CASTE DISCRIMINATION OF MALAYSIAN DALIT

INCLUDING THE IMPACT AND RESILIENCE IN COVID-19 PANDEMIC

Asia Dalit Rights Forum

THE INCLUSIVITY PROJECT

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ABOUT ASIA DALIT RIGHTS FORUM

Asia Dalit Rights Forum (ADRF) is a platform of Dalits, and those working with Dalits in Bangladesh, India, Nepal, Pakistan, and Sri Lanka committed to the empowerment and emancipation of communities subjected to descent and work-based (caste-based) discrimination and violence (DWD&V). ADRF aims at addressing violations of the rights and entitlements of these communities, in particular their women and children, in the respective countries as well as worldwide. It focuses on supporting all the communities subjected to DWD&V and systemic discrimination in any part of the world in their noble aspirations and courageous struggles to establish an inclusive society that is marked by equity and equality, dignity and self-governance, justice, and freedom. ADRF is committed to collaborating with all national, regional, and international agencies- civil society organisations and human rights agencies, UN bodies, and state institutions espousing the cause of eliminating DWD and building an inclusive, peaceful and egalitarian society in Asia and elsewhere in the world.

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ACKNOWLEDGEMENT

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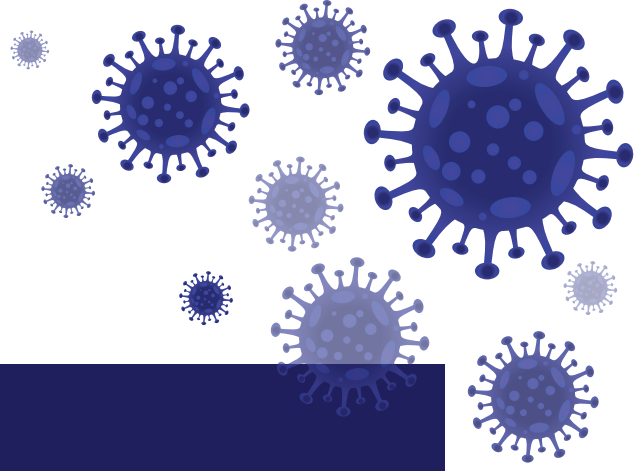

INTRODUCTION[1]

In 2019, Indian Malaysians numbered at 6.9% of the country's total population and an estimated 17.5% of this ethnic group fall under the bottom 40 quantile (B40) of the national income strata.[2] The other B40 earners are from the Malay (73.6%) and Chinese (8.5%) ethnicities. The Dalit community is a subset of the Malaysian Indian community

1,2% of the national Malaysian population is poor Malaysian Indian community as defined as B40. They are made up mainly of the Dalit community.[3] The community suffers from social and economic backwardness as a direct consequence of poverty compounded by the distinct sub-culture emanating from the caste system as the crippling handicap. Discrimination based on caste, is only known to exist within the Malaysian Indian community which includes discrimination in marriages and exclusions within the Malaysian Indian political and social landscapes. The national institutional frameworks of Malaysia do not discriminate the Dalits specifically but unfortunately the neglect of the Dalits historically has contributed to a larger problem: the creation of a sub-Indian underclass -the Dalits.

The underclass phenomenon roots from the 'bonded-labour' migration from India to plantations and rubber estates in Malaysia. It follows that generations of many of these laborers are unable to escape their vicious poverty circles; they are trapped as the depressed and deprived communities without any affirmative action measures and special programmes to provide for their development and welfare. Compared to the other numerically larger ethnic groupings in Malaysia, the Indian community in the B40 still persist as socially, politically, educationally and economically backward. Hence, the suffering of the Dalits manifest as two-fold: first is the caste discrimination intra-Indian ethnicity, and second is their suffering as part of the whole Indian ethnic minority in Malaysia, from not being able to attain social and economic justice.

In this article, the authors trace historical accounts of the Indians in Malaysia to understand the context within which the Dalits immigrated; and progress to cull further information from

[1] This article heavily draws upon existing historical records set out by Michael Stenson and Carl Vadivella Belle, L.S.S O'Malley
[2] Based on the Household Income survey conducted in 2016, by the Department of Statistics Malaysia.
[3] The exact numbers are unavailable.

The relegation of these classes to the level of animals in a caste ridden society naturally tended to deprive them of initiative and self-respect, and made them a cringing, servile group.

interviewees to depict the current realities of the Dalits. But this article aims at something more than merely documenting these records and stories. The point of departure is the exploration of those aspects of the colonial background which bear directly upon the Dalit experience in Malaysia and the entrenched discrimination that silhouettes the caste till today. In the same vein, this article discusses the ideologies and attempts in shaping a political consciousness of the Dalits for an equitable participation in tandem with the growth of Malaysia as a developing nation.

An underlying premise of this article is that it is difficult to understand the marginalized status of Dalits in Malaysia without reference to the construction and inculcation of theories of race in Malaya/Malaysia, both during colonization and after independence, and the ultimate creation of a bumiputra /[4] non bumiputra 'racial' dichotomy which governs the present Malaysian political, cultural and social life. The politics of communalism which have dominated Malayan

and Malaysian political, social and cultural life, the continual re-inscription of 'racial' boundaries, have not only deepened ethnic divisions but also mandated ethnic mobilization within the political sphere. As an ethnic minority group, Malaysian Indians have inevitably found themselves disadvantaged on many fronts in the nation-building and development processes of Malaysia.

A. Dalits in the Larger Context: Identity, Caste and Social Justice

On the nascent interactions of India with the Malay Peninsula, Rajesh Rai stated that Southeast Asia "is one of the few regions, if not the only region outside South Asia, where the journey of Indians has continued from the premodern, through the colonial, and into the contemporary age of globalization".[5] Thus, the Indic civilization significantly shaped the formation of early Malay states: on the indigenous, cultural and religious facets within the wider Malay world. Yet, the positivity of these influences proved to be a stark contrast to the residual negative images of the "coolie immigrant" which surfaced in more recent centuries. As P Uthayakumar has remarked, in modern Malaysia, Indian working classes are "to be cast aside socially as the drag with the social stereotypes as laborers, drunks, untrustworthy fellows, black and smelly fellows, dependent and always complaining these are a few of the stereotypes usually associated with being Indian poor in Malaysia".[6] In parallel, the following narrative is one written by a historian on indentured Indian laborers some fifty years ago,

"The relegation of these classes to the level of animals in a caste ridden society naturally tended to deprive them of initiative and self-respect, and made them a cringing, servile group. These people had neither the skill nor the enterprise to rise above the level of manual labor and were also willing to accept low wages."[7]

Albeit rancid, the narrative illustrates how Indian labourers in Malaysia were largely perceived as and thus treated by colonizers. The culture of discrimination and oppression germinated in India, where the economic and structural reforms secured by the British forcibly displaced Indians from their homeland. This was motivated by the legacy bequeathed by black slavery to schemes of indentured Indian labor. Simultaneously, the colonial ideologies of 'caste' were developed in

[5] Rajesh Rai, 'Positioning the Indian Diaspora: The Southeast Asian Experience' in Tracing an Indian Diaspora: Context, Memories and Representations, edited by Parvati Raguram, Ajaya Kumar Sahoo, Brij Maharaj, and Dave Sangha (New Delhi: Sage, 2008), p.29.
[6] P Uthayakumar, Marginalization of the Indians in Malaya, unpublished (2010)
[7] Kernial Singh Sandhu, Indians in Malaya: Some Aspects of their immigration and settlement 1786 to 1957 (Cambridge: Cambridge University Press, 1969) p. 57.

British India and exported to Malaya. The latter not only shaped Malayan conceptions of caste in ways that continue to profoundly influence contemporary Malaysian political and cultural discourse but also refashioned Indian perceptions of identity in terms of the social positioning of status, religion, origins and culture.

The Dalits thus formed a proportion amongst other socio-economically poor Indians[8] and one may infer that however extensive the magnitude and extremity of discrimination, abuse and exclusion the Indian community suffered, the Dalits' suffering would be amplified. Reason being- as per Mandal- the caste system is the most enduring basis of social organization and it divided the Indian community into a large number of hierarchically arranged high and low castes.[9] The lowers castes suffered crippling social handicaps for centuries as a result of their low caste status.[10] Despite all the modifications that caste has undergone over the ages and specially in the post-colonization period, changes in the caste system are representative more of shifts in emphasis than any material alteration in its basic structure. [11]

Hence, this article takes the position that caste discrimination in Malaysia ought to be a serious subject of human rights concern. While the terms "Scheduled Castes" and "SCs" remain common in the Indian legal discourse today, in Malaysia the Dalits do not have the same political resonance nor the political status to be beneficiaries of affirmative action. Malaysia, having struggled with marginalised Indian ethnic minority had afforded little attention to Dalits as a separate community needing special socio-economic attention. Hence, the Dalits were only beneficiaries of only broader programs: programs aimed at ameliorating general ethnic Malaysian Indian social problems such as poverty, landlessness, child-labor, bonded-labor, and violence against women. These programs benefited Dalits (as well as poor people of various other castes), but from the perspective of Dalit civil society organizations, such aid treated the diverse symptoms of a single underlying disease- that being caste-based discrimination- while failing to address the root causes for the disease. Unfortunately, such implicit coverage was insufficient. Failing to name Dalit problems expressly meant that they went little noticed on the national stage. All-encompassing human rights language in the various core UN treaties does not recognize the caste basis on which Dalits are abused and therefore makes it difficult to identify appropriate remedies.[12]

The battle the Dalits fought was for greater equality of treatment. Equality before the law did not carry much conviction amongst the marginalised and oppressed sections of the States[13], especially where they were the minority. The

[8] It should be noted that Malayan and Malaysian historical records nonetheless do not distinguish Dalits from other castes in their statistics and other numerical records on population, housing, security, rights and entitlements, civic amenities and employment.

[9] Mandal Commission, Government of India 'Report of the Backward Classes Commission' (1980) 18.

[10] Ibid.

[11] Ibid.

