Muslims were allowed to stage a public protest against the relocation of a 100 over year-old Hindu Temple from another location in Shah Alam to their locality.
- The protestors were allowed to parade a severed bull's head without interference from the police who were present and silent throughout the protest. The Malays spat at and placed their foot on the severed cow head.
- On 5<sup>th</sup> September 2009 HINDRAF held a peaceful candle light vigil to protest the Muslim bull head insult. Sixteen HINDRAF members including their Legal Adviser P. Uthaya Kumar were forcibly stopped and arrested. (See Makkal Osai report dated 6/9/09; page 14);
- HRP, Malaysia estimates that a high proportion of the existing number of temples currently based on plantation land risk being demolished due to the government's unwillingness to grant land rights and to legitimise their existence
- Though promises have been made by opposition parties to grant or allocate land for such use; thus far no actual allocation or grant of land rights have been awarded to interested parties
- In 2010 HRP, Malaysia noted that the government failed to provide funding for places of worship for Hindus and non-Muslims worshippers for financial year 2010 – 2011; whilst large acres of land are regularly granted and allocated for mosques with adequate funding for the financial year.
- Srinivasa Perumal Temple in Puchong City Centre- Cakra Guna (52) torched himself to death to stop the Selangor state government from demolishing the Srinivasa Perumal Temple in Puchong City Centre on 2.11. 2010.Cakra Guna's self immolation is only the tip of the iceberg of the Indian poor's pain suffering and heartache in being denied permanent land for all their Hindu temples cemeteries, Tamil schools and Indian villages (deemed squatters).
- Muneswarar Temple, Teluk Intan. Drain water stagnates into famous 100 over year old Muneswarar Temple in Teluk Intan despite temple devotees having complained and despite formal complaints to the District Works Department over the last three years. Scores of other Hindu temples have been forced to be relocated next to sewerage ponds and Industrial area "wastelands".
- **Padang Jawa Sri Maha Mariamman Temple, Padang Jawa** The Selangor state government had recently allocated 15,000 square feet (just over one quarter acre) of land for Padang Jawa Sri Maha Mariamman Temple after BN had demolished it in 2007 below a Telekom Tower which would endanger the lives of the priests and devotees.
- **Perianna Muneswarar Hindu temple in Air Panas, Setapak, Selangor**The 50-year-old Perianna Muneswarar Hindu temple in Air Panas, Setapak was razed in less than 20 minutes by Kuala Lumpur City Council (DBKL) workers on 24.6.2010.
- **Hindu temple in PPR Sungai Bunus, Setapak.**The DBKL in their uniforms demolished the 50-year-old Hindu temple in PPR Sungai Bunus, Setapak on 24/06/2010 (The Star Metro 28/06/2010, page M 14).

- **Cheras Hindu Temple, Selangor** was built in 1936 on 1.6 acres of land. However, today only 1119 square meter land is left. The government has built roads on the vacant land not occupied by the temple. (Malaysia Nanban, 29.8. 2010, page 16)
- The Arulmigu Karumariamman Temple in Kuala Lumpur was demolished on 27.4.2010 by the developer with no advance notice under the protection of police and Rela during working hours when the majority of devotees were at work.
- TNB Hindu Temple, Bangsar. The TNB Hindu Temple has not been granted land by the Kuala Lumpur City Hall (DBKL). Going by past records, in a matter of time UMNO would demolish this Hindu temple with impunity under their racist, religious extremist and supremacist policies (Tamil Nesan, 10/12/09, page 10).
- Mathurai Veeran Hindu Temple, Shah Alam. **This Mathurai Veeran Temple in Jalan Glenmarie, Shah Alam was allowed to be demolished by the Selangor state government on 22.10.2010. The temple was demolished by the Shah Alam City Council with absolute disregard to the Hindu community's feelings as the deity was left beheaded. (Tamil Nesan, 23/10/2009), Malaysia Nanban (front page 23/10/2009), Makkal Osai 23/10/2009, front page)**
- Sri Naga Kanni Maha Mariappan Temple in Teluk Intan  
The Star (30.9.10, page N49) quoted Malaysia Nanban as reported that the 100-year-old Sri Naga Kanni Maha Mariappan Temple in Teluk Intan has been served with notice to move within two months. In 2008, the land office repossessed the land belonging to Tiruvalluvar Tamil School opposite the present location of the temple.
- Muniswarar Temple, Kampung Pendamar, Klang  
This Muniswarar temple was built at the back lane (due to denial of land) of a house belonging to M. Sinnaalagi (50). The Selangor land office enforcement officers demolished the temple at Kampung Pendamar on 10.8.2010. (New Straits Times, 11.8.2010, page 24).
- Kulai Besar Hindu Temple. The Government had approved a housing project on this Hindu temple site, knowing very well of the existence of a Hindu temple there. This ancient Kulai Besar Estate Maha Mariamman Hindu Temple has to move out to some two kilometers away where there are very few Hindus without land title issued.

## 10.0 POVERTY AMONGST ETHNIC MALAYSIAN INDIANS

**10.1** Overview by HRP, Malaysia notes: Poverty is a historical feature of the vast majority of Indians, but a more disturbing feature is the oppressive and unjust system that traps the marginalized Indians into endemic condition of poverty. The impoverished Indians find themselves totally abandoned, by the system, which is totally controlled by the biased, and racist UMNO led government. The hostile and insensitive racist UMNO controlled administration tend to exploit the marginalized Indians who due to their lack of education and knowledge of their entitlement deny them identity documentation that renders them stateless and that in turn excludes them from the basic fundamental and elementary rights.



### 10.1.1 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:

#### 10.1.2 Updates

**The situation on the above crisis remains unabated for the ethnic Indian poor at review date of the report by the HRP, Malaysia.**

- The target of the 9Malaysia Plan (2006 – 2010) was to reduce the incidence of poverty to 2.8% by 2010 and totally eradicate extreme poor living conditions for those on poverty line.
- In 2006, a total of 2,136 households on abject poverty line in rural areas were provided with home re construction assistance, which benefited 10,680 household members.
- In 2007, housing assistance was provided to 1,942 destitute families (The Star, 10 January 2010, page N14)
- Malaysia has reduced poverty by nearly half the population (49.6%) since the 1970's. Poverty line dropped from 5.7% in 2004 to 3.6% in 2007. The urban poverty line dropped from 2.5% in 2004 to 2.0% in 2007 while in rural areas it declined from 11.9% to 7.1%
- In April 2010, Malaysian PM Mr Najib announced that he would focus on the group earning RM1,500.00 (Utusan Malaysia, 6 April 2010, page11)
- Low income households/families (LIH) are those with a total income of less than or equivalent to RM2,000; poor income household families (PIH) are those with a total income of less than or equivalent to RM750.00 per month
- Extreme poor household families (EPH) have a total monthly income of less than or equivalent to RM440
- Details of low income households are entered into the government scheme – E-Kasih System, the Welfare Authorities is to identify and track the aid distribution across the country. 44,643 of extreme poverty households have been under the system (NST,16.07.10, pg 25)
- The process of distribution for first time applicants will be reduced from 2 months to 7 days with Smart Card and vouchers will be issued to individuals indentified as PIH or EPH (The Star, 29 January 2010, pageN41).
- 2.4 million households, which came under the LIH, earned a total monthly income of RM2,300 with 1.8% identified as poor and 7.8% identified as living on abject poverty line.

### 10.1.3 Effectiveness of the government's Programme as noted by the HINDRAF/HRP, Malaysia

- There are 203,505 ethnic Indian households living in 2,670 estates nationwide (Sinar Harian,2.08.10,pages 26).
- An estimated 80% of these households would fall under the EPH, however the Government welfare and assistance programs do not reach them for a variety of reasons ranging from racist practices under the BTN trained civil servants, statelessness and the **“make it difficult policy”** at the relevant Government departments.
- An estimated 90% of 442,000 workers or a third of 1.3 million workers who earn below poverty line of RM 700.00 are the ethnic Indians (Utusan Malaysia, 5.08.10, pg 31)
- Government figures collected on PIH and EPH (figures released by the Ministry of Women, Family and Community Depart., and reported by the NST,16.07.10,pg 23) stated that that there are 56,179 PIH and 26,406 EPH.

- In October 2010, the F.T. Minister Raja Nong Cik stated that a parent or parents with three children on a household monthly income of RM3,000 is on poverty line (The Star, 26 October 2010, pageN14)
- The government allocated RM 48 Million as welfare fund to meet assistance and housing rental payments as well as RM 174 Million for senior citizens. (see NST 24/10/2009 at page 10).
- The HRP Malaysia has learned that most of the Malaysia Indians who had applied for welfare assistance had their applications rejected at counter level; given the run around, or only granted a lower figure of RM 120.00 (USD 35.00) per month when the poverty line index was RM 687.00 (see The Star 24/10/2009; page N6). There are instances when the payment of such fund was also was terminated after just a few months;
- Despite government claims that less than 4% Malaysians live on poverty line – NST,16.07.10,pg 22) and extreme poverty line (EPH) is to be eradicated by year end; and that government announcement on 29 September 2010 that out of 44,643 EPH, 23,678 (46%) of them live above the EPH line; the following cases have been recorded:
  - Three ethnic Indian children aged 6, 7 and 9 were forced to eat sand to abate their hunger (NST, 19.06.10, pg9)
  - 65% of Tamil school pupils fail their UPSR exams because of poverty related problems (Tamil Nesan, 6.11.10, pgN12 and HRP letter to Unicef (dated 18.06.10)
  - an ethnic Indian woman due to her situation arising out of poverty, delivers her baby by the side of a drain in Brickfields, Kuala Lumpur and cuts off the umbilical cord herself (Makkal Osai, 31.12.09 & The Star, 1.01.10, pg N45);

## 10.2 Poverty and single parent

- Single mother, 5 children, 4 denied birth certificates & homeless M. Suppama (44) is living in poverty with her five children, four of whom have been denied even their birth certificates (by the UMNO controlled Malaysian government). Three of her four children have been denied entry into even primary school because they do not have a birth certificate. Her eldest son Linggeswaran works at a petrol station. Her eldest daughter Manimegalai (14) had to stop school at standard 4 as Suppama could not afford to pay for the bus fare. Tamarai Lalitha (11) and Kogilavani (9) have also been denied their birth certificates. This family has no water or electricity supply in their house. As they have not paid their rentals for a few months they have been told to vacate their house. (Malaysia Nanban 10/10/2009 at page 18)
- The Johor MIC is receiving many complaints from Indian women that their husbands have disappeared leaving them to fend for their children alone. Malaysia Nanban, in Star quoted Johor MIC Youth Welfare Subcommittee chief, P. Aruldass as saying that the women are in dilemma as they have no one to take care of their children if they go to work. (The Star, 13.5.2010, page N38)
- Poor Indian mother with seven 7 children earns a meagre wage of RM 350.00 per month. She is living in a shack and is unable to pay RM 50.00 p.m rental. Veeni Arjunan (35) from Manjong with her seven children will any time from now become homeless as she could not even pay her monthly rentals of RM 50.00 per month. The landlord has told her to move out. (Malaysia Nanban, 21/11/09, page 16), (Makkal Osai, 22.12.2010, page 10)

- The pregnant Paruwathy's (38) rubber tapper husband, the only breadwinner, is in prison allegedly for a drug offence. She has not paid rentals for one year. Her electricity and water has been cut off.
- She has four school going children out of seven children. Poverty could have led her rubber tapper husband to be used as a drug runner by the drug lords. He cannot afford a lawyer and will go to the gallows or 10 to 20 years Jail. (Sinarharian, 13.11.2010, page S19)
- Run away children  
V. Jayaletchimi, a single mother, working as a security guard, is pleading for her two teenage daughters to return after they ran away from their home in Taman Bayu Perdana on 2<sup>nd</sup> June 2010. The two missing girls are Subaseri Mahissaro, 15, and Shalni Mahissaro, 14. Jaya's mother and the girls grandmother, Ramachee Veerappan, told her that she heard the girls talking about leaving the house and finding jobs on their own before they left. (The Malay Mail, 9.6.2010, page 2).

### 10.2.1 Poverty deprivation of proper water supply

- **40 Indian families get piped water after 80 years.** Residents from 118 houses in Kampung Dato Mohd Said, which is located at KM4 Jalan Labu less than 10 kilometres away from Seremban. They have been drawing water from the wells outside their homes for more than 30 years. These villagers do not have individual ownership of the six-hectare plots of land. (Saturday Metro, 17.4.2010, page M11), (The Star 1/3/2010 at page N 39).
- **10 Indians families still denied piped water after 53 years of independence** (The Star, 13/5/2010, page N 46)
- **Indian Villages without pipe water**
- Kampung Gopal, Pugari, Perak Hidro, Pangani, Kampung Veerasamy – have no water supply, Samy Velu has in the past many times promised a new settlement or village, but nothing has materialised thus far. The villagers fear that one day in the name of development their villages will be demolished just like Kampung Buah Pala in Penang. (Makkal Osai 27/8/09 at page 16)
- S. Mohana and the 67 poor Indian villagers of Ladang Hopeful are forced to drink pond water because despite three years of PR's Selangor rule. (Sinar Harian, 18/7/10, page S19).
- **Pipe water as Deepavali joy.** Thirty three Indian families in Kampung Tupai Mas, in Taping, Perak enjoyed their Deepavali this year with pipe water supply. According to the MIC district chairman, M. Rajasingam, the residents continued efforts and demonstrations for the past 20 years in appealing for piped water had finally paid off. This is the reality today among the 70% poor Indians in Malaysia. They have to fight, beg and demonstrate for even the most basic necessities in life. (The Star, 10.11.2010, page N56)
- **No clean water supply in Kampung Labu over 100 years.** About thirty families living in Kampung Labu Kuchi, Kampar, Perak have been suffering without clean water supply for over a hundred years. They have been depending on rain water and well water for their daily water supplies. Some of the families have fixed their own small pipes to get water from the nearby Kampar Town Market at the cost of

RM 2,000 to RM 3,000 each. Those who do not have the means, had always depended on rain and well waters for their daily needs. (Makkal Osai, 19.5.2010, page 3)

### **10.3 Federal Government Poverty Eradication and Social Development Programs and Schemes**

- Overview by HRP, Malaysia: The Malaysian Government has actively pursued Poverty Eradication as one of its core strategies from the inception of the nation, and accelerated the notion with the introduction of the New Economic Policy (NEP). The stated objectives of the NEP were:
  1. To reduce absolute poverty irrespective of race through raising income levels and increasing employment opportunities for all Malaysians; and
  2. To restructure society to correct economic imbalances so as to reduce and eventually eliminate the identification of race with economic function.

