

**Matters of Life and Death in Malaysia: Does the Recent Election Point to a Trend Toward
Religious Tolerance?**

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Ishani Chowdhury

Director of Public Policy – Hindu American Foundation

As a prosperous democratic nation in Asia, Malaysia is often cited as an example of religious harmony and diversity. With approximately 60% of the population as ethnic Muslim Malays, or *bumiputras* ('sons of the soil'), the remaining 40% comprises of a mix of Chinese, Indian and indigenous tribes who are of Buddhist, Hindu, Christian, Confucian and Taoist faith traditions. Malaysian Indian Hindus, originally brought by the British to work on the plantations, constitute about 7% of the population, and are the most economically and politically marginalized community in the country.

For years, Malaysia seemed to be balancing a secular government with the strong Islamic roots of the majority of its citizens. However, in recent years that balance has shifted more towards its Islamic leanings, encroaching on the lives of its citizens, and fueling religious tensions. As it is, ethnic Malays are required to be Muslims, as they are born into Islam and do not have the freedom to convert. However, minority Hindus and Christians struggle to maintain and practice their religion. In the past few years, numerous disputes have come to light over the burial of Hindus in accordance to Islamic rights. The most well-known case is that of mountain climber M. Moorthy, who despite testimony from his family

that he was a practicing Hindu, was allowed by the *sharia* (Islamic) courts buried according to Islamic rights.ⁱ

In 2007, Revathi Massosai was ordered to spend six months in an Islamic rehabilitation center for the purposes of “re-embracing” her Islamic faith. Though Ms. Massosai’s had parents converted to Islam before her birth, she was raised as a Hindu by her Hindu grandmother. In 2004, Ms. Massosai married Suresh Veerappan, a Hindu, according to Hindu rites, but did not register the marriage, as Malaysian law does not recognize marriage between a Muslim and a non-Muslim, unless the non-Muslim accepts Islam. When trying to register the birth of their daughter, Malaysian officials noticed that Ms. Massosai’s documents still bore her Muslim name. The courts ordered her to spend six months in an Islamic center, and custody of her daughter was then taken from her and her husband, and given to her Muslim parents. Ms. Massosai, after her release, states that she had suffered mental and physical abuse at the center, but till date, has not regained custody of her child.ⁱⁱ

In late 2007, a Hindu mother, Subashini Rajasingam, lost an appeal to prevent her husband, a recent Muslim convert, from changing their 4-yr old son’s religion to Islam. The highest court in Malaysia affirmed the ruling of a lower federal court, which granted the Muslim husband a right to use the *sharia* courts to seek a divorce, and also upheld his right to convert their child to Islam without the mother’s consent. As a result, the Hindu mother may lose legal custody over her child, since Malaysia’s Islamic courts will not give custody of a Muslim child to a non-Muslim parent.ⁱⁱⁱ

In Malaysia’s two-court judicial system, the secular courts which handle various forms of litigation for non-Muslims, have increasingly handed over jurisdiction to *sharia* courts, and this has led to disastrous results in the areas of faith, conversion, marriage, child custody and even death.

To add to the judicial onslaughts, in 2006, seventy-six Hindu temples were demolished, desecrated or forcibly relocated by the Malaysian government. Many of these temples have existed on

plantations since British colonial rule, yet the government refuses to allow members of the Hindu community to register the temple. The most prominent case is that of the destruction of the 100-year old Sri Muthu Mariamman temple, which was located on a rubber plantation that was home to approximately one-thousand families. When the Universiti Teknologi Malaysia (UTM) made claims on the temple's land, the court cleared it for demolition, despite protests by the Hindu community.

The Asian Human Rights Commission reports of thousands of smaller temple being destroyed by the government, including the destruction of a 110-year old temple's deities, which, according to eyewitnesses, was smashed with a sledgehammers right before the devotees' eyes.^{iv}

The majority Muslim Malays (*bumiputras*) benefit from an affirmative action policy that provides discounts on housing, quotas on educational institutions, preference for government jobs, selection of government run mutual funds available only for bumiputra purchase, and projects that require tenders to be *bumiputra* owned. Likewise, companies listed on the Kuala Lumpur Stock Exchange, including foreign companies, must have *bumiputras* with at least 30% minimum equity in order to satisfy listing requirements. This further unevenly the distribution of wealth, thereby leaving the Hindu minority at an increased economic disadvantage. Many Malaysian Indian Hindus have left Malaysia to settle in the United States, particularly in the Bay Area, as they are unable to gain scholarships or admission to colleges or jobs, despite high academic achievements.

