

THE ROLE OF INDIANS IN THE MALAYSIAN CONSTITUTIONAL STRUGGLE, 1946-1948: A REASSESSMENT *

K. Anbalakan
School of Humanities
Universiti Sains Malaysia
Penang, Malaysia

This paper argues that the contribution of the Indian community in the Malaysian constitutional struggle of 1946-48 has not only remained unrecognised but has also been misinterpreted in modern historical writings. Authors writing on this period failed to consult all sources available and have simply repeated unsubstantiated generalisations about local Indians current during the period. This paper adduces evidence to reject the argument that the lack of Indian involvement in the Malaysian constitutional struggle was because they viewed themselves as a transient community in the country and were more preoccupied with the politics in India. More importantly, it is shown that the local Indian community, through the Malaysian Indian Congress, took an active lead in opposing both the Malayan Union proposals and the subsequent Federation agreement. The opposition was not grounded on parochial community concerns, but on the belief that these proposals held no promise for an immediate, independent and democratic Malaya (Malaysia).

Rencana ini berhujah bahawa bukan sahaja sumbangan masyarakat India dalam pergerakan perlembagaan Malaysia di antara 1946 dan 1948 tidak diberikan pengiktirafan yang wajar dalam karya-karya sejarah Malaysia moden bahkan peranan yang dimainkan oleh mereka juga telah diberikan tafsiran yang salah. Para sarjana yang menulis tentang tempoh ini gagal untuk memberi perhatian serius kepada sumber-sumber berkaitan yang wujud. Sebaliknya, mereka telah memilih untuk mengulangi generalisasi yang tidak berasas tentang masyarakat India yang telah direkakan pada waktu itu. Rencana ini mencabar generalisasi seperti itu. Misalnya, ia monolak dakwaan bahawa masyarakat India waktu itu tidak menunjukkan minat dalam pergerakan perlembagaan Malaysia kerana mereka telah menganggap diri mereka sebagai komuniti sementara di negara ini, dan terlalu sangat tertarik kepada pergolakan politik di negara India. Sebaliknya, ia berhujah bahawa masyarakat India, melalui Malayan Indian Congress, telah terlibat secara aktif dalam pergerakan menentang Rancangan Malayan Union, dan kemudian Perjanjian Persekutuan Tanah Melayu. Penentangan ini, mendakwa rencana

* I wish to thank an anonymous referee and the editor of this journal for useful comments on an earlier draft.

ini, tidak terdorong oleh ciri-ciri perkauman yang sempit malahan adalah kerana dasar-dasar perlembagaan itu tidak menjamin kemerdekaan dan demokrasi bagi Malaya (Malaysia).

INTRODUCTION

The Indian community in Malaysia, constituting a ten-per cent minority, has been socially, culturally and even politically active at least since the 1930s. They had dominated many of the services in the government sector. For instance, in 1947 they formed 31 per cent of those employed in public administration and defence. A decade later, they still occupied some 21 per cent of jobs in the government services (Means, 1970: 41). That aside, they also had more or less monopolised the legal profession. And, in consequence, had played the principle role as advocates of progressive ideas since before the Second World War (Khoo, 1992: 3). Despite this, their contributions during the constitutional struggle of the nation has either suffered relative neglect, or misinterpretation, in historical works documenting that period. The role of the local Indian community has either been marginalised, or has been interpreted inaccurately, based on prevailing generalisations that put the community in bad light. An unsuspecting reader of these works is led to believe that Indians had never considered themselves as belonging to this country and therefore chose not to play any meaningful role in the history of the nation.

This article analyses the treatment given to the Indian community in some of the better known works on the Malaysian constitutional process, particularly those dealing with the Malayan Union controversy and the anti-Federation campaign. The discussion will focus primarily on the inaccurate portrayals of the community, which have become accepted as truths and are being continuously repeated in historical writings. It will be shown that these portrayals are, in fact, unsubstantiated generalisations and misrepresentations made of the community. It will be demonstrated that the Indians had played a more active role in shaping the politics of the nation than what they have been given credit for. The argument, of course, is not that nothing of the history of the Indians in Malaysia has been written so far. Rather, the point is that not enough attention and care has been exercised in documenting the role played by this minority group in the history of the nation.