Both of the objectives above have both been met, however, the NEP which begun in 1971 as an affirmative action program, soon degenerated into an exclusive race based system where all the resources of the country were garnered and channelled by the UMNO political party to the leaders and members of the party trickling down to their Malay constituency. The NEP also produced a sea change in the social attributes of the majority Malay community and it has shut out the Indian community completely from the process of development, in spite of the stated objective of poverty eradication.

### **10.4 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

To administer the above programmes, the UMNO led government set up various Development Agencies to implement its various programs of the NEP. The major ones are:

- |    |          |  |
|----|----------|--|
| a. | FELDA    | ( Federal Land Development Authority)                      |
| b. | FELCRA   | ( Federal Land Consolidation and Rehabilitation Authority) |
| c. | RISDA    | (Rubber industry Smallholder Development Authority)        |
| d. | MARA     | (Majlis Amanah Rakyat Malaysia)                            |
| e. | FAMA     | (Federal Agricultural Marketing Authority)                 |
| f. | KESEDAR  | (South Kelantan Development Authority)                     |
| g. | DARA     | (South East Pahang Development Agency)                     |
| h. | KEDA     | (Kedah Development Authority)                              |
| i. | PERDA    | (Penang Regional Development Authority)                    |
| j. | KEJORA   | (South East Johor Development Authority)                   |
| k. | KETENGAH | (Terengganu Regional Development Agency)                   |
- Large part of the National Budget was channelled through those agencies in respect of the various development programs for the rural and agricultural sector. All of those programs and projects only benefited the majority Malay community as affirmative actions. There was no allocated fund in any of the programs and projects for Indians in the country. This is the scale of usurpation in the Agricultural Sector.

- Almost all low income Indians were denied agricultural land ownership in any and all of the schemes in the government run FELDA, FELCRA, RISDA, FAMA, Agropolition 10 acres land ownership schemes, This is also in the 13 State Government Land Schemes.
- FELDA started as a modest program in 1956. Today it has become a giant organization. The schemes it manages now covers an area of 2 million acres and touches the lives of more than 530,000 people, all Malays. The 2005 results of FELDA show a total turnover of RM 12 Billion. The profits are over 700 million.
- FELDA's main role is to open up new land areas for agriculture and relocation of low income and landless rural inhabitants. The founding charter does not stipulate that this was to be a Malay Development Program but in reality the FELDA program is almost entirely for the Malay poor and landless.
- The implementation of the above programmes, show clear evidence of systematic and wholesale exclusion of Indians from these programs.  
12,000 FELDA agricultural land ownership schemes with 800,000 hectares and 200,000 RISDA land ownership plots of land for Malays but almost all Indian plantation workers have been excluded (see UM dated 20/3/09; page 16 and UM dated 6/2/09 page 14 respectively)  
The FELDA Jengka land ownership schemes have 98% Malay Muslims participation.  
RM 1,200.00 per month for 10,000 poor in Gahai Land Ownership Schemes (UM dated 1/3/09; page 5). But the Indians have been completely excluded.
- RM 58,000.00 per person in FELCRA Land Ownership Scheme dividends (UM 25/2/09 page 27). But again not a single Indian benefited from this FELCRA scheme.  
429,375 hectares and 163,172 cows at the government Kawasan Tumpuan Sasaran (KTS) land ownership schemes (UM 24/3/09 page 9); but zero allocation for land for Indians under this scheme.
- 7,000 hectares of land for food production (NST 14/11/09 page 6). But we do not know of any Indian having been granted any plot from the 7,000 hectares of land.
- Another case study relates to Mr Shanmugam, a third generation Indian cattle farmer who has been operating his farm in KL. He stood to lose his livelihood with no alternative land available under the UMNO's DBKL.
- Malaysia imports 75% of its beef; 95% of its milk and 90% of its mutton. But a third generation cattle and goat farmer Mr Shanmugam was not given grazing land as would be granted to any other deserving Malay Muslim cattle farmer. In addition to the above disadvantage, his cattle farm is to be demolished very soon by the KL City Council. Indian farmers like Shanmugam are discriminated against for State assistance and in many cases they are even hounded out of their traditional farming occupation.
- Agropolitan is an initiative programme aimed at eradicating hardcore poverty through various agricultural and agro-based development projects. It brings together a group of hardcore poor into a sustainable, all-encompassing community. Each family head or main participant, will be involved in primary activities, either in palm oil, rubber or cocoa, and will be provided with monthly income and allotted shares. To the knowledge of the HRP, there is no known case of hardcore poor Indian who has benefited under the Agropolitan initiative.

**10.5 An update by the HINDRAF/HRP, Malaysia on the programmes is as follows:**

- Malaysia is 329,845 square kilometres wide.
- There are 112,000 Felda settlers; 235,000 Risda small holders; 95,000 Felcra participants (Berita Harian, 25.02.10, pg4)
- 75,747 or 67.3% of the above numbered felda settlers have title ownership; 36,888 or 32.7% settlers are without title but as of 1 March 2010, one million thirteen thousand, two hundred and sixty five applicants were sent to state government for approval and the PM Mr Najib announced that every felda settlers would be allocated 4 hectares of farm land and 0.1 hectare for their living quarters. (The Star 26/03/2010 at page N 16).
- Felda settlers previously on EPH level now take home RM3,000 to RM4,000 a month.
- Government's initiative programme for period 2010 – 2014 and 2015 and 2020 includes a budget of RM750 million for Felda settlers to establish the National Food Warehouse benefiting 40,000 settlers comprising 11,000 to 30,000 new entrepreneurs. The project is to give an additional income of between RM500.00 to RM2,500 a month (PM Najib's announcement, The NST, 1.01.10, pg 2)
- 949.86 hectares of land in Selangor has been allocated to 322 participants of contract farming which began 25 years ago and supported by MOA, Mardi, Fama Pasar Tani (Utusan Malaysia Mega, 19.02.10, pg 2)
- 866 hectares of land approved for development in 1995 by Yayasan Basmi Kemiskinan is also mortgaged for more than RM10 million (NST, 25.02.10, pg4)
- the government has allocated 157,236 hectares of land to 112,311 Risda settlers' smallholders in Sarawak (Utusan Malaysia, 30.05.10, pg15). The target is to raise an income of RM2,000 per month for the smallholders
- there is a government sponsored programme of exporting 700,000 cows each year drawing an income of RM1.4 billion (Utusan Malaysia, 6.06.10, pg19)
- Some 442,000 new Malay muslim planters were each granted a ten acre land ownership scheme in Felda, felcra and Risda Land Schemes alone (BH 25/2/10 at page 4).
- Third and fourth generation Indian rubber tappers were almost all (estimated 99%) excluded from these 442,000 land plots in Felda, Felcra and Risda alone even though they were displaced from estates as it gave way to new townships. And not including the hundreds of thousands more of acres of land by the 13 state governments and may other government agencies. (see humanrightspartymalaysia.com 20/12/10).
- To the contrary even the third generation Indian vegetable farmers in Cameron Highlands were not only not allowed to renew even their Temporary Occupation Licences but have their farms systematically destroyed under the Malaysian government's racist and religious supremacist agenda.
- Risda College trains only Malay Muslim to become estate managers, conductors and administrators to replace the many Indians in those positions. (see Utusan Malaysia 5/12/10 at page 7).
- On the eve of Diwali this year, Madam Kamala Devi Abaroo's (47) banana plantation was destroyed by the District Office (Malaysiakini.com 4/11/10). She is now forced to work as a cleaner, 12 hours a day earning a mere RM 600 or so (USD 140) per month.
- Malay Muslim only Felda's socio economic powerhouse makes RM 1.1 Billion net profit a year. Felda aims to provide land for the landless to eradicate poverty. But the pre-existing Indian rubber tappers and landless are segregated and excluded from these land schemes.
- 322 Malay participants of contract farming scheme for the poor in 949.86 hectares of land in Selangor alone. Also backed by MOA, Mardi & Fama Pasar Tani started 25 years ago. (Utusan Malaysia Mega 19/02/2010 at page 2)

- Malaysia imports 700,000 cows every year at over RM 1.4 billion (Utusan Malaysia 6/06/2010 at page 19) but deny even traditional Indian cattle breeders state land to participate in cattle farming.

### **11.1 LICENCES AND PERMITS FOR TRADES AND REGULATED OCCUPATIONS**

Overview by HPR, Malaysia: The Government has devised a policy and scheme to make almost every other trade and services to require licences and permits to enable it to implement its racist and restrictive agenda in the name of regulating trade practices. Almost in every licensed trade the participation of Indians is extremely low to non-existent. Where permits are required, Indian participation is usually with rented permits from the middle Malay renter. Where Indians have created an advantage in a particular trade, they are harassed constantly with all kinds of restricting or hampering regulations. The scrap metal trade is one very glaring example.

### **11.2 Factual background recorded by the HINDRAF/HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

- 1,400 new taxi permits were issued (UM 26/1/09 page 7). We estimate that about 40% of the taxi drivers are Indians but only 10% of the 40% were granted their own taxi permits or only about 4 % are permit holders. The rest of the taxi drivers have to rent their taxi permits from Malay Muslim companies and about 30% of their income would go towards payment of these permits.
- 85% of the scrap metal traders in Malaysia are Indians. According to the Malaysian Indian Metal Traders Association secretary General Mr. Param,(July 22 2008 The Star) the livelihood of the scrap metal trade has become more difficult because approval has to be obtained from seven government departments – the Local Council, the Land Office, the Fire and Rescue department, the District Health Department, the Drainage and Irrigation department, Public Works Department and the Police. Many of the traders operate without licenses as a result and are harassed daily by the corrupt authorities. Contrast that with all of the support the Government provides for the majority Malay constituency.
- Some 5,000 traditional Indian scrap metal petty traders have been *denied licences* (*The Star 28/11/09 at page N 22*).
- Even as late as November 2009 G. Subramanian, the last few remaining Indian mini market owner of 30 years standing in Temerloh Pahang had his license to trade revoked for no apparent reason. (The Star headlines 22/11/09).
- Two mega Islamic bank licences were issued to Malay Muslim groups (The Starbiz 27/10/10 at page 1).
- But the bank licences previously held the Indian Diaspora for example the Indian Overseas Bank, Bank Buruh, CCB etc have been revoked on the pretext of mergers takeovers etc.
- About the last remaining Sathiam bus company was denied licence to ply the suburbs of Teluk Intan ( The Star 18/10/10 at page N 49).

- We estimate almost all of the hundreds of thousands of Entrepreneurs created and to be created by the Rural and Regional Development Ministry, Agriculture and Agro Based Industry Ministry, MARA, SME Bank, Agro Bank, etc with hundreds of billions of government funds are denied to the Indians.

**11.3 A review by HINDRAF/HRP, Malaysia of the Indians' share of the economy in terms of contracts, projects, Business and Franchise opportunities at year's end is as follows:**

- 12 March 1984 Maika Holdings Berhad was set up to draw together the resources of ethnic Indians and Ceylonese investors to create a solid base for the community to participate in the country's economic expansion.





**Conversion –Parents practicing Hindu but 3 years old son forced as muslims by National Registration Department.**



**Forced conversion into Islam**



**Self Immolation to Stop Hindu Temple Been Demolished**



**Demonstration at the Ladang Batu Pekaka Hindu Cemetery, Kuala Ketil, Kedah.**



**Malaysian Court of Appeal denies justice to Hindu widow whose husband's body was snatched by Islamic extremist state**



**Forced conversion into Islam – Appeal to Perak State King (Sultan)**





Lock out of Government flats and now homeless.  
No village social safety net



Poor Indian sisters forced to live in huts at their old age under UMNOs' social engineering



Indian poor farmer's banana farm destroyed because of powerless and blur





He added that the job entailed a 1.5km pipeline with the overall cost of the project totaling RM600,000. — Bernama





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# Isu jambatan uzur masih jadi tanda tanya

## Kerja balk pulih akan dilaksana minggu depan





• **AJI IBRAHIM**

Orang ramai terutama penduduk di kawasan ini telah berminat untuk lupa apabila Aji Derosi Dendang (bekas ketua Angkatan Tentera Darat) telah berkhidmat sebagai juru balai pulih jambatan di kawasan ini. Beliau telah berkhidmat sebagai juru balai pulih jambatan di kawasan ini sejak tahun 1980 dan beliau telah berkhidmat sebagai juru balai pulih jambatan di kawasan ini sejak tahun 1980.



• **K. SURESH**

Terdapat tiga, tidak ada lagi orang ramai yang berminat untuk lupa apabila Aji Derosi Dendang (bekas ketua Angkatan Tentera Darat) telah berkhidmat sebagai juru balai pulih jambatan di kawasan ini. Beliau telah berkhidmat sebagai juru balai pulih jambatan di kawasan ini sejak tahun 1980 dan beliau telah berkhidmat sebagai juru balai pulih jambatan di kawasan ini sejak tahun 1980.

AGUS PRIYADIN.

Cerang sangat bersemangat (semangat) jombangkannya itu lebih menarik, pada saat episode ASK, Priyadin menjelaskan bahwa karena ASK adalah studi kasus dari Lembaga Indonesia Jombangkanya itu lebih menarik dan lebih bermanfaat untuk itu, oleh karena itu, akan sangat penting juga.

Menurutnya, setelah pembelajaran dan pertemuan dengan ASK, Priyadin akan melakukan penelitian lain yang akan dilakukan di Gunung, penelitian penelitian lain yang akan dilakukan di Gunung, penelitian penelitian lain yang akan dilakukan di Gunung.

