



Malaysian Indian Minority & Human Rights Violations Annual Report 2008

Presented by:

Waytha Moorthy Ponnusamy, Barrister at Law (Lincoln's Inn)
Chairman HINDRAF, Malaysia

At

The Global Organization of People of Indian Origin (GOPIO)
and
Pravasi Bharathiya Divas International Conference at Chennai, India
7th - 9th January 2009

Dedicated to, the three British trained and one Malaysia trained, Indian Malaysian lawyers imprisoned without trial indefinitely at Malaysia's own "Guantanamo Bay" under the Malaysian draconian Internal Security Act (ISA) for championing the Indian Minority and Human Rights cause.

Executive Summary

Introduction

Overseas Indians worldwide have been granted equal opportunities and leading prosperous life except in Malaysia. This is because the Malaysian government practices and implements very serious institutional Malay Muslim religious extremist and supremacist plans, policies and practices to the extent of reducing and segregating many Indians into literally becoming slaves. Even the Malaysian Indian Congress (MIC) President and immediate past Cabinet Minister of 29 years standing, Dato' Seri S. Samy Vellu has conceded as late as March 2008 that the Indians in Seberang Kuari (Penang) are living in worst conditions than in Africa. The Indians in Malaysia are openly discriminated not by the Malay Muslim people of Malaysia but the UMNO (United Malay National Organization) controlled government of Malaysia in direct contravention of Article 8 of the Federal Constitution which prohibits discrimination and upholds equality. In short the Indians are excluded from the national mainstream development of Malaysia in almost every aspect of live on a day to day basis.

But Malaysia's UMNO controlled government has successfully over the last 51 years since independence camouflaged this reality very well by projecting, highlighting and showcasing the cream of the Malaysian Indian as being successful and prosperous. But this cream only represents a mere 1% of the 2 million Indian populations in Malaysia. About 70% of the Malaysian Indians are left to rot in the hardcore poor and poor category. For raising these very serious Indian minority and human rights violations four Malaysian Indian Lawyers (P. Uthayakumar, M. Manoharan, R. Kengatharan & V. Ganapathi Rao) have been arrested and are currently detained without trial for 2 years, from 13th Dec 2007 and continuing indefinitely thereafter at Malaysia's very own "Guantanamo Bay" (the Kemunting Detention Centre)

Some of Malaysia's atrocities against its own mere 8% minority Indians in 2008 are as follows:

1. Even as this paper is being finalized on the last day of the year 2008 the Malaysian Police in their Police lock up were alleged to have poured hot water on an Indian youth's body. When he screamed in pain, a piece of cloth was stuffed into his mouth by the Police and was stepped on with their boots. On a rare occasion NT 7 (A local TV Station) splashed his gory burned marks because, a rare breed Member of Parliament for Kapar, Mr. S. Manickavasagam (present at this conference) dared to take on the UMNO State by exposing this police brutality. But in Malaysia, when the victim is an Indian, hardly anything happens. Not only for this atrocity but almost all and every atrocity as listed herein below, this continues to this day. The Indians suffer in silence. Even the Opposition Parties, NGOs and civil society almost always choose to remain silent because the victims are, "merely Indians". The police and all the authorities have almost always never been punished even for worst atrocities than this.
2. Indian slavery, including sex and child slavery, in Malaysia is rampant even after 51 years of independence.
3. 150,000 Malaysians Indians (third, fourth and fifth generation Indians) are made Stateless by denying them Birth Certificates.
4. Kampong Medan "Ethnic Cleansing" of Indians (2001) – 5 Indians killed and a hundred over suffered greivous bodily injuries.
5. One Hindu Temple is demolished in every week nation wide in Malaysia.
6. Six Indians were shot dead by the police in one single day.

7. One Indian lady (8 months pregnant) was shot dead in her home (1988)
8. 90% of Malaysian victims shot dead by the police are Indians.
9. 90% of the deaths in police and prison custody victims are Indians.
10. 80% of victims of police harassment, unlawful arrests, flimsy and malicious prosecutions, inmates of police lock ups and prisons are Indians, (Note: 90% in Item No. 8, 90% in Item No. 9 and more than 80 % in Item No. 10 are Indians despite being a mere 8 % of the total population).
11. Six Indians commit suicide in one day. The suicide rate among the Indians is 600 % higher than the Malay Muslim community largely because of denial of equality and equal upward mobility opportunities.
12. RM 207.9 billion (USD 54 billion) budget for 2009 and RM 230 billion (USD 60 billion) budget in 2008 for the Mid Term Review of the Ninth Malaysia Plan but zero allocation for the hard core poor and poor Indians.
13. Indians today earn as low as RM13.00 (USD 3.50) per day as plantation Workers.
14. 60% of urban squatters and 41% of beggars are Indians.
15. 70% of the 2 million Indians are hardcore poor or poor.
16. Penang Indian squatter families cannot afford to buy milk for their babies and stopped children from attending schools because of poverty.
17. One Indian young mother could not be cremated until after 3 days because of poverty.