[12] Universal Declaration of Human Rights, adopted 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess. (Resolutions, pt. 1), at 71, U.N. Doc. A/810 (1948), reprinted in 43 AM. J. INT'L L. 127 (Supp. 1949) [hereinafter UDHR]. International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 {entered into force 23 Mar. 1976). International Covenant on Economic, Social and Cultural Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, Art. 15, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 {entered into force 3 Jan. 1976). International Convention on the Elimination of All Forms of Racial Discrimination, adopted 21 Dec. 1965, 660 U.N.T.S. 195 {entered into force 4 Jan. 1969), reprinted in 5 I.L.M. 352 (1966) [hereinafter ICERD].

[13] H. G. Hans, More Equality (Pantheon Books, 1973).

The Dalits were only beneficiaries of only broader programs: programs aimed at ameliorating general ethnic Malaysian Indian social problems such as poverty, landlessness, child-labor, bonded-labor, and violence against women.

legal apparatus for legal recourse was too expensive and time consuming, and many had neither the means nor stamina to get justice from the courts.[14] What equality before the law could guarantee, however, were equal opportunities.[15] Nonetheless, the Commission responsible for drafting affirmative action for India's Other Backward Classes (OBCs): "by ensuring equality of opportunity to all citizens in respect of educational and employment opportunities, we may be ignoring the special problems of some backward sections of our people who have suffered from social, cultural, educational and economic deprivation for hundreds of years. On the face of it, the principle of equality appears very just and fair, but it has a serious catch. It is a very well-known dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality".[16] Serious action was therefore necessary for the Dalits in Malaysia for wherever there were marginalised communities, special safeguards for the more vulnerable and weaker people within the State is crucial.

[14]Ibid.
[15]Amartya Sen, 'Equality of What?' in S Tanner Lectures on Human Values (Cambridge University Press, 1980).
[16]Government of India 'Report of the Backward Classes Commission' (1980) 35.

THE MALAY PENINSULA: COLONIAL SETTING

Background of Malaysia

Malaysia is a pluralistic nation, with the Malays and natives of Sabah and Sarawak (states) constituting the majority (67.4%). Combined, these peoples are called the Bumiputras and are accorded a 'special position' under the Malaysian Federal Constitution. Meanwhile, the Malaysian Chinese (24.6%) and Malaysian Indians (7%) form the minority.[17] The Chinese and Indians were initially trade merchants amongst the pre-existing Bumiputeras and their expeditions to Malaya and South East Asia coincides with the colonisation by the Portuguese, Dutch and finally the British. In the 19th and early 20th century, during the colonisation of Malaya, waves of immigration from India, Ceylon and China became the solution to demands in the labour force of Malaya's growing economy.[18] The Malays (a historical mix of various ethnic communities that originates from different parts of present day Malaysia and Indonesia) pre-existed dominantly in the agriculture industry, the Indians were placed to work mainly in rubber plantations and the Chinese were mostly engaged in commerce and mining, and stayed in urban areas.[19]

The Chinese and Indians also contributed to the rail and road infrastructure industries and occupied lower administrative positions in the civil service. Within a relatively short span, this phenomenon caused the Malays, mostly rural residents, to adjust to the influx of peoples from other races, who did not share the same religion, language, or culture. British administrative policies further entrenched the differences between the sects by maintaining and promoting their occupational and geographical segregation.[20] Even the education system was divided, with the Malays attending Malay government schools and the Chinese and Indians attending their respective vernacular schools.[21] These policies served the British as a 'divide-and-rule' mechanism and were employed strategically in institutional frameworks throughout their administration in the nation. The immigration of the non-Malays was voluminous to the extent that by 1911, the non-Malays occupied 41.4% of the population, and in 1947[22] , the non-Malay population grew to 50.5%. [23]

Unfortunately, Malayan and Malaysian records conspicuously omit any description of the Dalits' as a contributory source to the wealth of the Indian heritage. Yet, much has been written of people from the higher castes.

Initial Links between India and Malaya

As highlighted earlier, extensive records devoted specifically to Dalits have not been uncovered yet, at least to the best knowledge of the authors of this article. Hence, the tracing of the Dalits is done by tracing the history of the Malaysian Indians as a whole people.

Trade between India and the Malay Peninsula dates back to the first millennium BCE. The increasing volume of Indian maritime trade with

[17] Department of Statistics Malaysia, 2010 Population and Housing Census of Malaysia (2010).
[18]Charles Hirschman, 'The Making of Race in Colonial Malaya: Political Economy and Racial Ideology' (Sociological Forum, Springer) 1 No.2 (1986) 330-361.
[19]Michael Stenson, Class, Race, Colonialism in West Malaysia: The Indian Case (University of British Columbia Press, 1980) 17.
[20]John Butcher, The British in Malaya: 1880- 1941 (OUP, 1979) 26.
[21]Syed Hussein Alatas, The Myth of the Lazy Native (Frank Cass, 1977) 187.
[22]The year when the Federation of Malaya Agreement was drafted, which for the first time included special measures for the Malays under Article 19(1) of the FMA.
[23]Steven Ratuva, 'Ethnicity, Affirmative Action and Coups in Fiji: Indigenous Development Policies Between the 2000 and 2006 Couos' (2014) 20:2-3 Journal for the Study of Race, Nation and Culture 139-154.

Southeast Asian in the beginning of the CE left lasting influences on indigenous political and social structures. Early Indian trade within the Malay Peninsula and Sumatra was conducted through local chieftains and chieftaincies. Most scholars accept that the process of Indianization commenced in the earliest years CE, and became more pronounced following the rise of the Chola dynasty of India. It was widely held that the Malay term 'keling'[24] as a genetic descriptor for South Indians is derived from the prominent Gupta port Kalinga, from which many Southeast Asian-based cargoes with dispatched. This attempt rated a political and administrative regime which became a model for the entire region.[25] The development of East-West trade led to the transformation of commercial centers into established political units within the Malay archipelago and on the Malay Peninsula. Small Indianized states began appearing in Southeast Asia from the first century CE.

Unfortunately, Malayan and Malaysian records conspicuously omit any description of the Dalits' as a contributory source to the wealth of the Indian heritage. Yet, much has been written of people from the higher castes. For instance, in keeping with Hindu notions of royalty, records mention of how Brahman priests would have elevated the local chiefs by employment of the vratyastatoma, a rite which admitted foreigners into the received Orthodox community. The newly anointed Kings, known by the titles of raja maharaja, could claim to hold the rank of Ksyatriya or regal/warrior caste. Indian civilizational conventions remained the province of the elite, especially the aristocracy, and the general population continued to preserve culture structured around animism and ancestor cults. However, Indian influences helped shape indigenous crafts and much of artistic expression, as well as providing a system of writing , an expanded

The majority of the labor force was of South Indian origin, but the Dalits originated from various parts of India.

vocabulary containing both Sanskrit and Tamil words, a solar calendar, administrative and legal structures, and a sense of social rank, influenced by notions of caste.[26] In addition, the classic epics of Hindu cosmology, the Puranas, the Ramayana and the Mahabarata, became integrated within the culture of the Malay archipelago, and many generalist Hindu and Buddhist elements penetrated local belief systems and modes of organization. [27]

British colonialism in Malaya also imported specific ideologies of governance to administer their new colonial possessions. These ideologies, developed by British theorists in reaction to the Great Rebellion (Indian Mutiny) 1857-58, were incorporated into the formal structures of social imperialism. Simultaneously British penetration of Malaya was supported by an ambitious programme of infrastructure development designed to promote and enhance economic activity. Successive colonial administrations embarked on a series of far-ranging projects which included capital works, the construction of ports, roads and railways, reticulated water supplies, and later the provision of an electricity grid and a telecommunications network. The discovery of huge amounts of minerals and natural resources like tin ore and rubber necessitated the development of steady infrastructure to feed the colonial motherland, Britain.[28] Thus the development of a viable colonial economy was dependent on ready access to a pool of cheap, pliable, and easily managed labor. The British had ruled out indigenous labor, and after early and unsuccessful experiment with African slave labor, The British broadened their search to tap Chinese, Indian and Japanese coolie sources.[29]

The majority of the labor force was of South Indian origin, but the Dalits originated from various parts of India. The colonial preference for Dalits of the South Indian labor over other parts of the subcontinent was informed by an official perspective which viewed the 'Madrassi' as inferior, somewhat contemptible specimen, timid and tractable, less expensive to keep and far more easily led then his fellow countrymen. The Parliamentary Paper, Immigration from India to the Crown Colonies and Protectorates, published in 1910 in the very twilight of indenture within Malaya, reflected this viewpoint with the contention that, "The Indian indentured laborer... is, if properly treated, perfectly docile and easily managed".[30] Indeed, this representation of the South Indian as an inherently lesser species of humanity, subservient and willingly dominated, was to color the British outlook throughout the entire colonial era. This ideology enabled the colonial administration and employers as a group to conveniently dismiss examples of Indian assertion and organization as uncharacteristic and temporary aberrations, the result of extraneous agitation which had implanted seeds of discontent among an impressionable and easily led labor force.

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[24] Today, 'keling' is used as a derogatory word towards Malaysian Indians- it is considered an expletive for the stigma attached to it.
[25]Carl Vadivella Belle, Tragic Orphans: Indians in Malaysia (CUP, 2015).
[26]Ibid.
[27]Ibid.
[28]Ibid.
[20]Kernial Singh Sandhu, Indian in Malaya: Some Aspects of their Immigration and Settlement (Cambridge: CUP, 1969)p. 53-54.
[30]Emigration from India to the Crown Colonies and Protectorates (Report of the Sanderson Committee) Parliamentary Paper (HC) 1910, 27 (Oriental and India Office Collection, London).

THE KANGANI SYSTEM

The Indians, when arrived in Malaya, worked largely under the Kangani system. This form of labor recruitment known as the Kangani had become firmly established in Malayan plantations before the abolition of indenture in 1910. The Kangani system generally produced a more reliable and stable workforce. Kangani recruits entered Malaya via Ceylon and it had been successfully used to procure labor for European owned coffee estates. As rubber rapidly became the leading plantation crop in Malaya circa 1910, rubber estates were invariably staffed by Kangani labor.