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## Batu Caves Tamil school children dicing with danger and their lives on dilapidated bridge

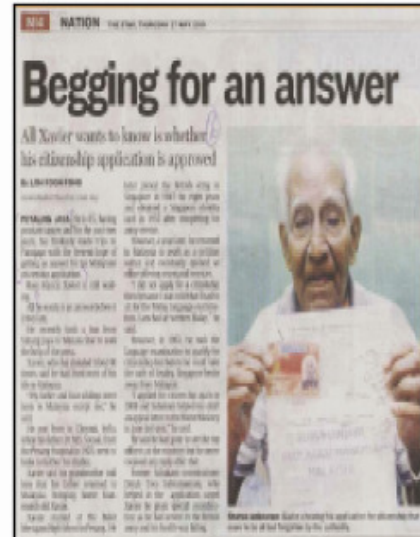
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35





Racist UMNO NRD @ Putrajaya – high handedness in handling and rejecting stateless poor Indians denied IC, BC & Citizenship



**53years of independence!**  
**Yet Stateless!**  
**Our Rights Systematically Deprived by**  
**UMNO Government!**



10 years old Kalaivani In Standard 1...!





21 poor Indian families to have water supply cut by UMNO DBKL because they cannot pay even token water bills



Hulu S'gor: Indians semi-slaves' half hour water supply per day.



UMNO: Garbage picking poor Indians – 5,000 Indians denied scrap metal licences.



UMNO denies 90% Indian scrap metal operators licenses: Police, DOE, DBKL harassment and forced to close shop

## Hindu Temple Demolishment - Our Culture and Roots Erased by Malaysian Government



Setapak, K.L Temple Demolished



Pangnaiswatar Temple

Demolished



Sentul temple demolished



**M4 NEWS STARMETRO, MONDAY 28 JUNE 2010**

### City Hall to investigate temple demolition

**By PRIYA MENON**  
menon@starmetro.com.my

KUALA LUMPUR: City Hall (DBKL) will investigate the incident involving the demolition of a 30-year-old Hindu temple at PPR Sungai Besi in Setapak on Thursday.

Mayor Datuk Seri Ahmad Fuad Ismail said he was not aware of the demolition but will discuss with his officers to find out what actually happened.

"I cannot give you any information because I honestly do not know anything about the matter," Fuad said when contacted.

The mayor said that while people should not build temples everywhere, there was a need to respect the older temples in the city.

Last Thursday, some 50 DBKL officers, with police backup, bulldozed the Perianta Munneswari Hindu temple in PPR 5g Runas.

According to temple caretaker Kariyamah Faruqi, 56, she had produced a letter from Deputy

Federal Territories and Urban Wellbeing Minister Datuk M. Saravanan requesting that she be allowed to use the current land for the time being.

However, she was told by the officers that the letter, dated April 7, held no weight.

The temple is surrounded by a jasmine flower farm, which Kariyamah and her husband, M. Shanmugam planted some 25 years ago.

Initially, Saravanan had asked the temple to relocate to make way for a recreational park and offered land for relocation.

Kariyamah said she had agreed to the proposal and even planted some new trees at the site.

She claimed she last close to RM15,000 as a result of the demolition of the temple and the farm but what saddened her most was to see the idols of the Hindu deities left scattered on the ground.

She also said she had lodged a police report over the incident.

In a statement released by the

DBKL, it said the temple was inactive and the area had been earmarked for the Air Panas Community Park.

The statement said that the enforcement exercise was carried out following a final notice that ended on Feb 11 and a letter dated May 18 requesting that the temple owners relocate the jasmine trees in seven days.

DBKL also said four notices were issued and dialogue sessions were held with the Setiawangsa MIC branch before the decision was taken.

"We have provided an alternative site for the temple near the Setapak High School," the statement read.

DBKL stressed that their officers had duly followed the required procedures and that the idols were carefully removed from the building before the demolition took place.

The Federal Territories Ministry had guaranteed that Hindu temples in the Federal Territories will not be demolished but relocated.

**Sad sight:** Kariyamah (second from right) and Shanmugam (right) with P. Sivalingam (third from right) and some of the farm workers with the idols that were left behind.





Victims of Kampung Medan 'Ethnic Cleansing.'. -2001



Prabakaran – Victim of  
Malaysia  
Police  
Brutality –Dec.2008

**MALAYSIAN INDIAN MINORITY & HUMAN RIGHTS VIOLATIONS  
ANNUAL REPORT PHOTOS 2008**

**The last remaining Tamil Hindu Heritage Village (Kg. Buah Pala)  
of 200 years demolished illegally by the Government and villages evicted**



**A distraught lady attempted self immolation to save the village**



**Human Shield**



**Extreme Muslims protest the existence of  
100 years old Hindu Temple.**

**Cow head slaughtered, paraded and stomped to insult Hindus**



**MALAYSIAN INDIAN MINORITY & HUMAN RIGHTS VIOLATIONS  
ANNUAL REPORT PHOTOS 2009**



- 80% of the investors who held fewer than 6,500 shares each belonged to either lower or middle range incomer earners. Many of them had used their life savings or pawned their jewellery or borrowed money to finance Mika Holdings (NST, 24.04.10, pgB6). In real terms 66,459 participants had invested RM 106.21 million into the above Holding.
- There are 17,300 pasar tani traders at 364 tapak nationwide raising RM 490 million business at end of year and this income increased to RM600 million including 5 000 new traders and 100 new tapak karavan pasar tani (Utusan Malaysia, 3.02.10, pg9)
- Indians' share of the business amount to 0.321% while Sabah bumiputreas own 6.66%
- 2% of stalls in Cameron Highlands allocated to Indians when they make up 25% of the population in the area (NST, 30.07.10, pgB6)

#### **11.4 A review by HINDRAF/HRP, Malaysia of the ethnic Indian's share of public and private sector jobs are that**

- there are 1.2 million civil service jobs (Sunday Star, 14.03.10, pg F22). 1.39% of recruitment into the Johor civil service is ethnic Indians (The Star, 30.03.10, pg N26).
- Cameron Highlands District Office has 60 civil servants but none of them is ethnic Indian although 25% of the population in the particular area is Indian.
- In Majilis Perbandaran Selayang, all 865 employees are Malays (NST, 1.09.10, pgS2)

#### **11.5 Government Contracts and Entrepreneur Development Programs**

10.2.1 Overview by HRP, Malaysia: Malaysia's racially motivated UMNO government has set up a tightly controlled system of Government procurement where intending vendors need to be cleared by the Ministry of Finance. The Finance Ministry only clears Malay vendors. Indians are effectively kept out of Government projects or contracts in this way. Preferential treatment for budding entrepreneurs is reserved exclusively for the Malay entrepreneurs – preferential loans, technical advice, networking assistance, training and skill building.

#### **11.6 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers::**

- 100 new franchise A & W outlets are operated by (Malay Muslim) Koperasi Usaha Bersatu (KUB) (UM 13/1/09 page 20) and 520 new (Malay Muslims) KFC outlets (UM 14/3/09 page 21). But the Indians have been excluded totally from all franchise business- examples of which are Mc Donald's, Burger King, Ayamas, Starbuck, Coffee Beans, Pizza Hut and so on.
- Petrol stations such as Shell, PETRONAS, Mobil, Esso – these are lucrative because they are relatively risk free and recession proof. Award of licences for these retail outlets are regulated totally in favour of the Malay Majority while completely excluding Indian participation.
- The lucrative Highway Rest Area Food Stalls and 'tit-bit' shops and government food stalls and trading opportunities at public places like the railway stations, bus stations, airports all systematically exclude Indians.
- At festival times a large number of petty traders appear - 700 at Thaipusam festival at Batu Caves (TV1 Tamil news 8/2/09 at 7.30 p.m.) and thousands of others at Hindu temples nationwide. But after the festivals, these thousands of Indian petty traders are denied the licenses and the opportunities to do business elsewhere on a permanent basis. The Malay Muslim traders are granted permission to operation their petty stalls at Pasar Malams (Night Market) throughout the country.

- The Government through the issuing of Approved Permits (AP) regulates several product imports. None of the Approved Permits are approved to eligible Indians for example to import chicken the government imposes an AP Condition (refer UM 8/5/09 page 2). But these chicken importing AP are denied to all Indians. There is not a single Indian chicken importer in the country.
- Almost all of the registered business is in the Small and Medium Scale Industries (SME) category and it accounts for 56% of the employment (NST 22/3/08 at page 20) in the labour market. There is no participation of Indians in this sector.
- RM 900 Million loans are approved for 40,000 Class F (95% Malay Muslim) contractors NST 11/1/09 page 5 and NST 24/2/09 at page 14 respectively. RM 9.4 Billion worth of government jobs (NST 20/3/09 at page 8) are given out to this class of contractors. But again not a single Indian gets any government loans, government tenders, contracts or projects directly; but there are many who operate as sub contractors.
- Bank Rakyat gives out RM 13.0 Billion worth of loans for government business (NST 25/2/09 page B9). But these Bank Rakyat loans are not available to the Indians.
- RM 1.5 Billion in micro credit small business loans are given by the government through AIM, Tekun, BSN and Agro bank (UM 11/3/09 page 21). But yet again we estimate that almost all of the deserving Indians have been denied these loans. Only token "show case" loans of a few thousand Ringgits or so are given to Indians. These are amplified by the racist UMNO government to give a picture of everything is equal and OK and that the Indians are actually benefiting from these RM 1.5 Billion loans.
- Agro bank targets RM 5.7 Billion of agriculture loans this year. But we have hardly heard of any Indian given any part of these 5.7 Billion loans especially the traditional and pre existing cattle farmers.
- Recently, late 2009, the government approved RM 2 million, to develop Indian entrepreneurs. or RM1 per Indian for the Two Million Indians in Malaysia in development funds. This is an insult to the Indian citizens of the country, yet UMNO persists in making these small gestures and then making a mountain of it in the media to create a perception of being active in promoting Indian interests.

#### **11.7 A review by HRP, Malaysia on government funding in November 2010 shows the following:**

- Under the 10<sup>th</sup> Malaysian Plan it is proposed that per capita income of Malaysians would rise to RM3, 270.00 (Malaysia Nanban, 10.06.10)
- NEM's goal is based on a high income country with a high standard of living and quality of life (Malaysiakini, 11.06.10)
- The 2010 budget for Selangor is RM1.9 billion (information provided by YB Manoharan to P Uthaya Kumar on 15.07.10)

## **12.0 HOUSING ISSUE**

**12.1 Overview by the HPR, Malaysia:** A large proportion of the Indians in the urban areas today live in squatter settlements. This is a direct result of the more than 300,000 displaced Indians from plantations. (Centre for Public Policy studies) Having been pushed out of the plantations they arrive in the cities into these squatter settlements. These settlements are located illegally and they run the danger of being demolished as soon as development begins in the area.

The Government supposedly has a low cost housing solution, but woven in with all the other Human Rights issues and the resultant state of the Indian poor most can ill afford these low cost flats even where they are available.

## **12.2 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

- 500,000 poor Indians have been and are in need of low cost houses and have been waiting for years. They have the option of renting these flats for RM 124.00 per month (NST 11/1/09 page 14).
- We have received complaints from poor Indian squatters from Sentul K.L., forced to relocate to these low cost flats from squatter areas being unable to afford the RM 124.00 monthly rental payments.
- In addition, taking up these flats means relocation, away from the places of work. Many of them are unskilled workers. Relocation means losing their already low paid jobs.
- For the poor Malay Muslims in similar predicament, the Islamic Foundation Baitulmal “bails” them out by paying up their rental arrears and thereafter pays their rentals and water and electricity bills.
- There is no similar support scheme for the Indian poor.
- PKR Selangor Government denies 35 poor Indian settlers in PJS 1 low-cost homes. This batch of the last 35 Indian settlers in Kg Lindungan, Petaling Jaya have been repeatedly denied even low-cost houses by the Selangor PKR State government. Comparatively had they been Malay Muslims as in Kg. Baru, Kuala Lumpur, they would have been offered RM 4 million each.
- Hundred over people from Kg.Lindungan were cheated into moving to Lembah Subang some 16 years ago until such time their low cost houses are built. But up to now including the third year PKR’s ruling in Selangor, the problem is not solved.
- The minority Indians dominated the Malayan Railways and opened up jungle land in and around Sentul immediately after independence. Today even after 52 years of Independence and almost next to the world’s tallest Twin Towers, they have been classified as squatters and are still pleading for low-cost flats as a result of having been excluded from the national mainstream development of Malaysia for 53 long years. (Starmetro, 18.1.2010, page M3)
- 21 occupands in a low-cost flat A household of 21 occupants stay together in a low-cost flat in Desa Mentari, Petaling Jaya. There are seven adults of which, four are unemployed. The other working members work in a car wash, as a part-time lorry attendant and a cleaner. There are 14 children in the household, with the youngest being just born the Saturday before. (MM, 6/1/10, page 6).
- 15 people are living in one congested low-cost Sri Johor flat owned by Kuala Lumpur City Hall (DBKL). Ganesan who has two young children lives here with his father as he could not effort to rent a more expensive house. (SH 15/8/10 at page S8).
- Poor and homeless Indians have been denied DBKL flats in the Sentul area where they have been working. For the past four months they have been living at a community hall. (Starmetro 21/12/2009 at page M4)
- UMNO Prime Minister Najib Razak on 10/10/09 announces over 144,000 DBKL flats to be sold to Malaysians as a gift. UMNO earlier announced a special loan scheme for the poor to be administered by Bank Simpanan Nasional and Bank Islam for those who do not have pay slips, proof of Income Tax payments etc. But this poor Indian mother with ten children stays in one bedroom, and was never given the opportunity to buy one of these 144,000 over DBKL flats or any Welfare Department help.