18. RM80 billion (USD 21 billion) government guaranteed PNB (Permodalan Nasional Berhad) shares benefitting almost 9 million poor Malay Muslim share holders but the almost 2 million poor Indians are excluded.
19. 99% of deserving Indian students is denied the 847,485 public university places. Indians excluded completely from the 120,000 university (UITM) Places which have a campus in every state.
20. Only one overseas government PSD (Public Service Department) Scholarship awarded to do medicine for the deserving 2 million Indians.
21. Remawathy, the sixth best student in Malaysia who scored 13 A1s in SPM (O Level) was denied a government PSD scholarship.
22. Only one medical seat is made available at the University of Malaya against a 2 million Indian population in Malaysia (2004)
23. Foreign medical college Degrees from Ukraine, Russia, Romania, India and Indonesia with almost all Malaysian Indian private students suddenly were derecognized by the Malaysian government.
24. Government PTPTN study loans and scholarships denied to Indians studying medicine, law, engineering etc in overseas.
25. Even in the Malaysian Indian Congress (MIC) sponsored AIMST University and TAFE College, government PTPTN loans and scholarships are denied to the Indians.
26. Government PTPTN loans and scholarships denied to almost all the Indian students studying at the scores of private universities and institutions of higher education.

27. A very negligent number of Indian students offered full residential schools, such as the MRSM junior science colleges and scores of other elite schools.
28. 371 Tamil primary schools with about 100, 000 Indian children denied full government financial assistance.
29. Almost all the above Tamil schools are all in cowshed like pre war structures.
30. Indians are even largely excluded from the KEMAS and PERMATA, government run kindergardens.
31. 99.9% of deserving Indians denied agricultural land schemes for the hardcore poor and poor in the semi government run FELDA, FELCRA, RISDA, FAMA,]Agropolitan in the 13 State Government Land Schemes.
32. Indians in the civil service today have been reduced to 1% from about 50% in 1960s.
33. 99% of the deserving Indians denied licenses, permits, government contracts and project business loans and opportunities.
34. 99.9% of the hundreds of thousands of entrepreneurs created and to be created by the Entrepreneur Ministry, Rural Development Ministry, Agriculture and Agro Based Industry Ministry, MARA, SME Bank, Agro Bank, etc. with hundreds of billions of government funds denied to the Indians.
35. RM 2.5 Billion AIM loans were given to 190, 900 poor households earning below RM2000 per month. But the Malaysian Indian Business Association President, Mr. P. Sivakumar was reported to have said that the government's AIM did not provide micro credit loans to all the 200 Indians it had recommended.

36. “Scrap metal businesses destroyed by ex Chief Minister the Selangor State, Khir Toyo (of UMNO)”, says Indian Scrap Metals Association Secretary, Mr. Param, a total number of 1118 (almost all Indians) scrap metal business licenses were cancelled in the last three years.
37. Hundreds of thousands of poor Indian squatter colonies demolished with no or very little alternative homes.
38. Thousands of police reports have been lodged on the foresaid UMNO controlled Malaysian Government’s atrocities but almost zero action has been taken.
39. All our scores of Public Interest, Litigations and Suits concerning the most serious of the foresaid issues have been dismissed by the Malaysian High Courts or have not seen justices being done. The most senior of the 48 Malaysian High Court Judges who resigned with effect from 1/12/08 were sent to “Booth Camps” with selected Judges and Judicial Officers to indoctrinate those attending to hold the view that the UMNO Government’s interest was “ more important than all else when we are considering our Judgments”.
40. Hindraf’s 18 Point Demands dated 12/08/07 to the Prime Minister for equality and equal upward mobility, be included and not excluded and segregated from the national main stream development of Malaysia had been completely ignored and rejected.
41. There is a 2 Million Indian population in Malaysia but zero Indian majority Parliament and State seats. The current Indian majority seats have been jerry mandered.

42. 100,000 unprecedented Hindraf People Power Peaceful Assembly that was held on 25/11/07 was cruelly crushed, 241 arrested and maliciously prosecuted including for attempted murder of a policeman, a charge which is an impossible charge in law where bail was denied.

43. All the above atrocities are just the tip of the iceberg.

Parvasi Barathiya Divas and GOPIO can help by lobbying the government of India and the international community to:

1. Raise these very serious violations of Indian minority and human rights with the government of Malaysia.
2. Terminate all projects – The Highway & Monorail Projects, in India given to UMNO influenced Malaysian companies.
3. Lobby the Government of India to liaise with the Government of Malaysia to immediately release the four Indian Lawyers from the draconian ISA detention.
4. All Government to Government Medical Seats given to the Government of Malaysia be given directly to the Malaysian Indian students through the India High Commission in Kuala Lumpur.
5. India to grant 2,000 medical seats and 10,000 places with full scholarships per year for Indian students from Malaysia to do IT Specialist Courses, Automobile Engineering, Pharmacy, Dentistry and Biotechnology, among others.
6. India to stop buying Malaysian Palm Oil.

7. India to impose trade sanctions on Malaysia until the Malaysian Indians are given equality and equal upward mobility opportunities, the discrimination against the Indians is stopped and the Indians are included into the national mainstream development of Malaysia just as the Malay Muslims.