On November 25, 2007, ten-thousand Hindus protested against the years of mistreatment and marginalization. The government responded by virtually locking down Kuala Lumpur and firing tear gas, chemical laced water cannons and baton charging the protesters. Hundreds were beaten and arrested including several hundred gathered at the Batu Caves temple complex, one of the most sacred Hindu shrines in the country. Five leaders from Hindraf, the Hindu Rights Action Force, which had organized the protest, were arrested under the Internal Security Act (ISA), a law which allows for indefinite

detention without trial. After 100 days of incarceration, formal charges have yet to be brought. These men have not been granted food according to their medical or religious requirements, medicine, time outside their cell and only limited visits by family members. As of yesterday, P. Uthayakumar of Hindraf, was hospitalized due to lack of potassium. He has been consistently denied his diabetic medication, and has not been allowed to receive medicine given by his family.

The February 2008 'rose rallies' at the Malaysian consulate in Los Angeles, as well New York, London, Dublin, Brussels, Melbourne, Auckland, New Delhi, Mumbai, Chennai, Singapore, Kuala Lumpur and Jakarta further highlighted the heightened tension in the country. Despite the lockdown of Kuala Lumpur and racial profiling of Indians, who were pulled out of buses, cars and trains heading towards the capital, five-thousand people gathered to protest the mistreatment of their community.

To add to the racial divide, Malaysia has instituted a new visa policy that places severe restrictions on foreign born Indians applying for work visas. According to some reports the government has placed a complete ban on the issuance of new visas to Indian workers.^v

The March 2008 election results bore witness to minority dissatisfaction as the Barisan Nasional (BN) coalition lost its two-thirds majority, the first time since 1969. Additionally, five of the thirteen state legislatures were won by the opposition – a departure from its sole state victory in the last election. Opposition parties, comprised of the Democratic Action Party (DAP), the Pan-Malaysian Islamic Party (PAS), and Parti Keadilan Rakyat (PKR), won 36.9% of the parliament seats.

The election results, however, were not taken quietly. On March 15, hundreds of Malaysian Muslims took to the streets shouting "Long Live Malays!," as a protest against the election results, and fearful of the abolition of the *bumiputra* status.^{vi} While the opposition has stated it will consider removing the *bumiputra* status in the five states where it is in power, it has not chalked out any plans nor has it started working with minority groups on their grievances on such matters. Hindus still

continue to face problems registering temples, as courts refuse to recognize any minority institution not registered during British times. Temples still continue to face the threat of demolition, and families, fearful of the ISA, have become cautious about speaking out. Attorney General, Abdul Gani Patail, last week stated again that the five Hindraf leaders should not be released because they are a threat to national security.^{vii}

As an economically strong nation with a large minority community, Malaysia has the opportunity to serve as a model of harmony in the Muslim world, with the US, benefitting both strategically and economically. However, with the current state of affairs, and the lackluster interest in the region, it may not be too long until we see another country spiral out of control into the contentious and devastating realm of human rights abuse, and religious and racial divide.

i "Muslim Burial for Malaysian Hero," BBC News, December 28, 2005, <http://news.bbc.co.uk/2/hi/asia-pacific/4563452.stm>

ii "Malaysia's Islamic Officials seize baby from mother who sought a Hindu life," International Herald Tribune, April 6, 2007, <http://www.iht.com/articles/ap/2007/04/06/asia/AS-GEN-Malaysia-Custody-Struggle.php>; "Malaysia Court Rejects Hindu Bid," BBC News, December 27, 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/7161177.stm>

iii "Malaysia: Hindu Loses Bid to Block Son's Conversion, The New York Times, December 28, 2007, http://www.nytimes.com/2007/12/28/world/asia/28briefs-hindu.html?_r=2&ref=asia&oref=slogin&oref=slogin; "Hindu Woman's Divorce Hopes Dashed," The Times of India, December 28, 2007, http://timesofindia.indiatimes.com/Indians_Abroad/Hindu_womans_divorce_hopes_dashed/articleshow/2656998.cms

iv "Malaysia: State orchestrated destruction of Hindu temples," Asian Human Rights Commission - Urgent Appeals, June 15, 2006, <http://www.ahrchk.net/ua/mainfile.php/2006/1781/>

v "Confusion over Malaysia Jobs Ban," BBC, January 8, 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7176323.stm>

vi "Privileged Status at Risk, Malays Protest After Election Losses," New York Times, March 15, 2008, <http://www.nytimes.com/2008/03/15/world/asia/15malay.html?ex=1363233600&en=d2916e7a0b7ad831&ei=5088&partner=rssnyt&emc=rss>

vii "Detained ethnic Indians a threat to Malaysia's security," Times of India, April 3, 2008, http://timesofindia.indiatimes.com/Detained_ethnic_Indians_a_threat_to_Malaysias_security/articleshow/2923517.cms