- UMNO assigns a lady Indian Mandore to show that Indian problems are being addressed by Indian “Entrepreneurs”. (Star Metro 9/10/09 at page M13).
- Mr. D. Narayanasamy (58), who is semi paralysed was a former garbage collector of DBKL was locked out of their apartment in Desa Tun Razak by the city council. However he could not afford the monthly rental of RM 124.00 and hence by 30.11.2010, had RM 1860 rental and RM 5286.40 water bill totaling RM 7146.00 payment pending. (Starmetro 14/12/10 at page M 4).
- Narayanasamy was previously staying at the 2 ½ Miles Cheras Road DBKL quarters which had two temples and an Indian village and settlement but indiscriminately demolished and has since been “ethnically cleansed”. Even Narayanasamy’s family food stall was never given a licence and finally indiscriminately demolished by the cruel UMNO DBKL regime.

### **13.0 SUICIDE INCIDENTS WITHIN THE ETHNIC INDIAN COMMUNITY**

**13.1. Overview by the HPR, Malaysia:** Suicide rates in the Indian community are highest in Malaysia compared to the other ethnic communities. It is 600% higher than the Malay Muslim community. This can only be explained by the fact that the burden of life is heaviest on the Indians by virtue of their socio-economic position. Low incomes, lack of appropriate literacy, family disputes, indebtedness, alcoholism and a critical sense of alienation and hopelessness are reasons cited in various researches conducted in the country to explain this unusually high rate of suicides among Indians. This ties into the overall problem of marginalization, a sense of hopelessness and a complete lack of desire on the part of the racist UMNO regimes to address the marginalization problem

**13.2** In the year 2008 the Deputy Minister for Women, Family and Community Development, G Palanivel revealed that 30-35 Malaysian Indians per 100,000 committed or attempted to commit suicide annually as compared to 10-12 Malaysians per 100,000 on the average or 3times the Malaysian average.

- There have been several reports of Indian Mothers committing suicide and attempting in that one stroke to kill their own children before taking their own lives. The most recent case was that of Seetha of Gemencheh Negri Sembilan. Seetha, who could not accept the demise of her younger Surendran who was shot dead by the Malaysian Police in cold blood on the 8<sup>th</sup> of November 2009. In her grief she decided to take her life and those of her 4 children on the 1<sup>2th</sup> of November.
- M. Sanggita at her prime age of 30 laid on the railway tracks together with her two teenage children and they were run over by the train. Sanggita had been having heated arguments with her husband (on escaping from poverty problems). The situation worsened after Sanggita’s husband lost his job (New Straits Times 22/08/2010 at page 26).
- It was also reported in The Star newspaper (The Star, 25.8.2010, page N43) that an Indian man asked his 10-year-old son and his six-year-old daughter to lie down on a railway track with him and commit suicide. After a quarrel with his wife reported Malaysia Nanban.

This is just the tip of iceberg of the Indian poor pain, suffering and misery be being excluded and segregated from the national mainstream development of Malaysia.

## **14.0 GOVERNMENT FUND ALLOCATIONS IN THE FEDERAL GOVERNMENT BUDGET**

### **Overview by the HPR, Malaysia:**

The approach to National resource application is nothing but a reflection of the priorities of the racist UMNO government. And Indian issues are at the bottom of their priorities. Of the budgeted expenditure of 191.5 Billion Ringgits for 2010 there is no indication of specific allocation for any programs or projects for the needs of the poor and marginalized Indians. Even allocations promised in the 2009 budget for the upgrade of Tamil schools, miniscule as it is has not been disbursed

### **14.1 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

- RM One Billion has been allocated to improve the services of the Malay-sian Police (NST 24/10/2009 at page 28). But the Malay-sian government refuses to allocate even a fraction of that RM 1 Billion to keep especially the Indian youths out of crime by giving them the licences, loans, skills training as given by PNS, MARA, Bank Rakyat, Entrepreneur Development Ministry and the Agriculture and Agro based Industry Ministry to the Malay Muslims youths abundantly to open up and operate PETRONAS, Shell, Mobil and Esso petrol stations, KFC, Mc Donald's, A & W, Ayamas and scores of other franchise outlets, food stalls and titbit outlets at the scores of low rental and high yielding highway rest areas, government buildings, government built food courts and thousands of other government supported businesses.
- Our request for RM 10 Billion to put the Indians into the national mainstream development of Malaysia was rejected without even a formal reply to our official letter dated 3/10/09.
- RM100 million for Tamil Schools was allocated in the 2009 budget but which has not been disbursed because (according to UMNO explanations) the costs of building had escalated.

## **15.0 CITIZENSHIP AND NATIONALITY**

### **15.1 Overview on Basic Rights for Birth Certificates, National Identity Documents, Citizenship, Stateless Persons and Internally Displaced Persons:**

In the ethnocentric system that operates in Malaysia, the ruling UMNO regime seeks to increase its political advantage by reducing the population of ethnic groups that are not its basic constituency and to increase those that are of its basic constituency - Malay or Muslim. The fact that there are so many Indians without birth certificates and/or identity documents, which stands at about 150, 000 to 200,000, is wilful neglect of the government, which makes it for those without That this problem is perpetuated and amplified by the UMNO regime becomes clear when contrasted with the way Muslim immigrants are treated from neighbouring countries such as Indonesia and Philippines. They are readily given citizenships as evidenced in the increasing numbers, in some cases very sharply, in Sabah of the Malay Muslims category. The compulsion to hang on to power according to the rules of the ethnocentric political system appears to be the root cause of this problem.

The National Registration Department (NRD) of Malaysia doesn't seem to uphold the rights of Malaysian Indians as it continues to adopt a biased, racial and religious approach in executing its tasks.

In an attempt to eliminate the woeful plight of the stateless Indians in the country, HRP started a campaign nationwide to begin the documentation of applications to the NRD for ICs and BCs. Prior to that, on 13 August 2010, the National Adviser of HRP/ Hindraf Mr.N.Ganesan, the party's pro-tem Secretary General Mr. P.Uthayakumar, President Mr. W.Sambulingam, Mr. S.Thiagarajan and Mr. Manimaran had an official three (3) hours meeting with En Mohd Azmin bin Hassan, the Director of Births, Deaths and Adoptions and twelve (12) of his senior officers in Putrajaya to lay the groundwork to amicably solve the said problem.

## **15.2 Factual background recorded by the HRP, Malaysia based on newspaper articles reported in Malaysian newspapers:**

### **Update:**

- One in six Malaysian born ethnic Indian is denied a birth certificate, indentify card and citizenship (The Star, 26.09.10, pg12)
- Teenage marriages are taking place amongst ethnic Indians in estates because they do not possess any birth certificates to confirm date of birth following failure to register their births (The Star, 26.09.10, pg12).
- HRP continues to assist those without any form of registration of their births or identity card

### **Previous:**

- 93,360 birth certificates were processed in 2009 for children and others without proper birth certificates as reported by the ministry of Home Affairs. (UM-14/11/09 page 4). We estimate that there at least 150,000-200,000 third, forth and fifth generation Malaysian born Indian children who have been denied birth certificates and are currently therefore stateless.
- Malaysians have to go through a very arduous procedure of providing proof of birth of the child, parents' marriage, parents' citizenship proof and then be sent back several times because the applications are not complete or incorrect and then interviewed before this birth certificate will be issued. This is deliberate policy of the government to contain the population of non Malay Muslims in the country.
- Darshini (11) was denied her birth certificate because her mother had not registered her birth within the required 42 days as her father was away working. He works as a crane driver in Penang. She has been told to leave her school. The Malaysian authorities rejected her application so many times so much so that she has stopped trying (N.Ganesan Malaysiakini 23/1/09 5.19 p.m).
- An Indian family in Kulim Kedah who are effectively stateless even though they have lived in Malaysia at least four generations. Mariappan is an odd job labourer, his wife, works occasionally as a cleaner in a restaurant. He and his wife do not have Identity Cards; his 3 children have no birth certificates. He and his wife cannot find legitimate jobs because they do not possess ICs. His marriage to his wife is not registered, again for the same reason. Two of his children are attending a nearby Tamil school, where two out of about twenty children are without birth certificates in that school. Soon these children will be asked to leave school because they have no birth certificates or Identity cards.

Following the meeting, on 21/9/10, HRP brought the batch of 10 (ten) Malaysian Indian victims from three different families of forced conversion to Islam to the National Registration Department (NRD) Headquarters in Putrajaya as follows:

- The family members of Rajina a/p Krishnan (whose name on the Identity Card is Rajina Bt Mohd Zaini @ Krishnan).

- The National Registration Department office in Johor had at the birth of Rajina's son, Tinesh (2-year-old) refused to include the name of his natural father, Mahendran a/l Habimanan, and his religion as Hindu, in his Birth Certificate. This is due to the fact that Rajina's father has a Muslim name (Mohd Zaini @ Krishnan) although she has lived all her life as a Hindu. This has also caused Rajina's marriage to Mahendran to be not registered as in Malaysia marriage between a Muslim (in this case Rajina) and a non-Muslim could not take place without the non-Muslim partner converting to Islam. On 06/12/2010, the NRD rejected their application on the grounds that these three cases should be brought to the Syariah Court for the change of name and religion to Hindu.
- The family members of Rani a/p Kandasamy (whose name on the Birth Certificate is Jamilah binti Abdul Kadir). Rani submitted her application for six members of her family including herself as follows:
  - Rani-to change her name and religions status from Islam to Hindu
  - Muniandy (Rani's husband) - to change his name and the religious status (Mustapha Muniandy bin Abdullah)
  - Ganesan(son)- to change his name and religious status (Abdul bin Mustapha Muniandy)
  - Chitra Devi (daughter)- to change her name and religious status (Chitra Devi binti Mustapha Muniandy). Chitra Devi was forced to stop school at 16 years of age as she was forced wear a muslim headscarf and attend Islamic religious classes.
  - Nagendran (son) – to change name and religious status (Hamzah bin Mustapha Muniandy)
  - Vijaya Letchumy (daughter) – to change her religious status. She has a Hindu name but her religious status in the NRD computer is Islam and therefore she could not get her marriage to her Hindu husband, Tamilarasan a/l M. Rajendran, legally registered.

This family was told by an officer by the name Mohd Ashgar, of the Birth Death and Adoption section, that the amendment in the Birth Certificates for Rani's children could not be done.

The second batch of about 40 stateless people were brought to the NRD in Penang on 5 September 2010 by HRP members in Penang were as follows:

- V. Maruthai and V. Punitha Devi, aged 39 and 32- sisters married to the same man, Vijayan is now languishing in prison and details of when he is being released or how long is his sentence, whatsoever is not known by any of them. Neither of the marriages was legally registered. Maruthai has eight children aged 4 to 20. She was assisted in applying for Birth Certificates for four of her eight children, Sangeetha (17), Sugentran (16), Abirami (13) and Darshini (4). Her younger sister, Punitha Devi, has three children aged 10-13. She sought HRP's help to apply for Birth Certificates for two of her three children, Sathia Seelan (13) and Vigneswaran (12). Due to the BC-less IC-less problems, none of these children have ever set foot in secondary school. On 26 September 2010, the National Registration Department rejected their application on the 'lamest excuse' of them not having the 'right witness' to certify the birth of their children.
- Citra Dorai 15 was born in a prison in Alor Setar. Her mother died recently and her father has left her and two other siblings in the care of an aunt.
- Devisri 2 could not get her Birth Certificate upon birth as her father was in prison at the time of her birth.
- Saroja 58 given Red IC without a reason.
- Krishnavani Maniam 57 given a Red IC without a reason.
- Seetha Maniam 66 given red IC without a reason.

- Logeswary Ravindran lost her Birth Certificate when her house was razed to ashes in a fire. She could not trace her birth details at Penang General Hospital where she was born as the book in which the details were recorded has been eaten and destroyed by termites. Her application for BC has been rejected, as the NRD could not trace her Birth Certificate details. Her three children, as given below are also having problems in their BCs as their mother, Logeswary has no IC. Due to her IC-less problem, she also could not register her marriage to her late husband. Logeswary has four brothers, all of whom have BCs and ICs.
- Navendran 11 and Valliamma 9, Logeswary's son and daughter respectively, has no mother's name in his Birth Certificate for his mother, as mentioned above, has no IC.
- Prabu 6 months- both his parents names are not stated in his Birth Certificate as his mother has no IC and his father had died and the NRD refused to consider the father's Death Certificate.
- Meenachi 56 – lived with a Muslim man who had left her after all her five children were born and could not be traced now. They could not legally register their marriage as Meenachi refused to convert to Islam. She has four children, Santi (29), Jasmin (21), Aziz (20) and Mala (20). Both Jasmin and Aziz have their ICs as they have converted to Islam in order to obtain their birth certificates.
- Santi 29- Meenachi's eldest daughter was denied both her Birth Certificate and Identity Card as her mother was married to a Muslim and did not convert. Santi's three children aged 7, 6 and 2 1/2 do have their Birth Certificates but without her name as their mother. She could also not legally register her marriage due to her mother's refusal to convert to Islam as well as the fact that her father was a Muslim. She is unable to obtain other suitable jobs due to her birth certificate issue thus working as dish washer earning a daily meager wage.
- Mala 20 – Meenachi's youngest daughter, was denied both her Birth Certificate and Identity Card as her mother was married to a Muslim and did not convert. She could only working as a cleaner, earning a daily meagre wage.
- Renuga Kuppusamy 15 – She lives with her aunt (her mother's younger sister) as her mother has abandoned her. Her application for Birth Certificate was rejected many a time due to the fact that she could not produce her mother, whose whereabouts were unknown to her as they have lost contact since the past 15 years. She has no Identity Card.
- Vishnu Parani Kumaran 14 – son of Devi Kannaiya (32) has no BC and IC. His father, Parani Kumaran is lavishing in jail and has lost his IC. He studied up to Year 6 and was denied entry into UPSR examination as he has no BC. His application for BC was rejected many a time because both his parents have no ICs.
- Kalai Arasi (10) – Daughter of Devi Kannaiya (32) who has no BC and IC. Her application for BC was rejected many a time because both her parents have no ICs.
- Vinod (8) - Son of Devi Kannaiya (32) who has no BC and IC. His application for BC was rejected many a time because both his parents have no ICs.
- Muhamad Rohimi (32) – His father, Subramaniam converted to Islam and has now passed away. Due to the fact that his father was a Muslim, he could not procure his Identity Card.
- Rosmeena (30) – Younger sister of Muhamad Rohimi, mentioned above She too could not procure her IC because of the fact that her father was a Muslim.
- Muhamad Azmi 27- Younger brother of Muhamad Rohimi and Rosmeena mentioned above. Like his brother and sister above, he could not procure his IC due to the same problem, i.e. the fact that his father was Muslim.