The Kangani system originates from the Tamil kankani meaning supervisor. It is a word that denotes some degree of power and respect. Kanganis were coolies of higher standing who not only recruited labor to work on estates but as field foreman, undertook to supervise those whom they had recruited. The Kangany came from a non-Brahman "clean" (that is, non-polluting) caste, almost always drawn from the Vanniyar, Kallar or Goundar castes, and preferably headed a large family.

Prior to 1907, when the Tamil Fund Ordinance was enacted, the recruitment of Kangani labor was a three-way process conducted largely free of government controls, and involving the Malayan employer, the coolie he had appointed as kangani, and thus a direct agent of the planter, and the Indian villagers who had agreed to work in Malaya. But the system suffered from gross abuses. The Indian Immigration Department Report of 1904 recorded the problem as below:

"The recovery of passage of money and advances from free laborers is left by some estate managers to their mandors. it is the seed of an evil system. The mandors, more often men recruited from the coolie ranks, keep accounts and recover money from the laborers on the pay day. They charge interest. The mandors are made responsible to the managers for whatever money has been spent on the laborers. This is a vicious system. The mandors generally do not keep the laborers under them informed of the state of their accounts."

All the interviewees for this project reiterated the problem above in their own words and criticized the mandors for discriminations committed against the Dalits. Said one interviewee, "the mandors punished my parents... they withheld monies. The mandors only allowed their own family members to subsequently hold similar positions of control."

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[31] To give an overview of the mass labour immigration, by 1940, a total of 218,000 Indian workers, comprising 62% of the total plantation workforce, were employed within the rubber estate. Within the public sector, Indian labor predominated in the public works department with 15,157 employees; the municipalities, town boats and sanitary boards with 14,481 employees; the railways with 7819 employees; and the Singapore based at admiralty, air and war departments with 4877 employees. A further 6711 Indians worked in other miscellaneous government departments.

LIFE OF THE DALITS UNDER THE KANGANI SYSTEM AND MALAYA POST INDEPENDENCE

The following are interwoven real-life accounts of the interviewees' recollection on the social and cultural discrimination that the Dalit communities were subjected to. Locations, names and specifics were omitted to maintain discretion and sensitivity to those victims of the oppression.

The Untouchables

As imported from India, untouchables is applied generically to persons in the lowest classes of Hindu society. It implies that they cannot be touched by Orthodox Hindus of the higher caste without consequent contamination; but the idea among Hindus themselves is that the untouchables cannot touch others without making them impure. The position, in the words of a Hindu writer, is that "their touch means contamination, water touched by them is polluted". They are also commonly referred to as "the depressed classes", and are sometimes called "the outcastes" or "the outcaste Hindus" as distinguished from higher castes, which are referred to as "high class" Hindus.

The term, however, is a misnomer, for the untouchables have castes just as much as other Hindus. They have their own gradations of caste and their own standards of caste honour, which they are punctilious in maintaining. An untouchable can himself be polluted by the touch of another untouchable belonging to a lower caste and maybe outcasted if he takes food from him. The castes within the untouchables were called the Kammalans, Iluvans, Tiyans, Pulayans and Paraiyans or Pariahs. The Pariahs were held as the lowest of the low and in the earlier decades of the 20th century, were recorded as being required to keep further away and is prevented, at any rate in the daytime, from using the roads in quarters inhabited by Brahmans. his right of way along other roads is so far limited that, like a leper in the medieval ages in Europe, he should call out to give notice of his unclean presence, and when he comes within a prescribed distance, leave the road and get along, as best he can, in the fields,

even if they are under water.

This caste structure is but a social residuum from the British India and is largely Victorian era created narratives of an unchanging and immutable hierarchical structure for the purposes of effecting the British divide-and-rule strategy. It includes castes of aboriginal extraction, castes which have low or degrading occupations, and a number of other castes working as artisans, cultivators and field laborers.

Housing

The housing of Dalits were infamously referred to as 'lines road' when community moved to the city and occupied a particular street. The connotation of the word 'lines' was reserved for the Dalits, in the context of pre-existing 'untouchability' stigma. The term would capture the image of rows and rows of homes, and each home identified by their location relative to which line, i.e. 'X's house in the back line' or 'Y's house in the front line'. 'Lines road' as a reference to the Dalits' housing was consistent in the northern states of Malaya as well as the southern states.

The houses themselves appeared distinct from upper classes' houses: the Dalits painted them with white-wash, the cheapest of paints, and even if painted with colours, the painting would foretell the viewer of its occupants. A single house may consist of only one room, otherwise two, but still house up to twelve persons. The kitchen and all other paraphernalia that a Dalit family may afford to possess would fit into the single confined space and be shared amongst their many family members. Communal areas like cooking were sometimes shared between Dalit families. There were of course no bathrooms and toilets for the Dalits. They had to relieve themselves outside of their houses. In contrast, upper class-

es had latrines built, sometimes even to the ratio of one house: one latrine.

The population of the Dalits varied across the estates: some estates had only five to six Dalit families while in others, there were twenty and thirty. Nonetheless, the consistent feature was that the Dalits' homes were usually at the periphery of the estate homes.

Occupation

There is a common idea in India that every caste has a hereditary or traditional occupation which all its members must follow. As were they subjected to in India, the Dalits were allocated the most menial and demeaning of jobs: cleaning latrines and sewages. The 'untouchable' connotation that haunted them also carried the stigma that they were 'unclean' and thus unfit hereditarily for other jobs. This job scope carried on until the 1980s. Even when advanced sewage systems were in place, the Dalits were still made to continue that line of work as sanitation workers, manual scavengers, garbage collectors, sweeper of roads and in other instances, they were allowed to be the dobi or washerman. Because the stigma of their caste was so ingrained, some even felt that they were truly only born for those jobs.

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While social ambition amongst the Dalit caste was laudable, unfortunately, it did little to remove or mitigate the stigma of birth in places where the origin of the man in question is known. The mandors and kanganis, in the meantime, always maintained reputable jobs for their kin. The British psychological perversion clearly outlasted their physical domination such that even today, some Dalits are unable to mentally liberate themselves from the caste-captivity which chains them to particular jobs.

Places of Worship

The Dalits were not all Hindus. There were Muslims and Christians too, but a large majority of them were Hindus. For the Hindus, especially in the estates, the Dalits were said to patron one particular deity, Lord Aiyya and in some estates, had their own temples built solely for the lower caste. Other interviewees recollect that there were no separate temples built for the lower caste, and all Hindus including the Dalits were allowed to pray in the common temple. They bring their offerings of fruit, flowers and confectionery, which they give to the temple priest and wait outside the shrine till he comes out again and, after returning the baskets or trays in which they brought their offerings, dismisses them with blessings.

One interviewee recollects an incident of a Dalit cook preparing a meal at the temple circa 1970s. This was met by unequivocal boycott of the meal by all visiting members of the temple, for it was offensive to have an 'untouchable' cook a meal, and even more abhorrent to have done it in the temple. Another incident was of a Dalit man securing a leadership position as a temple committee member in an estate temple. He was later unceremoniously removed from that position. In instances where the temples had chariot processions, members of the lower castes were not allowed to pull the chariot. One may only pray from a distance. The only active participation in religious practices were when the Paraiyars conducted burial rites and drum beatings.

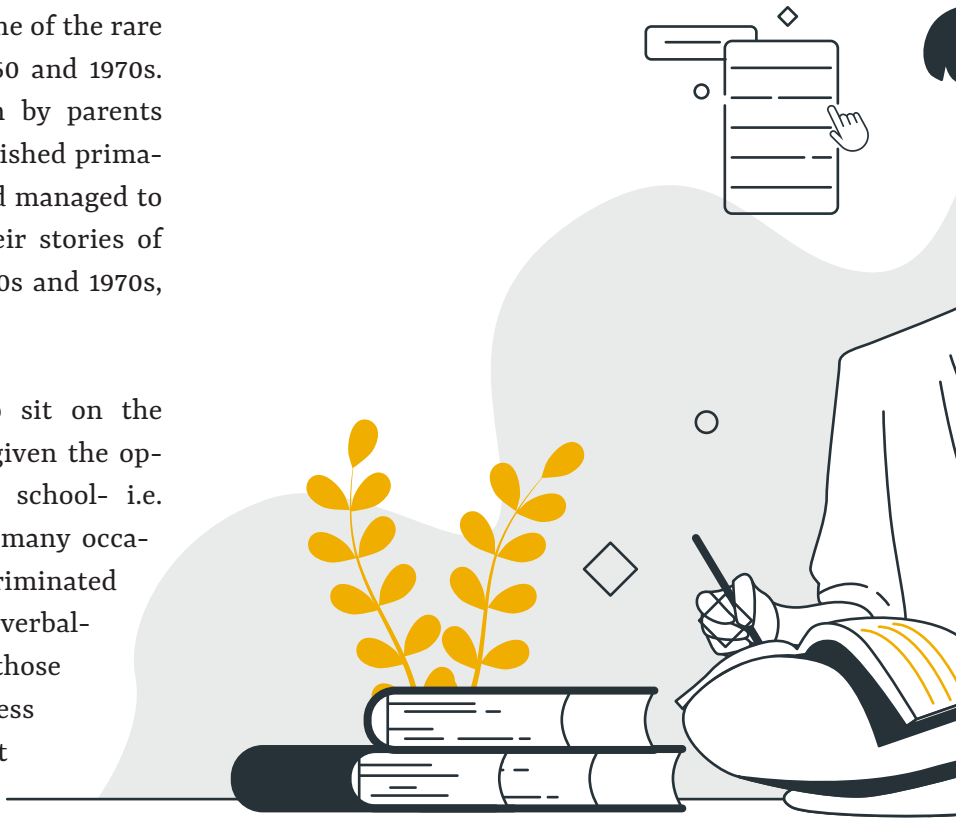
I. Education and Schooling

Many of the Dalits did not send their children to school as once these children were of 8 years of age and above, they would be roped in as child labourers. The interviewees were some of the rare survivors of the system in the 1960 and 1970s. Propelled by a strong motivation by parents and an indominable spirit, they finished primary school and secondary school and managed to economically free themselves. Their stories of discrimination in school, circa 1960s and 1970s, are as herein documented.