Conclusion

Malaysia has not only very successfully projected to the world its world tallest Twin Towers but also has very successfully suppressed the aforesaid atrocities against the Indians over the last 51 years. These atrocities are backed by researched news reports and publications as per my (full) paper which is also presented and distributed herein at this conference.

Thank you

Waytha Moorthy Ponnusamy

Barrister at Law, Lincoln's Inn

Chairman,

HINDRAF, Malaysia.

Mobile: +447939355981

+91 9789987449

Email: waytha@hotmail.com

Full Text of the Executive Summary

Dear participants of GOPIO and Pravasi Bharathiya Divas, Vanakkam & Namaste.

As Pravasi Bharathiya Divas and GOPIO Indians from all over the world gather in Chennai, Mother India today to reflect on and celebrate our proud Indian heritage, success and prosperity, many of our Indian brothers and sisters in Malaysia, the prosperous country with the worlds tallest Twin Towers, have literally been reduced into slaves after 51 years of independence from the British colonial masters. This is happening even to the third, fourth and fifth generation Indians in Malaysia.

Even the Malaysian Indian Congress (MIC) president and immediate past cabinet minister of 29 years standing , Dato Seri S. Samy Vellu has conceded in, as late as March 2008 during the Permatang Pauh by election, that the Indians in Seberang Kuari (Penang) are living in worst conditions then in Africa. (TV3 news at 8.00pm on 22nd Aug 2008). This is the very real tip of the iceberg which this minister is unable to speak about truthfully because he and some of his cronies have benefitted from the UMNO system of excluding the Indians from the national mainstream development of Malaysia.

The Indians in Malaysia are openly discriminated not by the Malay Muslim people of Malaysia but by the UMNO controlled government of Malaysia in direct contravention of Article 8 of the Federal Constitution which guarantees equality before the law and which specifically prohibits discrimination on the grounds of race, religion, colour, creed etc. But UMNO refuses to follow the Federal Constitution and the Law. UMNO plays up race and religious issues to appeal to the 60% of the Malay Muslim population and by this way to maintain and sustain political power and for their political survival, which they have successfully done for the last 51 long years.

In asserting their racial, religious extremist and Malay Muslim supremacist policies, UMNO threatens violence as in the 13th of May 1969 racial riot, Kampong Medan racial attacks against the Indians or the detention without trial indefinitely under the Internal Security Act. Using the print and electronic media which is controlled by UMNO, they try and incite and whip up racial and religious hatred by the Malays against the Indians in particular. UMNO's latest strategy seems to be show case as a Malay Muslim angry mob and use their media to blast this mob and to create fear among the Indians. At the ground level the Indians have no or very little problems with the Malay Muslim masses. But UMNO creates a make believe situation that the racial harmony is being threatened every time the Indians stand up for equality , equal opportunities , equal upward mobility opportunities and to be included into the national mainstream development of Malaysia.

In short, the Indians in Malaysia are excluded from the national mainstream development of Malaysia in almost every aspect of live on a day to day basis. And this is why we are appealing for justice and redress from Pravasi Bharathiya Divas and GOPIO participants and the powerful government of India. Even as this paper is being finalised and on the last day of year 2008 the Malaysian police in their police lock up were alleged to have poured hot water on an Indian youth's body, last December 30th. 2008 (**Refer to Appendix 1**) When he screamed in pain, a piece of cloth was stuffed into his mouth and stepped on with their police boots. On an extremely rare occasion NTV7 splashed this gory burn because the rare breed Member of Parliament for Kapar dared to take on the UMNO regime's dictatorial system. We acknowledge Mr.S.Manickavasagam's presence at this forum today.

This Indian youth was arrested on a mere suspicion of theft and he happened to be working nearby where the incident took place. He was released after 5 days in captivity without any charge because they do not have any evidence to implicate

him. This is just the tip of the ice berg of the atrocities UMNO's police does to especially to Indian youths. They picked on the Indian youths.

But in Malaysia when an Indian is a victim of an injustice hardly anything happens , not only for this but for almost all and every atrocities as is listed herein below which continues on a day to day basis and with impunity. The Indians suffer in silence. Even the opposition parties, NGOs and Civil Society almost always choose to remain silent as the victims are "merely Indians". For example even in this latest case, except for the Tamil press, the national mainstream media and the NGOs, Opposition parties, civil society etc maintained a pin drop silence as the victim was "merely an Indian". This has also contributed to the very serious atrocities the Indians are facing today with there being no or very little check and balance on the atrocities. And the fact remains that had this victim been a Malay, Chinese, Orang Asli (Indigenous people) or a foreigner it would have made the headlines and become a national issue. The police and all the other authorities have almost always never been punished or any action taken against even for worst atrocities than this.

For championing these and other human and minority rights , 3 British trained and another Malaysian trained Indian lawyers were, on 13th Dec 2007, arbitrarily arrested and detained up to this day without trial for 2 years and indefinitely thereafter under Malaysian's draconian Internal Security Act (ISA).