**HRP's 3<sup>rd</sup> batch of IC, BC & Citizenship denial cases for 14 Indians were submitted on 21/09/2010 as follows:**

- Salvaraju a/l Batumalai (42) – Only has Singapore BC, wanted to apply for Malaysian Citizenship as both his parents are Malaysian citizens.
- Simon Anthony (21) – He has no IC and BC- He has applied since 2006 but application was rejected without justification by NRD.
- Indra a/p Navasu (43) – RED IC (permanent resident). She has applied for citizenship more than 6 times but was given no reply. This affects her child as explained below.
- Juvanna a/p Selvaraj (13) (Indra a/p Navasu's daughter) - She is denied her father's name in her BC and IC as her father has separated from her mother.
- Panjavarnam a/p Kannan (23) – She is Malaysian born but has no IC because her parents were born in India, carrying RED IC (permanent resident). Panjavarnam's BC needs amendment as on her BC as it stated Panjavarnam as "BUKAN WARGANEGARA" (not a citizen). According to the Federal Constitution when at least one parent is a Permanent Resident, the child should get the BC, IC and a Malaysian citizenship. Nevertheless, the NRD refuses to implement the same.
- Panjavarnam's daughter Rajini a/p Saravanamuthu (2) is seeking amendment to her BC as the NRD (Port Klang) has stated her daughter is an illegitimate child (anak luar nikah) by applying Article 13(indicated at bottom of the BC)
- Anusha a/p Ganesan (28) has been seriously affected by the wrongful and illegal insertion of Islam as her religion and her name as Anizah a/p Ganesan in the Birth Certificate and IC. Her two daughters Nivetha a/p Thamayanthiran (7) and Swetha a/p Thamayanthiran (6) have been classified as illegitimate children (anak luar nikah) citing "Article 13" in their Birth Certificate. This was despite Mr.Thamayanthiran who is the biological father of the two being present when the applications were submitted. The issue is specifically caused by the alleged conversion of Anusha to Islam, which she denies.
- Sundrammal a/p Subramaniam (58) – She has no Birth Certificate and Identity Card. Her BC was revoked by NRD vide Reference No: E 356454
- Deva a/l Ramu (14) – He had no Birth Certificate and Identity Card. His father left him as a baby at an orphanage and never came back. His guardian was unable to get him the BC and IC. The NRD insisted that both Deva's parents be present. The NRD officer refused to use Article 13 in providing the BC and IC by stating the name of the Guardian as his step father. Deva has finally procured his IC on 21/10/10 with HRP's persistent assistance.
- Shree Shashnitha a/p Paramasivan (3) - She has been denied her BC – She was born at home and the witness is her grandmother. However the NRD has failed to provide concrete reasons for rejecting her application.
- Anjali Devi a/p Letchumanan (23) give birth to three children who have been denied even their Birth Certificates because her husband is an Indian National. Her children are:-
  - Sateshwary a/p Karupusamy (6)
  - Durgeshwary a/p Karupusamy (5)
  - Pandeswaran a/l Karupusamy (4)

All these cases are cases of wrongful and unlawful denial of Malaysian statehood and birth registrations in violation of the guarantees in the Federal Constitution and the Births, Deaths and Adoption Act 1975.

**Other BC and IC cases handled by HRP are as follows:**

- Jacob a/l Packianatan (59) was born at Hospital Besar Klang, Malaysia on 27 Mac 1951, as told by his father. Nevertheless, he has been denied his Malaysian Identity Card although his mother was born in Malaysia and was a Malaysian citizen. He has lost his Red IC fifteen years ago and has reported the loss of his IC and BC fifteen years ago at the Brickfields police station. However, he has received no reply on the matter although he has made about thirty (30) visits to NRD in Petaling Jaya and Putrajaya. Finally his applications for BC and IC have been rejected.
- Darshini (14) – She is an orphan. Some ten years ago Darshini was adopted from a government welfare home, which attempted to convert her to Islam. Although both Darshini's natural parents were born in Malaysia the UMNO led Malaysian government has denied Darshini her Malaysian citizenship and a Malaysian Identity card. Her birth certificate has an endorsement that she is not a Malaysian citizen and in direct contravention of Article 14 of the Federal Constitution (citizenship by operation of Law).
- Darshini's adopted father Mr. Ponnudorai (59) and Mother Madam Kaliaswary had gone to the National Registration Department at least on 15 occasions but the NRD had repeatedly denied Darshini her Malaysian citizenship and Identity Card. Due to her statelessness, Darshini was victimised by her school authorities who saw her as a soft target. The school denied her entry into the school for the first three months of the year for supposedly "disciplinary" problems.
- Darshini's mother became depressed when Darshini attempted to commit suicide and was hospitalised. Darshini's mother passed away four days after Darshini was hospitalised.

Apart from the above mentioned cases directly handled by the Human Rights Party Malaysia, there are scores of such other cases, many published in the mainstream media every now and then.

**16.0 CHILDREN****Overview by the HPR, Malaysia:**

Young Malaysian ethnic Indians face significant lack of opportunities and hurdles in acquiring tertiary education. Admission to Public universities are through the extremely difficult Pre-University program of STPM (Higher School Certificate) for Non Malays, compared to the much easier pre-University program of Matriculation for the Malays. Despite the high threshold imposed upon non-Malaya students, very limited places are allocated for Malaysian Indians, with most going to the less desired programs. Student scholarships and loans are very limited for ethnic Indian students. Many ethnic Indian students choose to go abroad for their tertiary education like India, Indonesia, Russia, and Romania, to improve on their future opportunities, in many cases using their parents' life savings. The government decided to plug this opportunity to non-Malaya students by introducing a requirement to have special certification to study abroad. Such student would also not be entitled to apply to the government for scholarships or loans from the Government Higher Education Fund.

The Malaysian Government education policy plainly deters Indian Malaysians to acquire tertiary education in large enough numbers so to maintain their supremacy agenda and therefore places all kinds of obstacles to reduce progress amongst Indian students.

## 17.0 EDUCATION

### 17.1 Overview by the HPR, Malaysia:

#### Article 8 of the Constitution provides:

8. (1) All persons are equal before the law and entitled to the equal protection of the law.
- (2) Except as expressly authorized by this Constitution, there shall be no Discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment Under a public authority or in the administration of any law relating to the Acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

### 17.2 Article 12 of the Constitution provides: Rights in respect of education

12. (1) Without prejudice to the generality of Article 8, there shall be no - discrimination against any citizen on the grounds only of religion, race, descent or place of birth—

- (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees.

### 17.3 Article 153 of the Constitution says:

#### **Reservation of quotas in respect of services, permits, etc., for Malays and natives of any of the States of Sabah and Sarawak**

**153.** (1) It shall be the responsibility of the Yang di-Pertuan Agong to 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 the provisions of this Article

The Federal Constitution is very clear on all these issues, but it is just that the Government has chosen to blatantly violate it and has built up a rock solid Racist system in the country akin to the Apartheid regime of South Africa.

- Only a handful of seats in Medical Faculties of the Malaysian Government Universities are available to Indians. Exact statistics are not available but it is estimated to be around 1 - 2 percent of the places. Almost all of deserving Indian students are denied places in the 20 Government run Universities in Malaysia.

#### **Factual background information recorded by the HRP, Malaysia reported in Malaysian newspaper articles:**

- Indians students are excluded from the 200,000 places in University UiTM, which only admits the Malay Muslim students (Utusan Malaysia 1/1/09). However, about 10% of the intake every year into UiTM are foreign students who come from Muslim countries;

- There are 62,000 diploma places and 60,000-degree places for 2010 at 27 Polytechnics in Malaysia (see NST 22/11/09 at page 25). Based on previous information, we estimate that a mere 0.1% of these places will be allocated for Indian students regardless of their qualifications;
- 8,132 PhD graduates are produced from the 20 government Universities (The Star 2/12/09 at page 20). We estimate that a mere 0.1% of these candidates are Indians;
- There are 163,779 students studying at the 20 government Universities nationwide at an annual expenditure cost of RM 2.6 Billion. Our estimate is a mere 1% of this expenditure and/or University places will be available to Indian Malaysian students.
- Dr.Mahathir decided to restrict the number of students studying medicine in various universities in Russia after a visit in 2003. Most of the Malaysians there were from Indian families, who had raised personal loans to put their children through a medical school for lack of places in Malaysian universities for reasons explained earlier. In contrast, India, Russia, Romania, and Indonesia universities provided affordable alternatives. **The Malaysian Government however decided to reduce those alternatives open to the Malaysian Indian students by derecognising those universities despite a shortfall of doctors in Malaysia by 50%** (UM 8/10/09 at page 29).
- The Malaysian Government instituted a new scheme of “No Objections Certificates” to be issued by the Ministry of Education in the name of maintaining education standards before students can go abroad for studies (NST 9/3/09 page 16) This is to further curtail Indian students from pursuing their studies overseas in the face of lack of opportunities locally
- The government is recruiting doctors from (mostly from Muslim countries) overseas. But hundreds of Malaysian Indian doctors qualified from India, Indonesia, Ukraine, Russia, and Romania etc had their degrees deliberately derecognized in order to curtail the number of Indian doctors in Malaysia.
- To the contrary (because of the lower standards of Medical schools in the local Universities, the European Union has with effect from 1990 derecognized even University Malaya’s (the oldest Malaysian University) Medical degree (NST 19/3/09 page 12)
- A report in The Star on 8 February 2010, pg N8 confirmed an increase of 700 trainee intakes in 2001 to 3,000 such trainees in 2010. The same news paper (14 June 10, pg N43) confirmed that there are 24 medical colleges in Malaysia and The Star, 3 June 2010, page 16 carried a further report that the government expects to train 4,500 doctors each year (comment by Dr Chua Soi Lek (former health minister). There is no indication, as whether any of the seats in the college would be allocated to non-Muslim students.
- RM 2.8 Billion is allocated for the 2010 National Budget for student’s assistance scholarships but only an estimated 1% may reach the Indian students. Most of the funds go for scholarships to Malay Muslim Students.
- 1,266,671 students have benefited from the government PTPTN (Government Higher Education Loan Fund) study loans till 2009. 147,441 such loans were approved at RM 17.0 Billion (UM (UMNO) 25/3/08 at page 31).
- But thousands of private Indian medical students studying in Russia, Ukraine, Romania, India and Indonesia have been denied these loans. Similarly Indian students studying at private Universities and Institutions of Higher Learning have also been denied these study loans;
- Contrast that with the following scheme for Malay Muslim students going abroad to do Medicine. Kolej Teknologi Timur in Sepang, which has graduated its 4<sup>th</sup> batch of students on what is called the Kursus Intensif Timur Tengah (Middle East Intensive Course). This is a 3-month program preparing MARA sponsored students selected to do medicine in the Alexandria University in Cairo. This programme is specifically designed to cater for Malay Muslim students;

- In the Malaysia Indian Congress (MIC) sponsored AIMST University and TAFE College, PTPTN loans and scholarships are denied to the Indian students.
- 10,000 scholarships were given out to local University and 2,000 to foreign University students. But HRP estimates a mere 1% for local universities and 0.1% for foreign university scholarships are given to Indians no matter their qualifications (NST 22/3/09 page 12).
- A case study involving a student named, Dominic Raju who achieved 9A's and 1B for SPM (O'Levels), 5A's in UPSR, and 7As in PMR. His father passed away when Raju was 11 years old and he and his mother were living on her Socso pension. But Raju was denied a scholarship by Yayasan TM, Yayasan TNB, Khazanah, Bank Negara and UEB and a place to do matriculation at a government University (NST 21/4/09 page 8)
- 2,000 (with government loans and scholarships) have been trained by the Aviation Training Centre since 1998 as aero mechanics, technicians, and Engineers (UM IPTA 4/409 at page 9) But we are yet to hear of any Indians ever having been admitted into this centre or graduating from it.
- 1,513 trainee pilots with government loans and scholarships were produced from the seven flying academies in Malaysia (NST 3/309 page 13). But we have hardly heard of any Indian ever qualifying from any of these academies.
- 60,000 PhD holders to be produced by 2015 under the government's Mybrain Programme (UM (UMNO) 25/3/09 at page 31). But we estimate only 0.1% of the Indians taken into this programme however academically qualified they are.
- The Government plans to produce 100,000 PhDs by 2024. UiTM has a post graduate school called IPSis (Institut Pengajian Siswazah), which has been in operation since 1997. They are targeting to have 20,000 students in their various Post Graduate programs by 2024. They are considering a scheme of assistance programs for students, of RM 1,300 for a Masters student per month and RM1,800 for a PhD student. This is a 100% Malay Muslim participation program. No Indian will qualify for entry as a student of the UiTM.
- Only 4 (1.45%) students out of 581 new student intakes at the Sultan Idris Teachers Training College for the year 2009 (TN 3/1/08 at page 16).

### **University and Matriculation Programme Intakes after SPM**

- Below is a list of 56 top scoring Indian students who reported to HRP the denial of entries by the Malaysian government into both local and foreign universities as well as Matriculation Programmes. All these students have also been denied the Public Service Department (PSD) and all other scholarships despite their excellent results in Sijil Pelajaran Malaysia (Malaysian Certificate of Education) Examination.