The untouchables were made to sit on the ground, that is if ever they were given the opportunity to attend the primary school- i.e. the Tamil vernacular schools. On many occasions the teachers themselves discriminated and abused them physically and verbally. Though children would not in those formative years have a consciousness on discrimination, they soon learnt from how their teachers treated them and how parents of the upper-castes students forbade them to play together.

Due to the lack of funds to continue education, the lack of family motivation, extreme levels of poverty and an embedded culture resigning themselves to an inescapable fate, many students even upon completing their primary education, dropped out of school. Thus, the vicious cycle sets in, for without education, one may only succumb to poorly paid laborious jobs.

On many occasions the teachers themselves discriminated and abused them physically and verbally.



Social Ostracization

The caste system inflicted galling wounds to the Dalits' self-respect. Ostracization took many forms: in one instance a Dalit making a purchase from a shopkeeper had to go through a long and humiliating process. He placed money on the ground in front of the shop and then withdrew to a safe distance. The shopkeeper then came out with the goods and put them on the ground and took the money. The Dalit finally advanced after the shopkeeper went back in his shop and removed his purchases. This was circa 1970s.

In another recollection, circa 1970s, men and women from the lower castes were not permitted to dine and drink tea in coffee shops. The shop owner would come out and pour the drink for the Dalit into a used aluminum can tin, without touching the tin. Many similar stories could be told of the absurd results of the system. In the earlier decades, circa 1910s, the Brahmans, the clean castes and untouchables would sit at different levels at meetings- if such were permitted- so as to not breathe the same air and cause atmospheric pollution.

Discrimination Against Indian Women in the Estates

When asked directly if women were discriminated more then men, the interviewees stated that in the estates- circa 1970s and 1960s- they did not recall women being discriminated against men. But this was a contradiction to their narration of actual events that took place. The interviewees stated that women played multiple roles, both domestic and community functions, and certainly showed much more than the men.

In the estates, the generator would start to supply electricity at about 4.30am until dawn. At that time the womenfolk would get up. They would wake up, earlier than their husbands, about 4.00 am and cook porridge for their children before leaving at about 4.30 am for the workers roll-call done by the estate supervisor (Kangani). The labourers would then travel by truck and be dropped off at various parts of the plantation to tap rubber or tend to other tasks. They would return in the afternoons and the women would clean their homes,

As children, the girls commonly attended Tamil primary schools, but many were not able to complete secondary education. Male children were always encouraged to go to school, but not the girls.

bathe children, cook, sweep, take care of their husband and in-laws and manage all household chores.

Their husbands, in contrast, would arise and go to work in the planatation for for the same number of working hours. Upon returning from work, it was common for the husbands to spend the rest of their evenings and nights at the local toddy shop. The husbands' participation in the domestic chores and families' well-being was limited. An interviewee stated that sometimes men came home late and drunk. Drinking was the only affordable pleasure that estate life offered. Especially during salary time, men would spend their money drinking and return to be violent towards their wives. A combination of poverty, low self-esteem and alcoholism inevitably led to violence and a culture of domestic abuse. Women were abused sexually too, said an interviewee, recalling the ordeals her aunties went through.

As children, the girls commonly attended Tamil primary schools, but many were not able to complete secondary education. Male children were always encouraged to go to school, but not the girls. One interviewee stated,

> *"My brothers went to English medium school, but my sisters and I were only allowed to go to Tamil school. English school was more expensive and so my parents reserved their monies for the boys for English school. They*

always got more priority in education, and even in food. They always got the chicken in the chicken curry- a luxury when cooked- and the girls would have the plain gravy."

Another interviewee stated,

"I was the first person in my family of multiple siblings to get an admissions letter to the university. The school headmaster received it and came to my house to deliver the letter. But instead of encouraging me, he told my father "Why let your girl go to university? She is only going to end up as somebody's wife. Might as well you keep her at home." I remember what my father said. He said, "I will do manual scavenging if I have to, just to educate my daughter. Don't tell me what my daughter can or cannot do."

It turns out that the women from the estates who managed to secure secondary education went on to become Tamil schoolteachers. They took additional diplomas to attain the necessary teaching credits. By becoming teachers, they then provided consistent incomes to their parents' family and maintained safe spaces in the family for their children's' upbringing. Many of the retiring women Tamil schoolteachers today were the agents of change and reasons why and how Indian poor families successfully came out of the estates with decent jobs and have progressed to the lower-middle income groups. But the reality remains that many Indian women from the B40 groups require empowerment and support outside their families. The Malaysian Women's Aid Organization frequently records Indian poor women as perennial victims of sexual abuse and harassment; their perpetrators are also of Indian ethnicity.

Today's climate of discrimination against Malaysian Indian women still finds an excessive weight of household burden, handling multiple roles, and minimal time investment for personal development to have imposed constraints on Indian women from attaining physical and mental well-being. When they were young, they performed similar roles as a girl child. Upon marriage, they began embracing the roles of a housewife, a mother and a caretaker. These roles were designed to serve the interest of the patriarchal system and for positioning of men into the more privileged authoritative position. Traditionally, women's worth is measured based on their time contribution to their household roles. Failure to fulfil expectations of their husband often results in punishment, in terms of being scolded or receiving negative remarks. In order to make sure her husband's productive paid work goes well, she goes the extra mile to do much of

the unpaid work using her own time.

This culture of discrimination is due to the gendered division of household work system that still exists in households. With such division of labor, men and women were responsible for two different spheres; private and public sphere. While women were assigned to work mostly in the household, which is known as the private sphere, men were expected to focus on the public sphere which is employment and public life in the community . However, the segregation of labor does not yield equal validation for men and women. Gender inequality arises when women is forced to be in charge of household for unpaid chores while men were expected to take up paid work outside the household.

With this current reality, the Malaysian federal government have been, consistently and consciously, trying to empower socio-economically backward Indian women through welfare policies to help them change their lifestyle. The Dalit women are not singled out as a target group, but find locus within the income strata and by extrapolation, policies aimed at the specific strata also serve alleviate the Dalits. The objective of the government is to uplift these B40 Indian women's economic status and compete with the other races. To that end, in the 2019 budget, RM100 million (USD24.8 million) was allocated to support the Indian community, including through technical and skill-set training to enhance career opportunities for the youth. It is hoped that this assistance would trickle down to assist and empower Indian women.

Nonetheless, there is no doubt that the government allocation is insufficient as an aid to all Indian poor persons requiring affirmative action, especially those who want to engage in small businesses. Taking loans from banks is almost impossible for these poor peoples. The government should work towards a local micro-finance institution to help the poor Indians go into small businesses and enable them to take loans that are repayable in monthly instalments. This will help especially the single mothers among them to use the money to develop their small businesses. There are about 100,000 Indian families from the B40 category (bottom 40% of household income). But one-off payments to poor Indians are a short-term strategy. Poor Indian women, specifically, require long-term solutions to generate sustainable incomes to meet their immediate needs.

To achieve change, the poor Indian women also need to go through psychological transformation with the help of volunteers in order to change their outlook on life. Successful Indians, social leaders, volunteers and Indian politicians in the country could play a very influential role in helping them transform their mindset and to assist the community to uplift their social and economic status. A mindset shrouded in cultural and caste inferiority, pessimism, fatalism and obsession with religious matters will only drag them further back. Continually expecting others to offer them one-off goodies is not going to resolve their quandary in the long run, either. Thiis is also due to an disempowered upbringing and a misguided way of life following displacement from the estates where they and their parents lived for many years. There are very few positive empowered role models for them to emulate. Simultaneously, it is imperative for the Malaysian Indian men to be taught the culture of respecting and promoting gender equality. The culture of male domination and violent patriarchal systems within the family dynamics must change for women to find strength in first believing that their capacities are not just confined to their roles within the family. It also means empowering women to break out of the patriarchal framework that many still believe in.

Prevailing Political Consciousness: Tamil Renaissance and Dalit Activism

"Had avenues of social advancement and status mobility been available to the aspirant caste groups, it is doubtful whether politics would have been so much impressed by caste as it is. Politics affords to the lower castes an opportunity to achieve through politics what they cannot through social instrumentalities ."[32]

The interviewees recorded the gaining political consciousnesses that permeated the Dalit communities in the 1970s to 1990s. Given the religious diversity of the Dalit communities in Malaysia, viewing Dalits as a single cohesive group became sociologically problematic. Indeed, there are conflicts among Dalit communities, often based on occupational hierarchies within the broader group. Yet, as a social and political category, the Dalit has been a touchstone for political activity. Prior to the political consciousness in the late 20th century, there was an impetus for movement focused on social upliftment and religious reform in India and this reverberated through the labour forces that came from India in the early 19th century. Following the evolution of the social reform movement in South India, a turning point was the establishment of Periyar's Suya-Mariyaathai or Self-Respect Society of Madras in 1920. With charismatic leadership, and clearly defined aims and objectives, the core of this movement, as its name implies, was the uplifting of the depressed classes in Tamil society. It focused on the evils of the caste system, in particular the discrimination which caste imposed on the untouchables and on the status of women.

The Self-Respect Society enjoyed a large popular following right from the start. It was also the first

It was not until Ramasamy Naicker, a leading light of the Society- and the social reform movement in Madras as a whole-visited Malaysia in 1929 and had an electrifying effect on all who listened to him, that the Tamil social reform movement truly got underway in the country.

[32] Mandal Commission, Government of India 'Report of the Backward Classes Commission' (1980) 18.