A similar ISA detention was also issued against me but I was overseas at that time, lobbying for international support. My Malaysian International Passport was revoked by the Malaysian Government and I was denied entry to my own beloved country. I have since been granted asylum by the British Government and I am now living in exile in London since then, separated from my sick and aged mother, my loving wife, daughter and family members who are in Malaysia.

The Indians in almost every part of the world have been treated fairly with dignity equality and granted equal opportunities and have turned out to become about the most successful corporate, business, information technology and professional personalities especially in the USA, Europe, Canada, United Kingdom, Australia, New Zealand and even in Thailand.

The hardworking Indians in Malaysia have been excluded and segregated from the national mainstream development of Malaysia. They are denied equality, equal opportunities, equal up word, mobility opportunities and are being subjected to indignity and degrading inhumane and oppressive treatment by the UMNO controlled Malaysian government. As a result of this, about 70% of the especially poor and under privileged Indians suffer from gross injustices and lead miserable lives on a day to day basis as follows:

1. Thousands of Malaysian born Indians have been reduced into slaves especially in the remote rubber and palm oil plantations (NST 15th Sept. 2008. Page 12). Having recently celebrated 51 years of independence slavery still exist in Bahau, Negeri Sembilan, often these slaves go with one meal of watered down rice a day. It is unbearable to see images of children with nothing but skin and bones. They are beaten up with rubber hose and sticks and sent to a “prison” in Bahau as punishment for not working hard enough. Women and children are used as sex slaves. One enslaved mother said “my son was beaten so badly that he almost died. Some slaves have even died of hunger, exhaustion and sickness. Children born here grow up not knowing anything else except working as slaves”. Children toil from dawn to dusk for more than 12 hours a day. They do not get to go to school like other children. (NST 15th Sept.2008 at page 12 and 13).
2. After 51 years of independence the state has capped the monthly salary of Indian plantation workers at RM 325.00 (approx. USD 85.00) per month.

- (Opposition Leader Round Table Meeting paper dated 12th April 2006)
Thousands of Indians in the Blue Valley tea plantations in Cameron Highlands are paid a salary of a mere RM13.00 (USD 3.50) per day. They do not get annual leave, bonus and when they fall sick they cannot even afford to go to the Ipoh General Hospital for treatment (Tamil Nesan 11th Oct 2008 page 4)
3. Indians form 60% of urban squatters and 41% of beggars (The Economist 22nd Feb 2003).
 4. About 70% of the Indians are in the poor and hardcore poor category but also receive the least attention by even the NGOs, Civil Society and Opposition parties, as they were “merely Indians” (18 Point Demands to Prime Minister Badawi dated 12th Aug.2007).
 5. In the Kampong Medan “Ethnic Cleansing” racial attacks against the Indians for two weeks in a row on 8th March 2001, Malaysian Indians there were specifically targeted in what is believed to be an UMNO sponsored “secret political operation”. Five Indians were massacred and grievous bodily harm was inflicted on totally innocent Indians before the very watchful eyes of the Malay Muslim Police force (Refer to Appendix 2). Despite scores of police reports including Police Report Petaling Jaya No. 4301/01, there were zero serious investigations and criminal prosecutions for these murderers and the grievous bodily harm. The Attorney General and the Chief Justice had refused to order an inquest into the five mysterious killings. The Malaysian Human Rights Commission (SUHAKAM) refused to hold a public inquiry and when a civil suit was filed to compel SUHAKAM to do so the Malaysian High Court struck out the Kampong Medan victim’s suit without even the UMNO controlled Malaysian

Government having to file their statement of defence to the very serious allegations of state sponsored murders and violence. The government

- refused to order a Royal Commission Of Inquiry or present a White Paper in Parliament as promised (Malaysian Bar Resolution, AGM minutes , 22nd March 2003)
6. In the RM 207.9 billion (approx. USD 54 billion) 2009 Budget and the RM 230 billion (approx. USD 60 billion) allocation under the Mid Term Review of the 9th Malaysia Plan in 2008 there has been zero allocation for especially the poor and under privileged Indians (NST 29th Aug 2008 page 1 & Utusan Malaysia 27th June 2008 page1 respectively).
 7. About 54% of Malaysian Indians work as plantation workers or urban under paid labourers (Asia week 26th Jan 2002).
 8. Three Indian hardcore poor families in one urban squatter colony in Penang do not have the money to even buy milk for their infants who were fed with sweetened milk or rock sugar water, stopped sending their children to primary school, their houses are without toilets and electricity, a lady with a mentally ill husband earns RM300.00 (USD 77.00) per month washing clothes, toilets and doing household chores. They dread thinking of the worst when the sole bread winner falls ill (NST 23rd Oct. 2008 page 15). Unlike in India these Indians in Malaysia get no or very little family support as they are usually in no better position. One Indian young mother could not be cremated until three days after her death because of poverty.
 9. An estimated 150,000 Malaysian born Indian children have been denied their birth certificates and identity cards even with the consequences that they are denied and excluded from even primary school education et alone university education , skills training , job opportunities and even from exercising their democratic rights to vote in general elections

(Ref. NST Editorial 23rd Oct page 22 which quotes a 50,000 figure)
Without birth certificates these children are not even allowed to enroll into

primary schools. They cannot get skills training, not allowed place in local universities, a good job, cannot open a bank account, cannot get a driving license and can be arrested at any time for being an illegal immigrant.