NO	NAME	RESULT
1	Deborah Anne a/p John Philip	13 As
2	Mohana Priya a/p Kasanathan	13 As
3	Shobanaa Rubini a/p Ganesarao	12 As
4	Elwinder Singh a/l Jasvir Singh	12 As
5	Sasvin a/l Manimaran	11 As
6	Sharmalla a/p Subramaniam	11 As
7	Gomalah a/p Ganeswaran	11 As
8	Sangitha a/p Elango	11 As
9	Thenmoli Hanbrasi a/p Jothy	11 As
10	Deepashini a/p Rajindran	11 As
11	Arvind a/l Rajan	11 As
12	Santhini a/p Ramani	11 As
13	Shivanashini a/p Mathiyalagan	11 As
14	Dhanyasri a/p Kathirasan	11 As
15	Prabakaran a/l Kanapathy	10 As
16	Santhira a/p Vijaya Kumar	10 As
17	Divya Mala a/p Shanmugam	10 As
18	Serena Susan a/p Peter Manickom	10 As
19	Eiswaran a/l Ramasamy	10 As
20	Komathi a/p Muniandy	10 As
21	Pavithraen a/l Segeranazan	10 As
22	Jayasri Nair a/p Janardanan	10 As
23	Ravind a/l Amaresan	10 As
24	Prabakaran a/l Kanapathy	10 As
25	Mogan a/l Mahadevan	10 As
26	Yuana Rooja a/p Murugah	10 As
27	Moganpriya a/p Thillamuthu	10 As
28	Maria Elena Jude- Sharma	10 As
29	Narmatha a/p Chandran	10 As
30	Latha Sri a/p Gopal	10 As
31	Nicqeshen Nair a/l Balachanthren	10 As
32	Thulasi a/p Palakrisnan	9 As
33	Uneshddarann a/l Nagandran	9 As
34	Nageeshvari a/p Tachinamurti	9 As
35	Kesevaan a/l Morgan	9 As
36	Ghaithrie a/p Subramaniam	9 As
37	Pavitra a/p Sehalinggam	9 As
38	Priyatharisan a/l Balaraman	9 As
39	Yogeswary a/p Gunasegaran	9 As
40	Nandarcobini a/p Rajendran	9 As
41	Tarashini a/p Suthesan	9 As
42	Lingeswaran a/p Ratnam	9 As
43	Rupini a/p Manoharan	9 As
44	Narmatha Darshini Subramaniam	9 As
45	Pavitra Sri a/p Ramaya	9 As
46	Parthiban a/l Perumal	9 As
47	Yasheera a/p Vasudevan	8 As
48	Thennarasei a/p Pannir Selvam	8 As
49	Saraniah a/p Kalidasan	8 As
50	Kogulavarman a/l Asokan	7 As
51	Dineshwary a/p Nadthan	7 As
52	Kalaimalar a/p Perumal	7 As
53	Gadura Kishdra a/l Viswenaden	7 As
55	Navindren a/l Murugasen	7 As
56	Kalaimalar a/p Perumal	7 As

Apart from above, there are other similar cases which were brought to the attention of HRP during various programmes held nationwide to identify such cases of discrimination in the field of higher education. They were as follows:

57. Shamalla Subramaniam's (no. 6 in the table above) older sister scored 10As in her SPM. She was denied a place in all the local universities, and her applications for Matriculation programme as well as PSD scholarship were also denied and she is now forced to do the dreadful STPM examination in her sixth form.
  58. Menaga a/p Tiagu (8A)
  59. Munis Rao a/l Balakrishnan (10A)
  60. Thiviyamathi a/p Seeniraju (11A,1B)
  61. Prasanna Nair a/l Kumaran (10A, 2B)
  62. Thimnyanam a/l Gunasekaran (10A)
  63. Mugilarasi (9A)
  64. Sugentah a/p Subramaniam, MRSM Terendak (10A)
  65. Mathanraj a/l Ravinthira (9A)
  66. Langgeswaran a/l Jayaraman (8A)
  67. Devathas a/l Vijayan (11A)
  68. Ravien Shanmugam, SMK Balidshah, Kedah (11A)
  69. Kavata Balasubramaniam, Penang St George's School (10 A)
  70. Partiban, Kulim, Kedah (9A)
  71. Saranya, Kulim, Kedah (8A)
- Ravien Shanmugam from SMK Balidshah, Kedah who scored 11As as shown above reported in a press conference held by HRP in Penang on the 5<sup>th</sup> June 2010, that in his school, there were about 15 (fifteen) Indian students who scored above 8As and were similarly denied higher education opportunities. ([www.humanrightspartymalaysia.com/2010/06/05](http://www.humanrightspartymalaysia.com/2010/06/05))
  - Thennarasi a/p Pannir Selvam from SMK Tinggi Bkt Mertajam, Penang who scored 8As as shown in the table above, reported in the same press conference held by HRP in Penang on the 5<sup>th</sup> June 2010, that in her school there were about twenty such cases. ([www.humanrightspartymalaysia.com/2010/06/05](http://www.humanrightspartymalaysia.com/2010/06/05))
  - Kavata Balasubramaniam, Penang St George's School who scored 10As as shown above, reported in the same press conference that in her school there were about twenty such cases. ([www.humanrightspartymalaysia.com/2010/06/05](http://www.humanrightspartymalaysia.com/2010/06/05))

- Two students, Partiban and Saranya who scored 9As and 8As respectively as shown above, reported in a meeting held by HRP in Sungai Petani, Kedah on the 11<sup>th</sup> June 2010, that in their schools 7 and 15 such cases respectively of Indian students being denied opportunities for higher education as well as the scholarship. ([www.humanrightspartymalaysia.com/2010/06/11](http://www.humanrightspartymalaysia.com/2010/06/11))
- Nicqeshen Nair a/l Balachanthren from SMK Puchong, Selangor who scored 10 As in his SPM as shown in the table above, reported in a press conference held by HRP in its Head Quarter, in Bangsar, on 6 June 2010, that, apart from him, there were other eight or nine students who applied for medicine and therefore had to go for an attachment programme in Serdang Hospital, Selangor. None of them were offered a place to pursue the medical programme they applied for, although his other Malay friends who merely scored 3As and 4As were given many options to take up Matriculation programme to furthering their studies locally or abroad.
- Sugentah a/p Subramaniam from MRSM Terendak who scored 10As as shown above reported to HRP ([www.humanrightspartymalaysia.com/2010/05/23](http://www.humanrightspartymalaysia.com/2010/05/23)) that in her college there were Malay Muslim students with much lower results who were offered places in the Matriculation programmes, local and foreign
- On 6 June 2010, in a meeting held by HRP in its HQ, Mr Arumugam of Batu 8, Puchong Jaya reported that his daughter Sudarsini had scored 7As in her SPM in 2008 but was denied JPA government scholarship, matriculation course or university place. Mr Arumugam had the means to send her to study medicine in Indonesia. On Sudarsini's second year, even her PTPTN government study loan was rejected despite this family personally meeting and pleading with the Deputy Education Minister. They have up to date spent RM170,000.00 on her alone. They have sold their last remaining house and are renting the very same house. For his previous 3 children he had similarly sold 3 houses. All his and his wife's life saving has been wiped out and today he lives on his wife meagre pension.
- K. Kunaselan, 54 (Utusan Malaysia, 8.11.2010, page 16) appealed to the Public Service Department (PSD) for his son, K Denasha, who is a third year student in Dental Surgery in India. He financed his son's studies the first three years and is having financial difficulties to continue to do so for the next two years. His application for the Public Service Department's Overseas Study Fee Loan Scheme in February was rejected on the grounds that the competition for the loan was high among the students as well as the limited availability and allocations of such loans. He is in need of an additional RM 100,000.00 for his son to complete his studies.
- On 9<sup>th</sup> July 2010, Mr Balan, Pathi's father, called our HRP HQ office to report the predicament of his son. Pathi a/l Balan from Gopeng, Perak scored 3As and 1B with a CGPA of 3.67 points in STPM this year. The maximum points are 4.0. The top most student in his school had scored 3.83 points. Two private scholarship bodies Yayasan Wah Sing and Kuok Foundation have already offered him a scholarship of RM 50,000 on condition that he secures a place in any of the local Universities. He had applied to eight local universities to do medicine and all 8 universities had rejected him.
- **The first batch of University Science Malaysia's International medical programme students will be starting their classes in September 2010 in Jawaharlal Nehru Medical College, Belgaum, Karnataka India. Out of the 74 students, only one (1.35%) medical student was Indian, Abilasha Nair, 19, from Masai, Johor. (New Straits Times, 6.7.2010, page 27)**



- Even in our list we have about 70 students with 7As to 13As, almost all top and high achieving science stream students. But they were all unjustly denied a place in the Jawaharal Nehru Medical College, Republic of India. In contrast Faiz who had (been) dropped out of Medical School in Chezh Republic is given the opportunity, a second chance to pursue his medical course in this international medical programme.
- Traditionally, in Malaysia, most Malay Muslim students do not pursue the two year Form Six course to avoid the extremely difficult STPM examination. One perfect evidence is as explained by Pathi a/l Balan in item 2.iii above to HRP, that in his STPM science class, there were not even a single Malay student. However, the Malay Muslim students are offered medical courses after their ten months matriculation programme (taken after SPM), which are way easier than the STPM examination.

## 17.4 SECONDARY SCHOOL EDUCATION

**17.5 Overview by the HPR, Malaysia:** Elite schools are completely out of bounds for all Indian secondary school students despite them all qualifying according to criteria established by the Malaysian Government for the Malay Muslim Students.

Highly accomplishing Indian students do not get the opportunity for all round and focused development that is available in the Mara Junior Science Colleges or the fully residential schools. 80% of ethnic Indian Malaysian Students do not go beyond Form 5 for a number of factors, but mostly lack of institutional support and poverty are chief factors.

There are 42 fully residential elite Maktab Rendah Sains Mara (MRSM) (Mara junior Science College) (NST 5/4/08) with 12,440 places also in the fully residential schools (BH 21/11/09 at page 7). These schools have been almost exclusively for Malay Muslim students. Most of the 817 Tamil school pupils who had scored 7A's(MO, TN and MN headlines on 20/11/09) (the maximum 5As' in Malay schools) and become more than eligible to enter the MRSMs in 2009 will be denied places in these elite schools. Indians are also almost 100% excluded in other elite schools like the Royal Military College, Aminuddin Baki Institution, Matriculation courses and the Malay College Kuala Kangsar.

RM 20 Million have been allocated for 20 high performances schools @ RM 1 Million per school. But almost zero Malaysian Indians are admitted into these schools. 80% Indian pupils had (been forced) stopped schooling after 5<sup>th</sup> Form (O' Levels) (Malaysiakini/10/07-Lim Teck Ghee, Asli).

## PRIMARY SCHOOL EDUCATION

### 17.6 Overview by the HPR, Malaysia:

The State of Tamil schools where 50% of all Indian children in the country go to continue to be a major issue for education for the Indian Poor and marginalized. The key theme in Tamil School education system seems to be a lack of all kinds of basic resources.

This foundation level education is suffering very badly due to systematic neglect by the Malaysian UMNO racist Government.

A People's Action Committee made up of parents of children who are attending the Ladang Batu Kawan SJK(T) in the State of Penang, had, at a meeting on the 21st of August 2010 decided that the building of the school's new building was not progressing even after grant of land for the purpose by the State Government in 2002. The Action Committee resolved that a new initiative was needed to move the project on. They have written letters right up to the Deputy Prime Minister and the Education minister and have even lodged an official complaint with the United Nations on the 29<sup>th</sup> of June 2010 to UNICEF and on the 8<sup>th</sup> of November to the UN High Commissioner for Human Rights.

### **17.7 The Factual background information recorded by the HRP, Malaysia reported in Malaysian newspaper articles:**

- 50% of the 200,000 Indian students attend the National Primary School system.
- 50% or about 100,000 students attend the Tamil Primary schools in an even split;
- These 100,000 students attend 523 Tamil schools. 371 of these primary schools are denied full government financial assistance even after 52 years of independence. 289 of these are located in the plantations
- **99% Malay Muslim Maktab Rendah Sains Mara (MRSM) in Trolak Perak was set up at a cost of RM 120 million. All 523 Tamil schools in Malaysia had been promised RM 100 Million allocation under the 2009 first and second economic stimulus packages:**
- So far, zero of these funds from this RM 100 Million has flowed down to any of the said 523 Tamil schools (Refer to The Star 30/09/2009 and our aforesaid letter to Prime Minister Najib dated 13/10/2009) and this allocation is for 2009 and the year is up;
- RM 30 Billion for 80 new schools, 1,100 additional blocks and 347 school replacement projects; to refurbish, upgrade schools, pre-school education performance schools in the 2010 national budget. But about two thirds of the Tamil medium schools are in a pre war and dilapidated if not near cow shed conditions;
- 817 Tamil schools pupils scored 7As' (Headlines MN, TN and MO on 20/11/09) but we estimate a mere 1% of these 817 pupils will get to enter the 12,440 Mara and fully government residential schools (BH 21/11/09 at page 7);
- State land has yet to be allocated to most of the partially aided Tamil schools in the country. Scores of Tamil school land are snatched (or disappears (refer TN 18/4/09 page 3).
- there is a Petrol station building next to the Jalan Silibin Tamil School in Ipoh.
- Another School in which an incident did occur is in Shah Alam Tamil School where scores of Indian students were recently admitted to hospital as a result forced inhalation of petrol fumes from the adjacent Petrol Station.
- The Old Klang Road Saraswathy Tamil Schools is another such school, which stands between four Petrol station and a flyover just feet away from the school.

### **17.8 Land for Tamil School Issue**

- **SRJK(T) Midlands, Shah Alam, Selangor**  
Four acres of land allocated for Midlands Tamil School had gone missing. (Tamil Nesan, 1/11/09, front page). MIC Youth leader and political bureau chairperson, M Saravanan, demanded to know what the original piece of land in I-City will be used for. According to M Saravanan, the previous state government had allotted four acres of land with freehold title in I-City, Shah Alam, for the school.

I-City is an RM1.5 billion project to build an advanced township in what was once Ladang Midlands, a plantation estate. The original plan was for a new building to replace the wooden structures of the old Tamil school in I-City.