Tamil reform movement to make an effective impact amongst the Tamils in Malaya.[33] However, at first, its ideas made slow headway amongst the South Indian proletariat in the Peninsula, and hardly any progress at all among the great mass of estate laborers who were too caught up in the paternalistic cocoon woven by the European planter- manager and his kangani. It was not until Ramasamy Naicker, a leading light of the Society- and the social reform movement in Madras as a whole- visited Malaysia in 1929 and had an electrifying effect on all who listened to him, that the Tamil social reform movement truly got underway in the country. [34]

As an immediate consequence of his visit, social religious reform groups sprang up all over the Peninsula; two of the most important were the Adi Dravida Sangam and the Untouchables Association (Ahampadiyar Sangam)- later called the Tamil Reform Association. Both groups came to wield considerable influence amongst the Tamil working class during the 1930s. Simultaneously, Naicker's visit also prompted the holding of the first of a series of Tamil reform conferences in 1929; these were held each year up to 1941.[35]
The first Malaysian branch of the Adi Dravida Sangam was founded at Batu Pahat in 1929 by K.M. Moorthy, a Tamil government clerk, who was presumably one of those who had been electrified by Naicker's visit. It was virtually a clone of Naicker's Adi Dravida Sangam of Madras in form and content, with the significant exception of Naicker's brand of Dravidian nationalism.[36] In this respect the Malayan Adi Dravida Sangam was unusual, because the Tamil social reform movement, was in the hands of Tamil educated leaders who had naturally attracted to the anti-Brahmin ethos of Dravidian nationalism. The Adi Dravida Sangam Started spreading rapidly in forming branches in all the west coast states of the Peninsula from Johor to Penang, and even in Pahang.

The Adi Dravida Sangam remained culturally an all-Tamil affair without any English-educated or middle-class Indian involvement. It operated at low key amongst estate laborers and urban workers, most of whom were of low caste origins. This, however, was not the case for another group which started off in Singapore in 1929 as the Untouchables Association (Ahampadiyar Sangam). In 1932, it changed its name to the temple reform association to indicate its interests were not confined to one particular caste. From the outside the Association relied heavily on the Self-Respect Association of measures, and its main platform was initially based on the issues of marriage reform and the rejection of Brahmin customs at weddings and funerals. These issues formed the main content of the debates at the first Tamil Reform Conference, to which, later, were added other broader aspects of the campaign against caste privileges and social abuse amongst Hindus.[37]

These ideals were seen as offensive to the more traditionalist Hindus regarding religious practices. While its base remained in Singapore, where the Association in the 1930s published its own journals, branches were also established in the Peninsula; the most influential ones were in Kuala Lumpur, Penang and Ipoh. Although there were tenuous connections between the Singapore branch and its Malaysian counterparts, the latter were really autonomous in less politically oriented. In general, as will be seen, in the 1930s the Tamil reformed Association, particularly in Singapore, came to enjoy widespread support among the Tamil intelligentsia and became the most marked impact on social movements among the Tamils of Malaya. [38]

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[33] Muzafar Desmond Tate, The Malaysian Indians: History, Problems and Future (Strategic Information and Research Development Centre, 2008).
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] Ibid.
[38] Ibid.

THE MARRIAGE PROBLEM: PAST AND PRESENT

To an outsider of the Indian underclass and someone disassociated from the underclass' struggles, a cursory study on how inter-caste marriages is justified would be as follows,

> *"Since marriage is an institutional mechanism for procreating and rearing children, the requirements of status ascription in a caste order practically require the marriage of equals. A wife reared in a social stratum widely different from her husband's is apt to inculcate ideas and behaviour incompatible with the position the children will inherit from their father, thus creating a hiatus between their status and their role. The family structure itself depends upon certain mutual attitudes, e.g., filial respect and parental authority; if the children follow the status of the upper-caste parent, their attitudes toward the other parent will be those of the higher caste toward the lower and therefore incompatible with the proper familial sentiments. Hence it can be seen that the integrity of the child's personality, of the family structure, and of the caste organization requires that the parents be roughly matched in social position-that, in short, there be caste endogamy. Through endogamy the caste system so regulates its reproductive and status-ascriptive institution (the family) that caste distinctions remain clear rather than become blurred in the next generation. This is why in unsanctioned inter-caste unions the offspring are illegitimate and either follow the status of the lower spouse or receive an intermediate position, while in sanctioned inter-caste unions the mates are usually made equal at the time of marriage, the lower spouse and the subsequent offspring acquiring the status of the higher spouse."*[39]

Fortunately, human rights doctrines have evolved to recognize that the doctrine of superiority based on caste differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for such discrimination, in theory or in practice, anywhere. Yet, the Indians in Malaysia still clutch at caste labelling when it comes to marriages. Violence and oppression become an immutable externality to this system of marriages. The following excerpts from interviews highlight this phenomenon in Malaysia.

[39] Kingsley Davies, Intermarriage in Caste Societies, 376

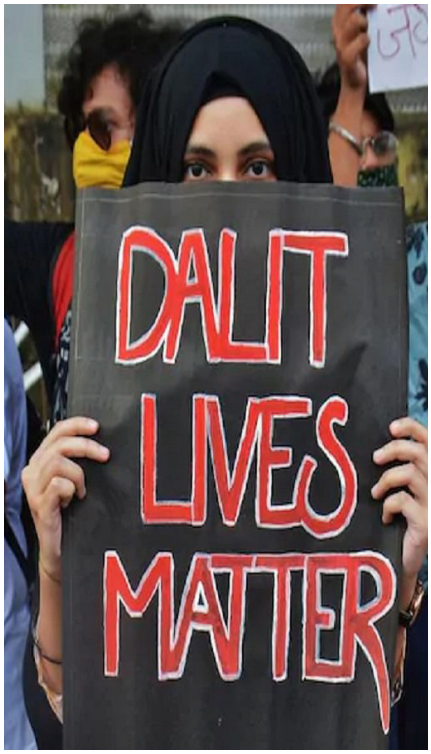
An interviewee recalls, circa 1970s,

> *"In the estate, if at all a low caste boy falls in love with high caste girl, they boy will be beaten. The whole community will come and beat him. They cannot get together. Even if the girl's family say yes, they rest of the high-caste community members will torture him. That's is why it's better they die... So many are suicide cases. Why? Not because of love failure, but only because when people find out, then they will be tortured... And if a low caste girl falls in love with a high caste boy, she will just take poison. It is better for her to take poison than suffer from abuse. Pesticide (in plantations) is cheap and is the easiest thing to take to commit suicide. Suicide is very common."*

In the estate, if at all a low caste boy falls in love with high caste girl, they boy will be beaten. The whole community will come and beat him. They cannot get together.

Another interviewee states, circa 1960s,

> *"Once I remember my family getting very happy and excited that one boy's family coming to ponnu pakaran for my sister. Usually ponnu pakaran is where the boy's family will come and see if girl is suitable or not. We were all getting ready to receive the boy's family, my sister was dressed up and other members were at home and then suddenly we got a call from their side family. They found out that our family was from a lower caste and that they were higher caste. So halfway into their journey they turned back home. They did not want to enter our house or give their hand in marriage. It was humiliating, especially for my sister."*



A question was asked, 'what about the police? Do they not intervene when higher class people beat the lower caste boy or girl?'

An interviewee answers,

> *"Police won't get involved in all this business. This is caste business. There is no law to say that this cannot happen. The community has got their own laws. Upper caste cannot mix with lower caste. If mix, then the lower caste will be punished. It is just the way it was. Even if they beat the low caste boy until he dies, it is not a police matter."*

Through painful stories, narrated with an alarming air of casualness, all interviewees affirm the same: that inter-caste marriages were forbidden; and where these rules were broken, there

were instances of suicide that went unreported and uninvestigated. In certain cases, the police were seen to collude with higher-caste members in beating lower caste boys. There were also instances of raping lower caste girls. When asked whether this problem still persists today, the answer was a definite yes.

As says an interviewee,

> *"Of course, until today the caste system is most obvious when it comes to marriage time. They still must look at caste. They always ask- what is your caste and jaathi. If not same high-class like them, they will say they are not interested. Everyone [Malasysian Indians] can be friends and be business partners, own big firms, restaurants and all, but suddenly when they talk about marriage, friendship doesn't matter. Even if the low caste family is richer than high class family, the high class family will reject the proposal. Because the high class status is more important than their money."*

An interviewee adds,

> *"That is why I tell my children, even if we are in the low caste, never mind. We must only marry within our caste. In that way, no problem will happen. No need to worry about being indebted to some higher-class family. So many people struggle because of inter-caste marriage. I suggest to you [pointing at the interviewer] that you also only marry from your own caste."*

In contrast, an interviewee counters,

> *"I think one way to come out of this caste problem in marriage is if allow our children to marry whoever they want... When a lower caste person marries someone from higher caste, then the family will assume the status of the higher caste. They- the low caste boy or girl- won't admit that they come from low caste anymore. Like that, then their children also will be part of higher class already."*

The question was asked, 'but how will the high class people know what caste is the boy/girl from, in the first place?'

An interviewee answers,

> *"Of course they know! You just tell your name, and which village you come from in India, people will know what is your caste. All this cannot bluff. In fact, there are many caste associations in Malaysia. For some associations, their membership depends on a certificate verifying where you come from- if you come from a certain district, of a certain [high] caste in India then only you get membership. And then when they want to marry their children, they will look for families from the same association."*

On the issue of marriage, it seems that far from wishing for the abolition of caste because of the low caste reality to which it condemns them, they cling to the system in the hope of rising to higher place in society. Even the untouchables, whose awakening in recent years has been so remarkable as they wish to be free from their present disabilities and attain a higher rank in the same social system. Envy, and not resentment, is the general feeling of the lower towards the higher castes. They do not want so much to put down the mighty from their seats as to put themselves in the seats of the mighty. Hence the upward surge of the lower castes; hence the tendency to assume the sacred thread as if they had a right to it: they wanted to climb higher to the ranks of the higher castes. Ironically, within the lower caste, the struggle to ascend the social ladder does not wash away the notion of wanting those below them to remain beneath them.

CURRENT DALITS OF MALAYSIA

"How did you fight the oppressive system?"

"' watched MGR movies. And that was my inspiration to fight back. Enough is enough.'"