The government's official statistics states that 63,441 (Malaysian born 3rd 4th and 5th generation) Indians have been denied citizenship and are only given red identity cards (Permanent Resident status) (NST 19th Nov 2008, page 12). To the contrary two million foreigners (Muslims largely from neighbouring countries) have been granted citizenship since independence in 1957 (NST 15th Apr.2008 page 6). 50,000 mostly Indians have been denied Birth Certificates and Identity Cards (Citizenship) (NST Editorial 23rd. Oct. 2008 page 22)

Unprecedentedly an Indian lady , M. Rajeswary filed a civil suit against the Home Minister for RM6 million ringgit because she did not have a identity card with her at that time and was wrongly arrested, detained made to plead guilty that she is a foreigner and sent to prison where she delivered a baby girl. (NST 11th Nov 2008 page 22).Our fear is thousands of other third, fourth and fifth generation Indians may be languishing in prison like Rajeswary with no redress of justice as they were denied even their innate right to be issued their birth certificate in the first place.

48 year old Madam Veerama has no birth certificate and identity card despite having been born in Malacca. She has four children and three grand children. Her 12 year old son Velan's birth certificate written as non citizen and so he has been denied an identity card (citizenship).Her husband is a Malaysian citizen and this alone should qualify all her children to become Malaysian citizens according to the Federal Constitution but UMNO does not work according to the constitution and the law (Tamil Nesan 9th Nov 2008, page 3)

(Note how this Stateless problem moves from one generation to another generation)

Just before 8th March 2008 General Elections the Chief Minister of the State of Selangor publicly acknowledged that in the State of Selangor alone there are 30,000 Indian children without birth certificates. We estimate 150,000 Indian people including children are without birth certificates nationwide and remain stateless.

10. In every one week one Hindu temple is maliciously and ruthlessly demolished in Malaysia (Tamil Nesan 30th Oct 2008, page 3). In the Selangor State Legislative Assembly it was officially revealed by Executive Council Member Dr. Xavier Jayakumar that between 2004 and 2007, 96 Hindu temples were demolished in Selangor (at an average of one Hindu temple in every 10 days – Tamil Nesan 30th Oct 2008, page 3). Based on this figures we estimate that one Hindu temple is being demolished in every week nationwide in Malaysia.
11. In one day, alone 6 ethnic Indians were shot dead by the police for being “suspects”. In every week 1.3 person is shot dead by police (The Star, 11th May 2007). In the recent past 90% of the Malaysians victims shot dead by the police are the Indians. A few years ago even a nine month pregnant Indian lady by the name of Selvamalar was shot dead by the police within the confines of her very own home for being a suspected kidnapper.
12. 80% of the cases of being beaten up by the police in lock ups, police harassment, death in police lock ups, inmates of police and prison jails (mostly due to poverty related crimes) are the Indians where they form only about 8% of the Malaysian population (Police Watch Memorandum to the Police Royal Commission dated 4th March 2003). In every two weeks

one youth dies in police prison custody and 80% of these victims are Indian youths.

13. About 70% of 371 out of the 523 Indian (Tamil) schools have been denied fully government funded status. They are all in dilapidated cowshed like pre war buildings. These schools are also denied the full teaching and learning facilities made available to Malay Muslim schools. About 1400 (20% - Tamil Nesan 16th June 2008 page 15) of the 7800 Tamil school teachers are temporary and untrained teachers (NST 13th June 2008 page 24), to teach the 150,000 Tamil school pupils (Tamil Nesan 16th. June.2008 page 15).

To the contrary 15,000 Diploma qualified and trained (almost all Malay Muslims) primary school teachers are given the opportunity to go to the next level primary school Graduate Teachers Programme to ensure that at least 50% of the 140,000 (almost all Malay Muslims) primary school teachers have a degree in education to be awarded by 2010 in the five years degree Programme consisting of 4 years school holiday courses and the fifth year on a full time basis at all the various Teacher Training Universities (NST, 23rd July 2008, page 18)

To the contrary 350 teachers from the PERMATA kindergardens (with an allocation of RM20 million and headed by the Prime Minister in Waiting, Najib Tun Razak's wife) was sent for training at Sultan Idris Teacher Training University under a "special" arrangement to qualify with a Diploma (NST 14th Oct 2008, page 8)

And to the direct contrast the Tamil schools in Mukim Pundut was not allowed to establish their own kindergardens even in a vacant school building (Tamil Nesan, 3rd July 2008).

719 Tamil school high achieving students scored 7As (Tamil Nesan Headlines 14th Nov. 2008) but they are excluded from any of the fully

residential (Government run) MARA Junior Science Colleges and the scores of elite schools which are reserved exclusively for the Malay Muslim Students.