- **SRJK(T) Ampang, Selangor**

The opposition PKR state government refuses to grant land and additional land to Ampang Tamil School. This school needs an additional piece of land for a kindergarten and more classrooms for the overcrowded student population in the school. The school which is now operating in two sessions will be able to switch to a single session and hence, time can be allocated for extra-curricular activities and evening classes. (*Makkal Osai, 11/3/2010, page 8*)

- **SRJK(T) Lukut, Bagan Pinang**

This is the only primary school in the whole wide world that operates on the first floor of a shop house. In the heat of the Bagan Pinang by election in 2009, this school was promised a six acre land (MN, 22/7/10, page 2). Now after about two years, the area has been halved to a mere three acres, thus disqualifying it for a fully-aided school status which require a five acre land. The pre-existing poor Indian community is also be made to pay RM 1,400 per month for rental and other expenses.

- **SRJK(T) Assad, Penang**

The Penang government has allocated a mere 0.9 hectare land for this one Tamil school in Penang (*Malaysiakini, 1/4/10*). Again like in the colonial days only a six-classroom school which disallows future expansion of the school as well as deprives the students an important component of amenity in school, the playing field. Nevertheless, the state has refused thus far to grant land for the rest of 27 Tamil schools in Penang at one go. The “freehold” land title of this school has not seen by anyone. From our observation in almost all cases of “no freehold land title” will only come to light when the land developers’ bulldozers come to demolish the school as in the latest and most glaring example of Kampung Buah Pala fiasco.

- **SRJK(T) Batu Kawan, Nibong Tebal, Penang**

Batu Kawan Tamil school was built more than a hundred years ago. It now has a student population of 130. This school was razed in a fire in 2002 resulting in the pupils being forced to study in colonial estate clerks’ quarters and metal cabins. The makeshift classrooms are not conducive for lessons, and just last week, a 1.5m-long snake entered the school library and some pupils have also seen monkeys roaming around the area. The school is one of those cowshed-like looking Tamil schools, still residing in the oil palm estate with no proper facilities like a school field, lights in the toilet, canteen and other essential amenities which a fully aided school is supposed to have. This has deprived some 800 other Indian children of primary education at this school.

The Penang state government has supposedly granted 2 acres of land some three years ago to this Tamil school but has refused to even show proof of the land title. The Education Ministry’s official stand as communicated by Puan Wan Anita of the Research and Development Deputy Director’s office to Mr. Annadorai, a school parent and Penang State Committee member is that the Indians are to build the Tamil school on their own, as there is supposedly allocation to rebuild this Tamil school only in the 2015 budget / in the 11<sup>th</sup> Malay-sia Plan

In order to qualify the school to for a fully-aided status, HRP has requested the Penang state government to grant another three acres of land, totalling five acres of land as per the requirement for the same.

- **SRJK(T) Behrang**

The brand new Behrang River Tamil school was originally granted 3 acres of land by the Perak state government. But when it was completed, the school was only sitting on a one acre land. The school has no playing field and the fence is so close to the school building. The balance of two acres of land has disappeared.

- **SRKJ(T) Bangsar, Selangor**

This Bangsar Tamil School has not been granted land to this day. For fifty over long years this school has also been denied a proper sports field that is an important component of amenity in any school. The school ends up using the nearby empty land for its annual sports.

- **SRJK(T) Ladang Rini**

This Rini Estate Tamil School has been demolished and a temporary school building was built. This temporary building can only accommodate 50 children whereas the current student population in the school is 450 and they are all crammed into few classrooms. In 2004, the government allocated 6.1 acres of land for the school. On 22 June 2009, a sign board was put up and a function was held on the ground attended by former MIC President, Dato Seri S. Samy Velu. He also mentioned that RM 600,000 has been allocated for the purpose. Ironically, now the allocated land is being occupied by Indonesian workers and no one seems to know when the school building will be erected.

- **SRJK(T) Dengkil, Taman Permata**

The 3.25 acres of land allocated for Dengkil Tamil School is now reduced to 2.25 acres only. The school was built by combining few other Tamil schools in the surrounding areas through the Putrajaya Development Plan. The one-acre land has been used to build a highway leading to Putrajaya near the Kuala Lumpur International Airport and a Hindu temple. The location of the Tamil School as well as the temple is very dangerous as they are very close to gas pipes and fuel storage. (Makkal Osai, 24/01/10, page 5)

- **SRJK(T) Batu Empat, Klang, Selangor**

During last General Election, the former Menteri Besar of Selangor, Dr. Mohd Khir Toyo had promised the school an acre of land but nothing has materialized thus far. As the school's student population continue to increase (from 153 pupils last year to 187 pupils this year), the parents of the school are struggling to acquire a permanent piece of land to solve space problem in the school.

## **Tamil School Issues**

### ***Schools Lacking Basic Necessities and Facilities***

#### **i. Valambarosa Tamil School, Kapar, Perak**

This school was completed in August 2010. There is only two more weeks left before the school opens for a new academic year in January 2011. The school has no tables and chairs.

#### **ii. Kalaimagal Tamil school, Sg.Petani, Kedah**

This school is in acute shortage of classrooms. Due to the classroom shortage, Standard Two and Three pupils of this school are made to attend afternoon classes. (Makkal Osai, 7/11/09, page 6). Early this year it was reported in the Tamil newspapers that the already poor and working class Indian parents in this school had to buy chairs and tables from their own funds for the school.

#### **iii. SRJK(T) Ladang Labu, Division 1**

The students of Labu Estate Tamil School were forced to start the new school term in January 2010 in makeshift classrooms because the school had not received the five cabins that were meant to temporarily house them. Almost two-thirds of the school's 95 students were displaced after a fire destroyed the block with four classrooms, staff room, resource centre and office of the school on 22 December 2009.

#### **iv. St. Joseph Girls Tamil School, Sentul**

This Tamil school which is located near the popular KLCC Twin Towers in Kuala Lumpur was built in 1924. It was then the colonial workers quarters and remains in dilapidated conditions. After being eaten by white ants, this school building poses a danger to its 168 children. The school sits on the estate land and has no basic facilities including library, science laboratory, canteen and playing field. The Parent Teacher Association of this school has requested for a new school building, but there has been no response from the government (Malaysia Nanban, 19/11/10, page 18)

#### **v. SRJK(T) Mentakab, Pahang and SRJK(T) Lanchang**

SRJK(T) Mentakab and SRJK(T) Lanchang were reported to be in dilapidated conditions in the same Tamil daily, on the same page. (Malaysia Nanban, 19/11/10, page 18)

#### **vi. The SRJK (T) Kajang, Selangor**

Kajang Tamil School was established in 1902 with one teacher and 22 pupils. Now it has a population of 1,350 pupils and 72 teachers, of whom only 16 are graduates. (NST 24/6/2010 at page 12). The children are now located in three different neighbouring schools.

Despite being the only Tamil school in the country with a five storey building, the school has been denied even the very basic necessities including a playing field, a function hall, an administrative block, guardhouse, even a washbasin in the canteen. This school has no pre-school.

vii. **SRJK(T) Jugra, Kuala Langat, Selangor**

Students of the 75-year-old SRJK(T) Jugra have to put up with overcrowding due to acute shortage of classrooms for the past two years. The school is in dire need of rooms to accommodate another two classrooms. Some 214 students are crammed into six classrooms and the two classes have to be held in either the library or canteen. The school Headmistress, Pavayee Varudhappan, said the conducting of the classrooms has made for a dysfunctional situation for both the pupils and teachers. She also said that the school is expecting a growing number of students as the area where the school is located would be rapidly growing in the next five years. The school experienced a student population growth from 120 pupils in 2008 to 221 in the year 2010. A visit by the Malay Mail (24 February 2010, page 5) found that the library was not only lacking in reading materials, but it could only fit less than 15 pupils at one time. According to the headmistress, the school also lacks a computer lab and an activity room.

viii **SRJK(T) Kuala Ketil, Kedah**

Kuala Ketil Tamil School has been denied even a school gardener for the past two years.

ix. **SRJK(T) Kulai Besar**

Eight classrooms in Kulai Besar Tamil School were burnt down in a fire because of a short circuit in the pre-colonial cowshed like looking dilapidated wooden buildings. 1,200 children of this school are forced to study in 5 shipping cabins and 3 tents. Because of the heat and rain water splashing in, many teachers are taking medical leaves and pupils are not turning up to school

x. **SRJK(T) Jalan Cheras, Kuala Lumpur**

About 350 students of SRJK(T) Jalan Cheras could not enjoy the learning environment in school as the school has no playing field. The school which was built in 1949 is sandwiched and trapped amidst the rapid development in the surrounding area until the students have no room for sports or recreational activities. The school is also overcrowded and the canteen can only accommodate 20 students whilst the school has a 350 student population

xi. **SRJK(T) Jalan Tepi Sungai, Klang, Selangor**

Jalan Tepi Sungai Tamil School which was established in 1927 was burnt down in a fire on 22 December 2007. The remaining school building is just too old and waiting to collapse any moment. As a consequence, 19 students from Year 1 and another 19 students from Year 2 are crammed into one classroom. In 2003, RM 1.2 million and later in 2003, RM 800,000 were allocated for the school building. Nevertheless, nothing has materialized thus far, though four years have gone by.

**xii. SRJK(T) Simpang Lima, Kalang, Selangor**

The Colonial era Simpang Lima Tamil School building housing their electricity switch board room and which doubled up as their store room suddenly exploded and burst into flames endangering if not the 2,000 ethnic minority Indian children escaping death. What was more shocking was the school has not even a fire hydrant or fire extinguisher thus greatly risking the lives of its occupants (Malaysia Nanban, 24/9/2010, page 3; Makkal Osai, page 8).

Hundreds of students currently sitting for their UPSR exams in the next two school blocks had suffered a shock and thereby disrupting their UPSR examinations.

**xiii. SRJK(T) Sungai Tekal Triang**

This colonial era Sungai Tekal Triang Tamil School's roof was blown away by strong winds again endangering the Indian childrens' lives. (Tamil Nesan, 24/9/10, page 6).

**xiv. SRJK(T) Paya Besar, Kulim, Kedah**

This school has been granted land by the state government of Kedah. Nevertheless, the Federal government has still not built the school. Makkal Osai (22.12.2010, page 6) reported that it has been 10 long years since Dato Seri S. Samy Velu, the former President of MIC promised a new buiding for the school.

**xv. SRJK(T) Lunas (Wellesley), Kedah**

This three-storey new school building with 16 classrooms which was completed on 19.09.2009 after much delay since 2007 was not open on the first day of school this year. According to Mr. Paramasivam, the Chair of the Parent Teacher Association, the new building agreement only allocated money for the school building. The Parent Teacher Association had bought 150 tables and chairs for the school building at a cost of thirteen thousand ringgit. They have been applying for the tables and chairs from the government since 2008.

**xvi. SRJK(T) Java Lane, Seremban, Negeri Sembilan**

This year, the Java Lane Tamil School has received 250 applications for Year 1 enrolment alone. Unfortunately, the school could only accept 160 applications as the school has an allocation of four classrooms only for Year 1 due to severe space problem. The school has a total enrolment of 1030 pupils.

Other than the above mentioned schools, there are many other schools in dire need of additional buildings due to either rapid population growth or acute shortage of classrooms including:

**xvii SRJK(T) Kampung Jebong Lama, Simpang, Taiping, Perak****xviii SRJK(T) Subramaniam Bharati, Penang****xix SRJK(T) Ladang Flemington, Perak****xx. SRJK(T) Sungai Buloh, Selangor****xxi. SRJK(T) Senawang, Negeri Sembilan****xxii. SRJK(T) Ulu Tiram, Johor****xxiii. SRJK(T) Kangkar, Johor****xxiv. SRJK(T) Ladang Menteri, Pahang**

## 17.9 PRE -SCHOOL EDUCATION

**17.9.1 Overview by the HPR, Malaysia:** Given the fact that Indian children education is of low priority for the Malaysian racist UMNO government it will be too far fetched that they will give pre-school education of Indian children any priority. Rightfully so, as a result of which most of the poor children do not get the Pre-school education that should be their right.

### 17.91 Factual background information recorded by the HRP, Malaysia reported in Malaysian newspaper articles:

- All Primary schools in the National Schools system have pre-school facilities. But many of the Tamil schools do not have these pre-school facilities. So Indian children in many cases just start without any pre- school education.
- RM 100 Million has been allocated for the Budget year 2010 for Pre-School program of Early Permata childcare and education in 457 childcare centres nation wide nurturing 17,565 children.
- But none of these children are likely going to be Indian children except for a few namesake Indian children who have been “advertised” and made showpieces in the government’s mainstream media.

### 17.92 Review by the HRP, Malaysia on the allocation of fund for Kindergarten, Primary and Secondary placements pertaining to the ethnic Indians

- On funding – RM 4.8 Billion allocated under the 9MP for all schools; of that RM64.8 Million (1.3%) allocated to Tamil schools (The Sun, 2.04.10, pg8)
- Depending on funding status, Tamil schools receive either RM24 780.00 or RM 12 960.00 or a mere RM 7.64 per pupil per month ( source unclear)
- 291,595 out of 8,296,007 primary pupils are Indians but only 1.32% of overall funding is allocated to a Tamil school pupil whereas a Malay pupil is allocated RM1,106.10 (CPI, quoting Sin Chiew Jit Poli, 24.11.05).
- On availability of education facilities - 42% of standard one pupils in Tamil school cannot read or write on registration for lack of kindergarten education (Makkal Osai, 10 03 10 pg3)
- There are 97 Tamil schools in Selangor; 34, 000 or 80% of them come from low income household (Sinar, 6.01.10, pg53)
- there are 523 Tamil schools – 71% are partially aided; 150 fully aided (Malaysian Nanban, 31.03.10,pg8)
- no felda Tamil school despite 5 000 Indians living locally in 12 housing estates. Parents incur about RM 700 sending their children to Sg Chor. Children forced to leave home around 5 am at personal risk to them.
- On availability of teachers - there are 13 000 to 1 200 teachers (NST, 3.01.10, pg25)
- 600 temporary Tamil school teachers were trained in special courses during school holidays (NST, 21.12.10, pg12)
- there are library and media teachers in Malay schools but none appointed in Tamil schools (Utusan Malaysia, 2.09.10, pg28)
- On achievement of Tamil school educated student – of the 73 Tamil schools in Johor, 296 students scored 7A’s and 6A’s
- Sugetha Subramanian scored 10As in her SPM but was denied JPJ scholarship, Matriculation or University. Only one out of 197 ethnic Indian was offered a scholarship while 95% of Malaya student of her level with lesser grade were granted appropriate scholarship. HRP representation to the PM was futile.
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## Kindergarten, Primary and Secondary Schools

- A letter of complaint was submitted to the UN Sec General Ban Ki Moon, to the UN High Commissioner for Human Rights and the Head of Unicef among other UN officials about the systematic denial of Kindergartens in more than 90% of the Tamil Primary schools in the country on the 24<sup>th</sup> of July 2010. In comparison the national average is 87% of students in the National school system attend pre schools. 42% of standard one pupils in tamil schools cannot read and write adequately because they did not attend kindergarten. This is consistent with the statistics that half the Indian population – the poor send their children to these 523 Tamil schools.
- The UMNO government allocated RM 159 million in the 2010 budget (NST 18/10/09 at page 23). But this does not reach these hundreds of and thousands of poor Indians children based on the reports above.