One interviewee was actively involved in the Malaysian Dalit Association. He was a fifth generation Malaysian Indian and said that his lineage of grandparents and great-great grandparents slogged their entire lives to work, feed and fend for their families. Their vulnerability emanated from their caste and extended to preclude them from better-paying jobs, social-dignity, and progress in the socio-economic ladder. However, the interviewee states that circa 1980s and the 1990s, more Dalits became politically aware that they were themselves the key to their liberation. This was against the backdrop of Tan Sri M. G. Pandithan establishing the All Malaysian Indian Progressive Front (IPF) political party.

The IPF was a breakaway from the Malaysian Indian Congress (MIC), a key political party to the then 62-year ruling coalition of Barisan Nasional (BN). Pandithan, initially from the MIC, subsequently conceived the IPF and broke away from MIC. He specifically rallied his party as a defender of the Dalits in Malaysia. His arguments levied that the MIC was controlled by and catered for the high-caste Malaysian Indians; and the lower castes were generally ostracized and prevented from holding significant party positions. Policies crafted by the MIC did not afford consideration towards the Dalits' plight. The breakaway happened when Pandithan was re-elected for the third term as vice-party president and thereafter forced to quit the party. With Pandithan gaining popularity amongst the Dalits, interviewees record themselves as being inspired to resist oppressive acts, gestures and incidences in their own estates and social settings.

An interviewee said,

> *"I scolded my teacher who was abusing me. I broke the rotan. I was small, but I knew it was wrong... When I was a bit older, I had a group of friends and together we challenged anyone who wronged us unnecessarily. Sometimes we got into fights with them. They don't dare to victimize us now. We fought back. We must fight back, otherwise they [higher caste] will keep us down [imitates the squashing of an insect] ... In fact, now everyone, when they are in politics, they must consciously reject caste politics. It is bad enough that the Indians suf-*

fer... there is no need to make the low caste suffer even more."

This interviewee currently holds a key political position and prides himself to be of service to all ethnicities and classes of poverty groups.

Another interviewee states,

"There was a sense of something great [a political consciousness] being born. We were resisting and we knew we could resist. Because we knew we were good enough to deserve what the others [higher castes] received. We just want equality. We don't want to takeaway anything from anyone. We just want to be treated the same. Why look down on people like us? We are all human beings and we all deserve the same things."

In contrast, yet another interviewee registered,

"I am sorry, I disagree with what Pandithan did. There are other ways to empower the Dalits. There are other ideologies to culturally and socially liberate these people... When a political party is created specifically for the Dalits, it serves only to further entrench the inherent discrimination and deepen the divide... It fragments the Indian community more. It does not really empower them."

Socio-economic status and crime vulnerability

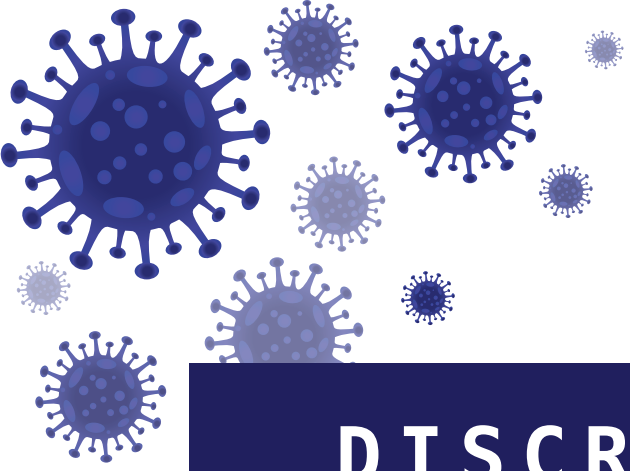
When asked about the current socio-economic status of the Dalits, an interviewee answered,

"Most of them are still poor. After leaving the estates, they didn't get good jobs because they didn't get to study properly. So now their children also are stuck with poor-paying jobs. Mostly are them are the labourers for the local municipal councils: they are the road sweepers, toilet cleaners, tea-women and garbage collectors. Now with many foreign workers in Malaysia, it is difficult for them to find employment and good wages. They are paid extremely low wages. Some are still stuck living in squatter areas."

An interviewee postulated,

"Unfortunately even the rich Dalits don't help the poorer Dalits enough. Even in restaurants, where the restaurant is owned by a poor Dalit, it will be ostracized by higher caste people... This system is bad, we cannot rely on our own people to help us out."

It thus follows, that whilst many low caste peoples have left the estates and sought livelihoods outside traditional occupations in the plantations and estates, their socio-economic statuses have yet to show significant improvement. Trapped in the vicious cycle of poverty, many have resorted to be members of violent crimes gangs as a natural predilection stemming from a need to protect a vulnerable identity and subconsciously being defensive towards any threat. It is also a source of income, failing any opportunity to find jobs. The ingrained oppression and violence that the current generation's parents were subject to in turn manifested as a source of rebellion: gangsters now use violence, even amongst themselves, because they only know to use the very tool that violated them so tragically in the first place, as a tool to liberate themselves. Being users and participants of violence and violent crimes, low caste Indians infamously line prison cells and lock-ups; and are most prone to systemic abuses of the police. The deaths in police custody and other Indian victims of civil rights violations largely come from the low-caste groups.



DISCRIMINATION AND CONSTITUTIONAL RIGHTS

The Dalits neither enjoy special privileges nor are subject to legal persecution under the Malaysian Federal Constitution and other laws. They remain as the invisible victims of an invisible tragedy to the rest of the Malaysians. As it stands, they are legally and legitimately protected to enjoy fundamental liberties and human rights that are entitled to all Malaysians. There are no records, to the best of the authors' knowledge, of legal discrimination specifically imposed on the Dalits. However, as part of the larger Malaysian Indian ethnicity, they are discriminated in terms of institutional policies and quotas in the public service, universities and in certain economic opportunities. This is by virtue of Article 153 of the Malaysian Federal Constitution that is meant to safeguard the special position of the Malays and to ensure the reservation for Malays of such proportion as may be deemed reasonable of positions in the public service and of scholarships, exhibitions and other similar educational or training privileges and of business permits and licenses. It is in that sense that the ethnic minorities are substantively discriminated.

The Malaysian Federal Constitution also provides for the right to equality under Article 8:

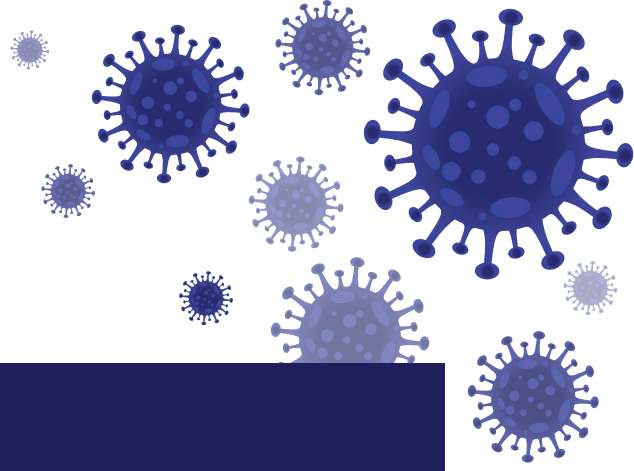
> *(1) "All persons are equal before the law and entitled to the equal protection of the law."*

And this followed by:

> *(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."*

The fact that the right to equality under Article 8 is articulated, its application to offer substantive safeguards for ethnic minorities is still not clearly expressed. Article 153, while designed as an affirmative action clause, has given way to systematic discrimination because of the entrenched continuance of the "'special position'. It constricts the grounds of qualification for substantive equality to only a segment of society by ethnic definition and is not designed to protect others who are also sorely in need of such protection.

Thus, the Dalits not only suffer from inequality of treatment within the Indian ethnicity, but are also victims of substantive inequality in the larger inter-ethnicity landscape.



COVID-19 IMPACTS ON DALITS

When asked about the impact of Covid-19 on the Dalits, an interviewee states,

> *"Because they live in low-cost flats and in [structurally] poor housing, they are most prone to being infected. Sanitation is bad, health care is bad...families live in overcrowd living spaces... one small flat may contain up to 10 people... when they are poor, there is no choice but to go out and work to get money. So they can become more easily exposed to the virus. And they come home and spread the virus to their family... of course, when they fall sick, they are not going to seek medical attention. That would be expensive... We wouldn't know the records of the extremely poor people who have died from Covid."*

In Malaysia, the full impact of Covid-19 surfaced in mid-March 2019. This analysis is gleaned from the effects the B40 Malaysian Indians sustained from the pandemic. For the children, schools were almost immediately closed and formal classroom learning for around 4.9 million students nationwide halted. While there were claims that learning activities have taken place as usual during the MCO through distance learning utilizing electronic equipment (e-learning), the reality is quite different: Inadequate equipment, unconducive environments and lack of familiarity with digital technologies and e-learning amongst the poor sections of the Indian community (and other communities) discouraged children from learning. Malaysia is now in a state of emergency and states are still in partial lockdown. Consequently, Indian students have dropped out of schools and been roped in to help their parents to work as labourers to generate or maintain their already suffering incomes. The effects of the dropouts would only be visible a few years from now: economists predict that we would observe a spike in youth unemployment, high incidences of petty thefts and greater numbers in the B40 community.

However, unlike health vulnerability, the B40's socioeconomic vulnerability is more insidious. The pandemic had affected 2.8 million B40 households. Many of the B40 population are casual and low-skilled workers who are more likely to lose their jobs, resulting in financial hardship. Low health, illiteracy, malnutrition and chronic diseases, which mostly occur in B40 households, as well as living in high density housing, puts them at greater risk. Additionally, an estimated 3 million (documented and undocumented) affected migrant workers have been identified. Some of these migrant workers are from the Dalit communities from their respective countries (i.e India, Bangladesh, Nepal) working in key sectors

The inequalities worsen for a few reasons. Firstly, the most vulnerable tends to lack access to effective communication to help prepare against the pandemic.

such as construction, hospitality and plantation, which are dependent on migrant workers. They are mostly reluctant to visit government health facilities for fear of losing wages, being laid off or deportation (especially undocumented workers). As noted by an interviewee, the urban poor living in public housing projects also include the Dalits. The high-density, overcrowded living conditions make them highly vulnerable, unable to practice social distancing and often not able to work from home.