Pandamaran, Selangor with 3000 Indian families were denied a local Tamil school, the students have to travel miles away to the nearest Watson Tamil School (Tamil Nesan 21st Aug. 2008, page 4). The Triang, Pahang, parents want a local Tamil school as there are local Chinese and Malay Muslim schools but not a Tamil school. The parents held a peaceful assembly at the office of the local State Assembly man Leong Ng Ng, demanding for a local Tamil school (Tamil Nesan 30 Aug 2008, page 11). And then in the Kampong Lindungan area which has 10,000 Indian families, they have also been denied a local Tamil school (NST 14th July 2008, page 13).

The official allocation per pupil for a Tamil school is RM10.55 but for a Malay Muslim school pupil it is RM33.30 per pupil (and millions and billions more) as per the Ninth Malaysia Plan (Sembaruthi Magazine, Aug 2008, page 47).

4 % of Malaysian children between the ages of 6 to 12 are not in school, according to UNICEF (NST 20th Nov 2008, Page 14). Ten Tamil school pupils from Kapar Tamil School were sacked from school because they did not have birth certificates (Tamil Nesan 14th June 2008). Pursuant to a new circular from the Education Minister, previously only the Tamil schools headmasters who are Indians would take pity and accept these "Stateless" children into their schools. The UMNO Malay Muslim headmasters will not accept them. But now even the Primary Tamil schools are out of bounds with effect from 2008 onwards, let alone secondary schools, skills training colleges and university education. The

UMNO controlled Malaysian Government has the heart to even do this to children!!!

Tamil schools are so badly equipped that a group of Motorola Indian general workers had to organize a fund raising dinner, raised RM 30,000 to set up a basic library in the Glenmarie, Highcom and Highlands Tamil Schools (Tamil Nesan 14th July , page 6). Four computers were donated to four Tamil schools in Seremban and Teluk Kemang , Tamil Nesan (30th Dec 2008 page 16) but the government had allocated RM 9.7 billion (approx. USD 3 billion) for educational development under the Ninth Malaysia Plan!! (NST 19th Nov 2008, page 10)

Education in any part of the world is the responsibility of the government. What more than Article 12 of the Malaysian Federal Constitution stipulates that there shall be no discrimination in providing education out of the funds of a public authority and the Article 8 provides for equality before the law and there shall be no discrimination.

14. About 99% of the deserving Indian students have been denied places in public universities and government PSD scholarships (Tamil Nesan, 15th, July 2008, page 3 and 7th July 2008 front page respectively). In 2007 there was a total of 847,485 local public university places (NST 7th Aug 2008, page 16). In the University Technology MARA (UITM) there were 120,000 places but exclusively only for the Malay Muslims (NST 13th Aug 2008). This totals up to 967,485 university places in Malaysia for the

year 2007 but only 2,750 Indian students taken in 2007 out of which 254 are doing technology courses in the local public universities (Tamil Nesan 15th July 2008, page 3). Assuming even these 2,750 students is just for one academic year, it works out to a mere 1% of the total Public University intake. A total of RM 1.7 billion PSD scholarship was awarded to overseas

university students but only 34 Indian students out of 2000 students (1.7%) were awarded these overseas scholarships (NST 16th May 2008, page 6) and 161 (1.61%) Indian students were awarded PSD scholarships in 2007 (to study at local universities out of the 10,000 scholarships – Tamil Nesan 7th July 2008 front page). But at least 375 SPM high achieving students scored 8 A1s (Tamil Nesan 12th July 2008, page 5) but did not get a scholarship. Remawathy the 6th best student in the country with 13 A1s was denied a PSD scholarship (NST Focus 22nd July 2008, page 33).

“100,000 foreign students targeted for local public universities (IPTA) by 2010 and so the hostels have to be upgraded”, says Deputy Higher Education Minister Dato Idris Harun (Utusan Malaysia, 4th Nov.2008, page 15). However there are no targets for the local poor Indian students to gain entry into public universities.

Four more matriculation colleges will be completed by 2010 bringing the number of available places with full hostel facilities to 40,000 under the Ninth Malaysia Plan. There are now 9 matriculation colleges with a total intake of 28,000 students annually. The Deputy Prime Minister Najib Razak openly announced that this has increased the number of Malay Muslims in institution of higher learning. Najib said 10% of the places are for non Malay Muslims (Utusan Malaysia, 2nd Nov 2008, page 4). But we are yet to hear of a single Indian student from these matriculation colleges. At best 0.1% of the places may be given to the Indians.

15. In 2003, only one medical seat was allocated at University of Malaya for the 2 million Indian population in Malaysia. Simultaneously scores degrees of foreign medical colleges with almost all Malaysian Indian students in Ukraine, Russia, Romania, Indonesia and India were derecognized by the government of Malaysia with the view to reduce the number of Malaysian

Indian doctors in Malaysia. (PRIM Memorandum to Education Minister dated 25th July 2003). This is despite the fact that there is a 100% shortage of doctors in Malaysia (NST, 28th May 2008, page 6).

16. About 99.9% of the deserving Malaysian Indians have been denied government land schemes in FELDA, FELCRA, RISDA, Agropolitan projects etc. which was meant for all the poor, landless and under privileged Malaysian including the Indians. There are 112,635 FELDA settlers in 317 schemes (Utusan Malaysia 21st Nov 2008, Page 24) covering some 2,000,000 acres as at 2007 (Utusan Malaysia, 9th July 2008, Page 10). FELDA settlers today earn about RM5000 (Approx USD 1,300.00) per month. Some FELDA homes matches that of the estate manager's grand abode with 4 rooms and all with attached bathrooms, hot water and tiled floors. They are also given RM60, 000 to renovate their houses and RM 10,000 to buy new furniture (NST 23rd Jul 2007, Page 12).