## 18.0 Skills, Vocational & Technical Training

- It was reported on 19 July 10 by Berita Harian, 19 July 10 pg4 that there are 209 Giat Mara Skills Training institutes in Malaysia with an allocation of an annual budget of RM550 million under the 10<sup>th</sup> MP
- Through a government sponsored programme called the 'Malaysian Training and Working Skills Development Master Plan (2002 – 2010) the government intends to train 5.5 skilled workers. This programme which primarily serves the majority Muslim race has an annual budget of RM 100 million and Berita Harian, reported on 16 Feb 10, pg17 that in 2007 ten thousand and eighty seven students were granted loans under the Skills Development Fund Corporation.
- Under a similar scheme known as the 'Mara Institute of Skills' (Institute Kemahiran Mara) 200, 000 Muslim Malays benefited from training under the scheme (Berita Harian, 29 May 10, pg6).
- None of the above schemes are accessible to the ethnic Indian students
- There is an allocation of RM 438 Million to Institute Kemahiran Mara and Kolej Kemahiran Tinggi Mara, Institut Kemahiran Belia Negara and Institut Kemahiran

Tinggi Belia Negara. These skills training institutions are all almost exclusively for the Malay Muslims.

- Almost no Indians are allowed entry into these Mara training centres although the UMNO propaganda is that about 10% of the Indians are allowed;
- Compare thus with allocation of RM 2 Million government allocation for two million Indians in Malaysia @ RM1.00 per Indian head to create Indian entrepreneurs (TN 31/3/09 page 13)
- The IKLS Institution trained 2,000 future entrepreneurs (UM Mega 17/4/09 page 12). But we are yet to hear of a single Indian who has benefited from such schemes.
- Kolej Risda in Alor Gajah in Melaka – RISDA Rubber Industry Smallholder Development Authority) run private college, developing middle level management, technical and operative level manpower for the Agro Industry.
- It runs various Diploma level programs in Agriculture with University Putra Malaysia, Diploma in Plantation management with MARA, and A pre-Diploma in Science program as a feeder program to the Diploma programs and Diploma in Landscape Management. There are programs such as Certificate as a Plantation Conductor and a Certificate as a Palm Oil Mill Operator.

- All the students of the college will be assisted to get funding from the PTPN (National Higher Education Fund) and scholarships are provided to second generation small holders;
- This is a 100 pct Malay Muslim program. There is no Indian student Intake at all to our knowledge in this scheme for Rubber industry smallholders.

### **18.1 Polytechnic and other vocational courses**

- On 28 June 2010, HRP website ([www.humanrightspartymalaysia.com](http://www.humanrightspartymalaysia.com)) reported about three students from a polytechnic all whom were denied places at the local universities to further their studies in a degree programme. The students were as follows:
  - i. Uhmamaheswary Teruvengedam had scored 3.45 CGPA points in her Diploma course at Polytechnic Port Dickson. Nevertheless, she was denied a place in all the 20 public universities in Malaysia to further her studies in a degree programme.
  - ii. Kuganesh Kuppusamy is also from Polytechnic Port Dickson. Kuganesh a/l Kuppusamy is Uhma's coursemate, scored 2.79 CGPA in his Diploma course but was also denied a place in all the 20 public universities in Malaysia to further his studies in a degree programme.
  - iii. Dineshwari Palayappan is both Kuganesh's and Uhma's coursemate, has also been denied a place in all the 20 public universities in Malaysia to further her studies in a degree programme.

Both Kuganesh and Uhma told HRP that out of the 15 Indian students at Polytechnic Port Dickson, out of the total 4,500 students ( a mere 0.33%) only a mere one or 0.02% finally made it to the public university.

### **19.0 Indian Slavery, Sex and Child Slaves**

#### **i. Child Slavery/Bonded labour**

- An Indian family of 5 was subjected to slavery for the past four years in an oil palm and rubber plantation, Bahau negeri Sembilan. Both husband and wife and their 3 children aged between 4 and 10 were not only imprisoned, but were also forced to work without pay for the past 4 years. Not only that these victims of forced labour were also physically tortured by their employer. (Berita Harian 25.12.2010 page 1)
- In our report on Identity Card and Birth Certificate issues , we have reported that Vishnu Parani Kumaran (14) – son of Devi Kannaiya (32) who has no Birth Certificate and whose father is languishing in prison , is working as a lorry attendant for a daily meagre income of RM 20.00 Before that, he was working as a dish washer in a Chinese restaurant. According to him, his brother who is one year older than him, is also working as a grocery shop assistant for a meagre daily wage of RM 15.00. Both the brothers have to work as their mother, could not secure a job to earn a living for their family. They would not qualify for any aid under the Welfare Ministry as they do not have identification papers.
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- R Priya (19), was subjected to slavery for 14 years since the age of 5. Her younger brother, Guna (16), faced the same fate since the age of three. They were entrusted to their guardians by their single parent mother who is now deceased and were put to hard labour since then. In an exclusive interview with *Malaysiakini* (7.1.2010) the siblings related the torture that they went through the past fourteen years.
- Priya was given daily household chores and when she became more capable was put to work at a small-scale glove factory owned by her guardians." In the mornings she had to finish work at the factory and in the evenings, had to finish the chores at home before she was allowed to eat anything. She was also beaten up and not paid for the labour.
- Priya and her brother Guna are illiterate and only able to converse in Tamil. She was caught when attempting to run away last year and later was subject to physical torture, tied up in the bathroom and beaten with rattan cane causing her to suffer head injuries. She also attempted suicide once by consuming rat-poison to escape the torture. Guna escaped on 11.12.2009 with the help of a friend by hitch-hiking on a lorry travelling from Bahau to Bentong.
- Indian children as young as five were found not at school but scavenging for a living ala Somalia. They were found scavenging for recyclable items like plastic bottles and aluminum cans at the Bukit Beruntung landfill. They paid no heed to the dangers as they race to the dumpsite and struggle to help their families eke out a living on what they manage to sell. Star Metro, 24/8/10, page M 1)

**All the cases above is a very common phenomenon among the 70% poor Indians in Malaysia.** There are many underage children like Vishnu Parani Kumaran without Birth Certificates and Identity Cards. HRP's experience dealing with Birth Certificate and Identity Card issues among Indians reveal that the problem mostly stems from poverty. If Vishnu's and the young Indian children scavenging at a dumpsite cases above can be taken as a testimony to such other cases among the poor Indians in this country, then the disturbing possible truth is that there are many more such unreported child labor cases in the country, especially those children without Birth Certificates and Identity Cards. Similarly, if poverty can cause teens like Subaseri Mahissaro, 15, and Shalni Mahissaro, 14, to plan a runaway to specifically secure jobs, then we can also easily suspect that many other teenage Indian children who runaway due to poverty related issues too ran for the same reason of securing jobs and earning some money at such tender age.

## **20.0 RECOMMENDATIONS BY HINDRAF AND THE HRP, MALAYSIA TO THE MALAYSIAN GOVERNMENT**

- With immediate effect grant HINDRAF's application to be a registered organisation
- With immediate effect, to discontinue the government's 'Shoot to Kill Policy' of any suspected individual particularly children
- With immediate effect to allow all detainees upon arrest and under the supervision of the State to have immediate access to their legal representative
- With immediate effect conduct a thorough review into the supervision, handling, treatment and monitoring the well being of all detainees whether on remand or serving sentence regardless of the nature of crime and bring an end to use of all forms of torture by state agents against the civilian population.

- With immediate effect to provide full assistance, and support to all those who are able to provide reasonable proof of their citizenship rights under the Constitution
- With immediate effect end the disproportionate measures against those who wish to demonstrate peacefully against the government on all matters covered by the Federal Constitution
- With immediate effect stop all racial and religious discrimination
  - Such as forced conversion to Islam of Hindus and non Muslims as well as the forced conversion of Hindu or non Muslim children to Islam without knowledge of their parents
  - End destruction of all places of worship unless relocation plans are agreed
  - Allocate reasonable level of funding to address inadequacies in services, facilities and opportunities required or needed by the community
  - Fair allocation of land for purposes of schools and places of worship
- With immediate effect compensate all ethnic Indian former estate workers for loss of their homes and livelihood as well as address their current economical circumstances such as jobs and income
- With immediate effect eradicate poverty against the poorest Indians and enforce a minimum wage limit to ensure a reasonable standard of living for the poor
- With immediate effect address and take constructive steps to eradicate the high suicide rate amongst ethnic Indians

## **OUR REQUEST TO PARTICIPANTS OF THE PRAVASI BHARATHIYA DIVAS INTERNATIONAL CONFERENCE AND GOPIO**

We present this report to the Pravasi Bharathiya Divas International Conference and GOPIO with the expectations that the Conference would take cognizance of the serious violation of the rights, gross discriminations and injustices to the people of Indian origin in Malaysia and exert its influence on the Government of Malaysia by the following actions :

### **a. Resolve to write to the Malaysian Government**

- i. A note of censure for its Human Rights record with respect to people of Indian origin in a language consistent with the serious and urgent nature of the problem
- ii. To urge the Malaysian Government to rescind its outlawing order and to allow the legal registration of Hindraf as a non-Governmental Minorities and Human Rights organization
- iii. To urge the Malaysian Government to retract all prosecution against those who are being prosecuted with various charges but all in connection with their championing the Indian Malaysian marginalization cause – including all those involved in the Hindraf Rally and P.Uthayakumar's sedition charge.
- iv. To urge the Government to take suitable long term programs to correct this serious marginalization of the people of Indian origin in Malaysia.

**b. Persuade the Government of India through your lobby to :-**

- i. Forthwith terminate all present and future Malaysian companies, projects in India especially by PLUS, GAMUDA IJN, SCOMI, and other UMNO linked companies undertaking road works, highway projects, monorail and other projects in India.
- iii. Stop buying Malaysian Palm Oil.
- iv. Stop all investments in Malaysia.
- v. Stop all Information Technology professionals of Indian nationality from working in Malaysia.
- vi. Stop all medical seats offered by the government of India to the government of Malaysia on a government to government basis with immediate effect and the same is to be granted directly to the Malaysian Indian students and to be handled directly by the Indian High Commission in Kuala Lumpur, Malaysia.
- vii. To set up a special university and offer full scholarship to all Malaysian Indian students denied the opportunities to pursue higher education in Malaysia and especially for 2000 medical seats per year in a university that is recognized by the Malaysian government and another 10, 000 seats per year in the field of specialized Information Technology, Aeronautical Engineering, Auto Mobile Engineering, Pharmacy, Dentistry and Bio Technology.
- viii. To impose trade sanctions on Malaysia by India until all the atrocities and injustices against the Malaysian Indians stop.

**c. Recommend to all conference participants to:**

- i. To discourage foreign investments into Malaysia
- ii. Limit purchases of Malaysian products
- iii. Not consider Malaysia My Second Home program
- iv. Not to consider technology transfer program
- v. Avoid purchase of Malaysian Palm oil.
- vi. Not consider partnerships with Malaysian corporations that do not show reasonable Indian Malaysian equity participation or proportionate top level management and executive employment of Indian Malaysians at all levels, in their payroll, or with a reasonable number of Indian Malaysian supplier companies on their supplier/vendor lists.

- ix. Stop the import and perpetuation of Malaysian racism on Indian soil by ensuring 50% of medical students sent by the Malaysian Government for studies in India are Malaysians of Indian origin.
- viii. Upon return to your respective countries of residence especially in the USA, Canada, United Kingdom, Europe, Australia and New Zealand's to lobby your local Members of Parliament, your country's policy makers and decision makers the European Parliament, United Nations, International Court of Justice International Criminal Court, The United Nations Security Councils, the international NGOs and the international community to register their protest and take action against these aforesaid atrocities against the minority Indians in Malaysia. till such actions as recommended by the Conference Resolution in para (a) above is taken by the Malaysian Government.

Thank you.



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## **21.0 ATTACHMENTS AND ACKNOWLEDGEMENTS:**

### **(1) Photographs**

- (i) Abuse of Police Power
  - (a) Death of Asokan whilst in Police Detention
  - (b) Other Victims of Police Torture
- (ii) Lack of respect for Freedom of Religion and Language
  - (c) Demolition of Hindu Temples
  - (d) Land and Aid Disputes over Tamil Schools
- (iii) Lack of Social Support
  - (e) Land dispute over housing for Tamil residents
- (iv) Denial of Nationality
  - (f) Dispute over citizenship and registration of births

### **(2) References**

- (i) The U.S State Department Reports 2005 – 2009
- (ii) The Country Information Report (UK) 2009,2010
- (iii) Wikipedia, the free encyclopedia (2008, 2009 Report)
- (iv) Malaysian Newspapers articles published in the –

News Straits Times;

Tamil Nesan;

Berita Harian

The Star,

Malaysiakini

Sinar Harian

- (v) Centre for Public Policy Studies report.