Government assistance and transfers as treatment for the pandemic effects may not always

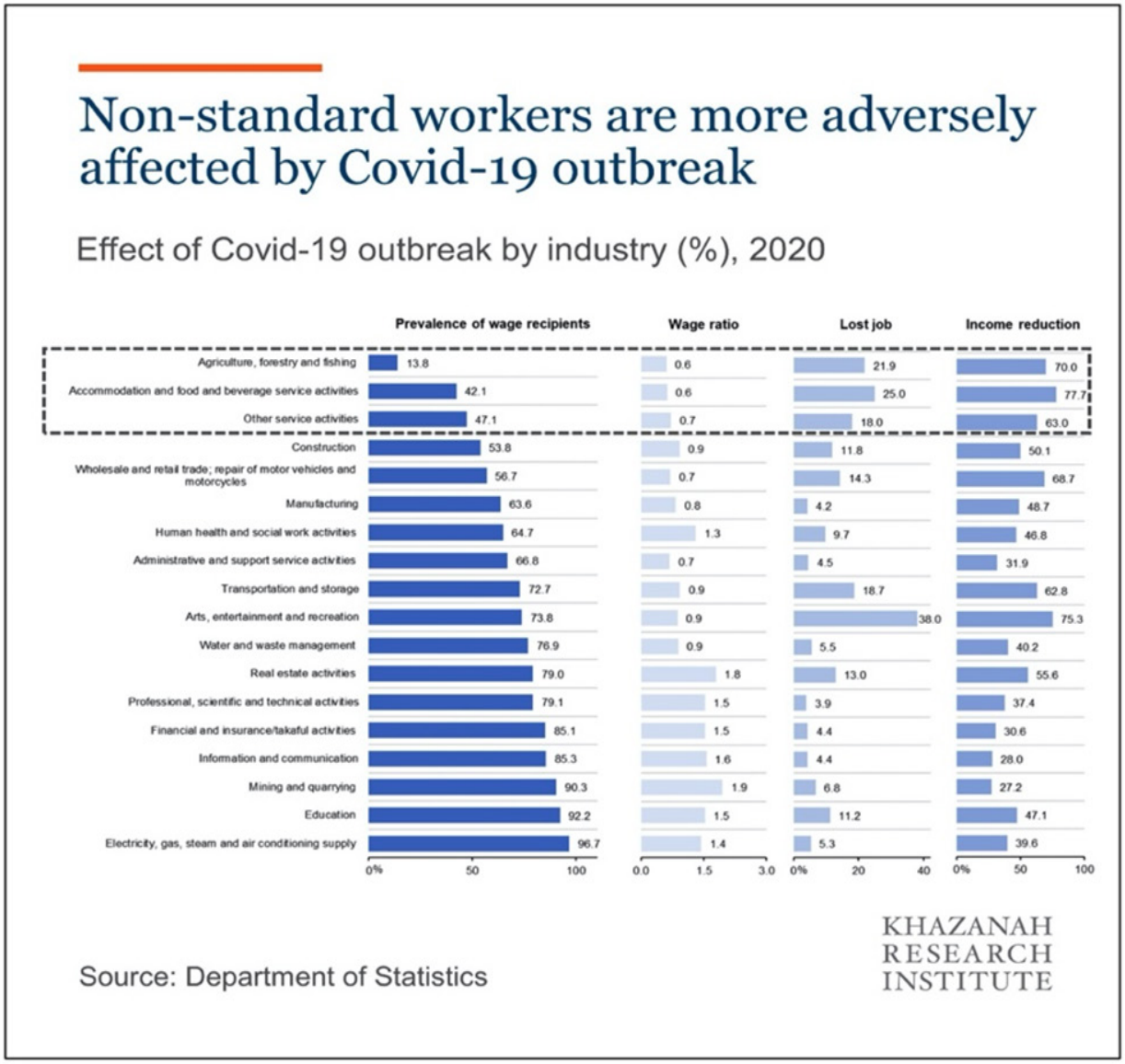
lead to full recovery. Whilst almost everyone is vulnerable to the economic impacts of COVID-19, those who already faced the highest risk and degree of socioeconomic marginalization will be the most severely impacted – at-risk women and children, the elderly, adolescents, youth, persons with disabilities, indigenous populations, refugees, migrants, and minorities. As a corollary, the Dalits in the B40 would be within this most vulnerable category too. For these families, lost of income due to an outbreak can translate to spikes in poverty, missed meals and absenteeism from schools for children, and reduced access to healthcare going far beyond COVID-19. The pandemic deprives them of livelihood opportunities that are already hard to come by and causes them to lose whatever gain they have made (small savings, a limited business clientele, children finally regularly attending school, etc.). This runs the risks of turning their dreams of escaping the poverty cycle to ashes. In the development context, inequalities will worsen, and those already left behind will be left in a worst state now.

The inequalities worsen for a few reasons. Firstly, the most vulnerable tends to lack access to effective communication to help prepare against the pandemic. While public messaging efforts by government and CSOs have been amazingly efficient and informative from the very beginning of the crisis, but to groups of people whose formal language and ability to digest copious amounts of detail are limited, these messages may have failed to reach them in a meaningful and timely manner. Certain Indigenous Orang Asli communities' decision to retreat deeper into the forest, from their settlements should not be seen as foolish; rather, it's a desperate act of self-preservation. The danger of Covid19, that is not understood, forces them to avoid as an act of protection.

Secondly, the most vulnerable do not benefit from surveillance and early-warning systems and access to health services, especially concerning testing. Today, we see why this is particularly critical. It does not take much to predict that the crowded living conditions of migrant workers and the dispersed locations of their dwellings (shop houses and housing areas) will be a major source of vulnerability in the country's containment efforts. the government has yet to come up with a good surveillance and early warning system for the scattered clusters of migrant dwellings throughout the country.

Thirdly, the most vulnerable usually have low health baseline statistics, meaning they are relatively more prone to poor nutrition, obesity, diabetes, cardiovascular diseases, alcoholism, and substance abuse. The economic burden of disease, including COVID-19 infections, is high to these households, particularly in absence of any form of medical insurance. Other reasons as to why poor health is so detrimental to a vulnerable household is the wages/job lost, cost of going for medical check-ups, rehabilitation therapy, the lost opportunity of work when a healthy family member is forced to stay home to care for the ill or bedridden etc.

Lastly, the most vulnerable are relatively more susceptible to psychological pressures due to life's hardships. With COVID-19 lockdown measures, those living in crowded spaces suffer a heightened sense of claustrophobia. There are new anxieties from being unable to connect or return to loved ones. The costs of keeping in touch (higher data and phone bills) must be balanced against the need to buy food and pay rent. Their nature of work hardly suits the notion of working from home; and the resulting feelings of utter helplessness especially if they are the sole breadwinner of the family, is certainly painful to bear. They are constantly worried if their savings can last the crisis or whether there's even going to be a job or business to return to when the COVID-19 dust has settled. Their loans must still be paid; debt freezes and moratoriums do not exist in their universe of informal credit (private moneylenders). The lucky few who could keep working during the Movement Con-



trol Order (lockdown) worry about keeping safe from the virus, as masks and gloves are seldom provided, and social distancing at work is almost impossible.

Although statistics on Dalits are not recorded, from studies conducted, it is clear that the government needs to prioritize the right to health and social protection, or security, for everyone, including the most marginalized and vulnerable, especially the B40 poor. Reforming the system of social protection and incorporating it into the economic recovery plan post Covid-19 is essential to reduce the increasing poverty rate as a result of the pandemic. Learning from best practices in other countries is also important, especially in forming policies that include wider social and economic opportunities.

Additionally, the government should be focused on establishing more targeted consultation and co-operation on public health policy, such as the regulations for quarantine, lockdowns or social movement restrictions and other related elements. Consultations on public health policy to narrow the gap in health services among member states, and to better enhance the preparedness for future pandemics, should also be co-ordinated. This must include the poorest communities which will then include the Dalit Malaysian Indian too.

RECOMMENDATIONS AND DIRECTION OF POLICY APPROACH TO ADDRESS DALITS' POVERTY

Recognizing caste discrimination as a deprivation of identity, rights and opportunities must be at the forefront for Malaysia. This paper will shock many Malaysians, including the Malaysian Indian community, that this problem of caste discriminations still exists and it was a recent experience of marginalization and still fresh in the minds and psyche of the Dalit community today, that is still flesh in the minds and psyche, for many today.

The time has come for There is an urgent need for open discussions on this historical legacy of caste discrimination that trails the community from its migration movement from Indian centuries ago into Malaysia. Activists and academics must advocate sound the alarm bell publicly for this vulnerable community that continues to suffer this vulnerable community that continues to suffer the legacy of descent and work-based discrimination. Keeping silent is not an option anymore. This should prompt the government to recognize this problem and address it systematically.

Dalits in Malaysia are being pushed to become part of the nation's underclass. State measures to improve socio-economically disadvantaged groups cannot be generalized, without specifically addressing the structural causes of this systematic marginalization affecting the Malaysian Dalit community.

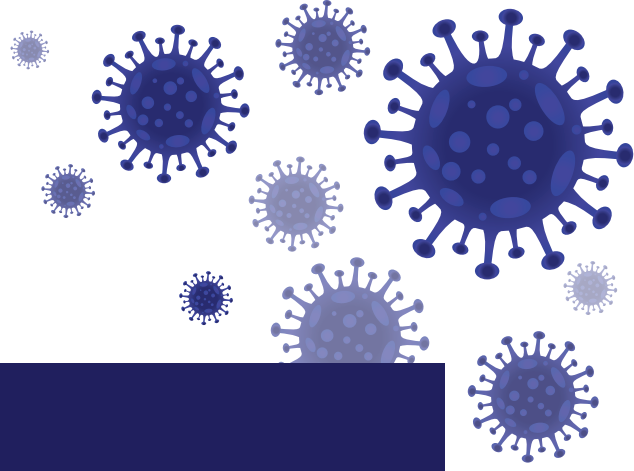
The Malaysian government has a wide range of poverty-targeted programmes but none takes into account the minority within the minority. The issues of the Dalits can be most meaningfully addressed by a targeted approach, like that is being done for the Indigenous Peoples Orang Asli community, where a comprehensive program that combines poverty eradication and employment policies with social welfare policies.