FELCRA has 83,000 settlers holding between 1.62 to 4.05 hectares each. Each planter is given a dividend of RM 4,778.70 per hecter for rubber and RM 4207.72 per hecter for palm oil from the RM588.15 million announced by the Rural Development Minister Tan Sri Mohd.Taib (Utusan Malaysia 18th June 2008, Page 1).

RISDA has developed 64 hectares of rubber small holdings through replanting schemes. Since 1988, RM 400 million dividends have been paid to some 35,000 small holders (Utusan Malaysia, 30th June 2008, Page).

The Agropolitan projects with the latest being in Gahai, Kuala Lipis, and Pahang with 500 acres for 50 lots of houses. The facilities here include Rural Information Centre (Internet Centre), Multi Purpose Hall, Mosque,

Shop Lots, Small and Medium Scale Entrepreneur Units, playing field, kindergardens, piped water, electricity and roads. Each planter is also given about 7 acres per person and a housing lot of 3000 square feet with individual titles (Utusan Malaysia, 5th August 2008, Page 24)

But all these privileges are excluded to the Indians even though they had been the pioneer planters brought into then Malaya by the British about 150 years ago. At best a 0.1% of these privileges have been given to the Indians.

17. Malaysian Indian civil servants have been reduced from about 50% in the late 1960s to a mere 1% in 2008 (Dr. Mahathir's book The Malay Dilemma page 78 and NST 13th June 2008 ,Page 14). In 2007 only four (1%) of the 400 positions in the inland Revenue Department were given to the Indians (NST 13th June 2008, Page 14). 24,491 Indians applied for civil service jobs from January and 18,533 last year (NST 16th Nov 2008, Page 8).

Penang Deputy Chief Minister 2 who was former Malaysian National University (UKM) lecturer accused UMNO of engineering the dominance of Malays in the civil service over the last 50 years. Application forms of non Malays were torn up (NST 14th Jan 2008, Page 24).

To the contrary the very first Navy Chief of the nation was Rear Admiral K.Thanabalasingam but after 51 years of independence an Indian has never got to the top10 navy jobs. What more the navy chief's job!! UMNO will never ever allow this to happen. Put aside the navy chief's job, Indians have even been rejected for an Assistant nurse's job as what happened to Thayani Saravanan whose application was rejected. From a poor family and with a single parent mother this job means a lot to her. Only after the intervention of MIC president an ex minister of 29 years standing to see to

- it that a young Indian girl gets her little wish to become a small town assistant nurse's job (Tamil Nesan, 12th Aug 2008, Page10). But this is how UMNO works in Malaysia.
18. About 99.9% of the deserving Malaysian Indian Students are excluded from the 6000 place in fully residential schools, 5100 elite MARA Junior Science Colleges and scores of other elite schools which are reserved for the Malay Muslims (Utusan Malaysia 19th Nov 2008 Page 10).
 19. Thousands of poor Indian squatter houses have been demolished without proper alternative housing unlike for the poor Malay Muslims. (NST 30th Oct 2008 Page 21).
 20. 99% of the deserving Malaysian Indians have been denied business licenses, permits, government contracts and projects, business opportunities, government sponsored business loans, MARA, Rural Development, Entrepreneur Ministry, AGRO Bank, SME Bank etc loans, business opportunities and franchise businesses and training opportunities, corporate, conglomerate, big businesses, banking and even private sector jobs.
 21. Preferred government guaranteed returns, blue chip shares in the government corporation PNB worth RM80 billion (approx USD 21 Billion) and benefitting at least 9 million Malay Muslims, 86.12% of whom are in the lower income group (Utusan Malaysia 4th May 2008 Page 21) as the government's effort to redistribute wealth (NST 21st Apr 2008 page 2). However these PNB share scheme is excluded to 100% of the poor and under privileged Indians.
 22. In all 100% of the scores of public interest litigation civil suits we have filed at the Malaysian High Courts in the aforesaid Kampong Medan "Ethnic