The various 5-year Malaysian Development Plans were conceived with carefully designed poverty eradication programmes that were ethnically categorised. An appropriate prescription is for the State to cater affirmative action measures and services to the Dalits who are other-

wise incapable of actively participating with the government intervention strategies. The Dalits who start their lives at a disadvantage rarely benefit significantly from equality of opportunity, unless they are distinctly superior in skills or have upward mobility techniques; they can never catch up with the more fortunate. Unfortunately, most disadvantaged people never even get access to the supposedly equal opportunity provisions that exist. Equality of opportunity ignores the many invisible and cumulative hindrances in the way of the disadvantaged Dalits.

Thus, there must be strategic commitments and resource allocations. The implementation agencies are required to be culturally sensitive to understand the specific needs of the Dalit underclass. A straitjacket approach of classifying Dalits' issues as Indians' issues will only exacerbate the poverty among the Dalits.

A human rights-based approach to the development support is crucial so that the community becomes the centre of the program, in an empowering process. The growing number of loose networks and community leaders of the Dalit Community in Malaysia must come together to challenge any form of systematic discrimination that targets the Dalit community. This could be by public education, social campaigning or even legal challenges etc.



CONCLUSION

For the Dalits of Malaysia, the higher castes that had dehumanized them did so because of an imported Indian culture that privileged this community against another. Unfortunately, the struggle of the Dalits to regain its full gamut of dignity and humanity is still ongoing against the residual discriminatory practises of the 19th and 20th century. They were recruited to work as laborers within the colonial economy, a development which denied them opportunities for improved economic status and better social mobility thus creating a framework for post-colonial exclusion. They have yet to be liberated from the discriminations that shadowed their history. The oppression caused by decades of sustained denial of dignity and the most basic of recognitions by the higher castes has empowered some of the lower castes to utilise political means to reclaim their status. These political struggles, while challenging the common narrative of those in power within the Malaysian Indian community, have proven to be insufficient as many Dalits still persist as one of the most impoverished peoples of Malaysia. They continue to suffer psychological abuses and social discrimination. Some has responded by moving into the shadows of society where joining violence criminal gangs, could be seen as a natural survival tactic, in any oppressive system.

The Malaysian government and institutions have yet to have adequate platforms to come to terms with the legacy of past abuses that the Dalits faced in Malaysia. Hence, unless the government intervenes and recognises this invisible caste syndrome, concepts such as social justice and reconciliation will remain hollow to the victims of these discriminations and abuses. Worse still, these victims remain vulnerable to future abuses. The knowledge of this form of caste discrimination is limited to only a small segment of the Malaysian society, mainly amongst the Malaysian Indians. The majority would remain ignorant to this continuous oppression rendered on the Dalits or that they even exist in Malaysia. Human rights for all, including the Dalit community, is guaranteed under the constitution. Legal words on the great national framework rings hollow if the Dalit person's life does not encompass good healthcare, sanitation, living conditions, wages, access to education, opportunity to develop and earn livelihood and other.

This modern world cannot sit idle when the claws of history continue to choke the dignity and rights of a community based on their histories, their descent or their identities.

ANNEX 1

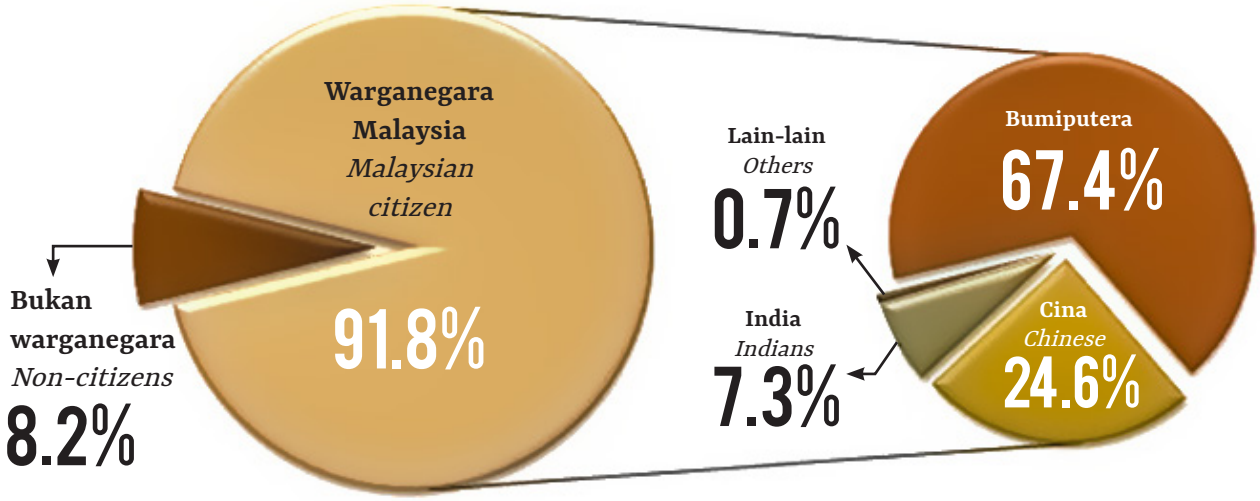
PROPOSED READING MATERIALS ON MALAYSIAN DALITS BY INTERVIEWEES

1. W. Williams, Malaysia and The Ancient World (United Book Company, 1964).
2. Kernial Singh Sandhu, Indians in Malaya: Some Aspects of their Immigration and Settlement (1786- 1957) (CUP, 1969).
3. Charles Gamba, 'Malayan Labour, Merdeka and After' India Quaterly: A Journal of International Affairs Vol 14, Issue 3, 1958.
4. Muzafar Desmond Tate, The Malaysian Indians: History, Problems and Future (Strategic Information and Research Development Centre, 2008).
5. Michael Stenson, Class, Race, Colonialism in West Malaysia: The Indian Case (University of British Columbia Press, 1980).

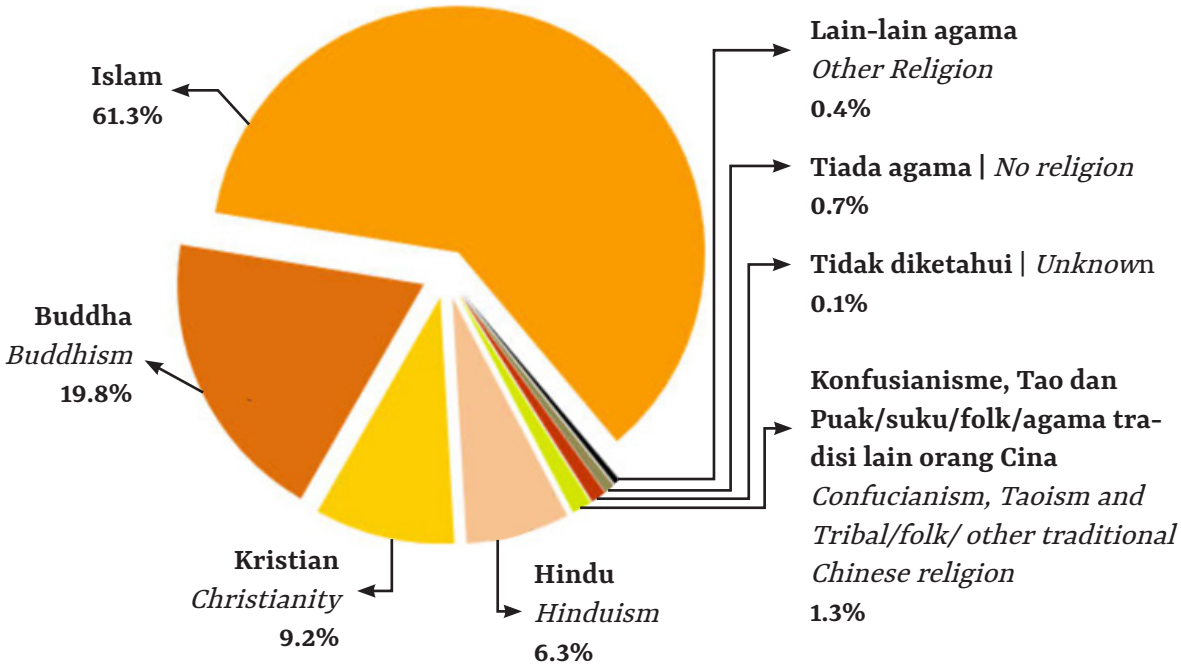
ANNEX 2

MALAYSIAN DEMOGRAPHY AND STATISTICS FROM MALAYSIAN DEPARTMENT OF STATISTICS

Carta 7: Taburan peratus penduduk mengikut kumpulan etnik, Malaysia, 2010
Chart 7: Percentage distribution of the pupulation by ethnic group, Malaysia, 2010



The total population was 28.3 million of which 91.8 per cent were Malaysian citizens and 8.2 per cent were non-citizens. Malaysian citizens consist of the ethnic groups Bumiputera (67.4%), Chinese (24.6%), Indians (7.3%) and Others (0.7%). Among the Malaysian citizens, the Malays was the predominant ethnic group in Peninsular Malaysia which constituted 63.1 per cent. The Ibans constituted 30.3 per cent of the total citizens in Sarawak while Kadazan/Dusun made up 24.5 per cent in Sabah.



Islam was the most widely professed religion in Malaysia with the proportion of 61.3 per cent. As a multi-racial nation, other religions embraced were Buddhism (19.8%), Christianity (9.2%) and Hinduism (6.3%).

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