- Cleansing” of the Indians, death in police custody, death by police shooting, Hindu temple demolition, Indian squatters, assault and beating up by the police cases etc, justice was denied to the victims (Kuala Lumpur High Court Suite No.1-44-20-2008 refers).
23. Thousands of Police Reports have been lodged by the Indians in respect of all the aforesaid atrocities in Malaysia but literally zero action has been taken against the police and the UMNO authorities. The government of Malaysia has no inhibitions and continues with impunity.
24. Over the last 51 years, millions of Malaysian Indian have lived and died in misery. Thousands have ended up committing suicide largely because of inequality, unequal opportunities and no or very little upwards mobility opportunities and poverty or poverty related. In one day alone 6 Indians have committed suicide (NST 14th April 2008, Page 13). The suicide rate among the Indians in Malaysia is the highest at about 600% higher than in the Malay Muslim community (NST 14, Sept.2008 Page 21).
25. Even the Parliamentary and State Assembly Seats have been jerry mandered so that the Indians are further segregated and excluded from the national mainstream politics of Malaysia. So much so that the Indians do not have even one Indian majority seat in parliament or any of the State Assemblies despite there being about 2 million Indians in Malaysia.
26. For the first time in the history of Malaysia's 50 years of independents the Indians unprecedentedly picked up enough courage and held a 100,000 over HINDRAF People Power peaceful assembly at the British High Commission in Kuala Lumpur on 25th Nov 2007 to petition Queen Elizabeth II for help and to draw the attention of the international community. But the Malaysian government reacted by cruelly beating up and arresting 241 Indians on the 25th Nov 2007 peaceful rally. Over 100 were actually prosecuted for attempted murder and unlawful assembly

and even denied bail when all they did was to assemble peacefully to demand equal rights, equal opportunities, equal upward mobility opportunities and not the excluded and segregated from the national main stream development of Malaysia. In just over 2 weeks thereafter the said four lawyers P. Uthaya Kumar , M. Manoharan , R. Kenggadharan , and V. Ganapathi Rao were detained without trial and imprisoned under Malaysia's Draconian ISA at Malaysia's very own "Guantanamo Bay". HINDRAF was then declared an unlawful society and finally outlawed on 15th Oct 2008. But this has never stopped our peaceful campaigns and struggle in the true Indian and Ghandian AHIMSA (Non-Violence) way.

27. The Malaysian Indians are still fighting for the 18 Point Demands dated 12th Aug 2007 that was forwarded to Malaysia's Prime Minister Badawi and the Deputy Prime Minister Najib Razak in effect demanding equality, equal opportunities, equal upward mobility opportunities and non institutional discrimination against the Malaysian Indians and to be included into the national mainstream development of Malaysia. Malaysia may have been independent for 51 years but for the Indians we are yet to attain independence as we are still being colonialised by the Neo Colonialist UMNO controlled Malaysian Government. Perhaps we would not be in this predicament today and may have been happier in India had the British not exported our forefathers to Malaysia.

28. All these atrocities are just the tip of the iceberg. As of date it is still happening and happening with impunity. All under the UMNO controlled Malaysian Government's Malay Muslim race, religious and supremacist based national development plans, policies, practices and their implementations.

HOW PRAVASI BHARATHIYA DIVAS AND GOPIO MEMBERS CAN HELP:

1. By persuading and lobbying using your good selves and good offices, connections, friendships and influence to appeal to the government of India to:
 - a) 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
 - b) Stop buying Malaysian Palm Oil
 - c) Stop all investments in Malaysia
 - d) Stop all Information Technology professionals of Indian nationality from working in Malaysia.
 - e) 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.
 - f) To set up a special university and offer full scholarships 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 recognised by the Malaysian government and another 10,000 seats per year in the field of specialised Information Technology, Aeronautical Engineering, Auto Mobile Engineering, Pharmacy, Dentistry and Bio Technology.

- g) To impose trade sanctions on Malaysia by India, the respective countries your good selves are currently residing in and the international community at large until all the afore said atrocities against the Malaysian Indians stop.
- h) Urgently release the above said lawyers from ISA detention without trial.

PRAVASI BHARATHIYE DIVAS AND GOPIO INDIANS TO:

- a) Stop trading and doing business in Malaysia
- b) Upon return to your good selves respective countries of residence especially in the USA, Canada, United Kingdom, Europe, Australia and New Zealand 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, World Court, The United Nations Security Council, the International NGOs and the international community to register their protest and take action against these aforesaid atrocities against the minority Indians in Malaysia.
- c) Personally write and lobby the aforesaid mentioned parties in item B herein above to write to the Prime Minister of Malaysia with regards to the aforesaid 28 injustice and for the immediate release of the said four lawyers from the KEMTA maximum security prison which is more popularly known as Malaysia's Guantanamo Detention Centre under the draconian ISA without trial.

Kindly address your letter to:

**YAB Dato Seri Abdullah Ahmad Badawi,
Prime Minister of Malaysia,
Main Block, Perdana Putra Building,
Federal Government Administrative Centre,
62502 PUTRA JAYA,
MALAYSIA.**

May I thank your good selves for your kind attention to these issues. Your concern and proactive measures would go a long way in helping alleviate the day to day unnecessary pain; sufferings, misery and tyranny the 2 million Indians are going through in Malaysia.

We will, God willing be submitting our “Malaysian Indian Minority and Human Rights Violations Annual Report 2009 “at this same forum in 2010 and every year thereafter.

Thank You.

Yours faithfully,

Waytha Moorthy Ponnusamy

Barrister at Law, Lincoln’s Inn

Chairman,

HINDRAF, Malaysia.

Mobile: +447939355981

+91 9789987449

Email: waytha@hotmail.com

Appendix – 1

Victims of Kampong Medan “Ethnic Cleansing” - 2001



Appendix – 2

Prabakaran -Victim of Malaysian Police Brutality – Dec. 2008