THE MYTH OF A TRANSIENT COMMUNITY

Modern history writing in Malaysia is quite a recent phenomenon. It began to take shape only since the 1940s, especially after the Second World War. Prior to

that, the profession remained the sole monopoly of a handful of colonial scholar-administrators to whom history was nothing but the 'great deeds of great people' in which the 'small people' had no place. What mattered most to them were the activities of the colonial masters. The aspirations and sensitivities of the subject people had never been of any concern to them. It was only after the foundation of the University of Malaya in 1949, and the subsequent establishment of a department of history, that academics began to interest themselves in history writing in Malaysia. However, even then the focus and emphasis were still on colonial masters and their activities. Malaysian historiography had to wait for yet another decade before the real change came. It was at the end of the fifties and in beginning of the sixties that some serious steps were taken to decolonise history writing. Though colonialism still remained the starting point for most of these studies, the emphasis was no longer confined to the heroic deeds of the colonial masters but had shifted to the reactions and responses of the subject people as well.

Thereafter the scope of Malaysian history began to widen. Aspects of the social, political and economic life of the ordinary people of Malaysia came to dominate the minds of scholars writing on Malaysia. This trend gained momentum in the seventies and eighties following the establishment of more local universities. A number of well researched works, particularly by academics and students of history, were published. Many of these scholars have interested themselves in the political and constitutional developments that had occurred in the country, especially since the end of the Second World War. The history of Peninsular Malaysia, from the introduction of Malayan Union to the achievement of independence, became the main theme of these works. The reason is obvious: not only was this period the most eventful in Malaysian constitutional history, but was also crucial in moulding present day Malaysian society. The opposition of the Malay community to the Malayan Union scheme, the formation of a political party to represent their interests (the United Malays National Organisation or UMNO), and its struggle to defend the Malay special rights have all been very well documented in these works. Sophe's *From Malayan Union to Singapore Separation: Political Unification in the Malaysia Region, 1945-65*, published in 1974, is one such well-known specialized work.

Sophe has analysed the political and constitutional developments of Malaysia between 1945 and 1965. He focuses his study on some of the major developments of that period like the Malayan Union proposal, the Federation Agreement, and the campaign against this Agreement. He endeavours to analyse the "determinants of resultant success or failure" for each of these major developments. Surprisingly, nowhere in his discussion has he made any specific mention of the Indians or the role played by them during this period. Instead, he misrepresents the aspirations of the Indians with some

unsubstantiated remarks. Sopheer conveys the impression that Indians did not contribute significantly to the success or failure of any of these major developments! But the fact remains that the period that concerned Sopheer was the most crucial period in the lives of the Indians in Malaysia. Many events that shaped their destiny in this country occurred during this time. The Indian participation in Malaysian politics, too, was therefore the most active and aggressive during this period. All this appear to have missed Sopheer who was content to give the community nothing more than a peripheral treatment in his study.

In his chapter on the Malayan Union proposal and the subsequent turmoil that ensued, he totally marginalized the role played by the Indians. In the following chapter, on the Formation of the Federation of Malaysia, mention of the role played by Indians is conspicuously missing. But he does make some passing statements. For instance, at one point he quotes Gent, Governor of the Malayan Union, as saying, "...as for the non-Malays,¹ they cared not whether there was a union or Federation," and moves on, as though this opinion did not warrant any further explanation or examination on his part (Sopheer, 1974:33). Similarly, when elaborating on the non-Malay opposition to the Federation Agreement (Sopheer, 1974:38-55), neither the role of the Indians nor their political party, the Malayan Indian Congress (MIC), was given sufficient consideration. Worse still, he chose to trivialize the commitment exhibited by the MIC to make the anti-Federation campaign a success by suggesting, "... the MIC, however, apparently put in much less effort" (Sopheer, 1974:51). And he caps this by dutifully reminding the readers that "... it should not be forgotten that a great many non-Malays regarded China or India as their home, not Malaya. Thus, what happened in their *temporary home* was not regarded as being that important. The prospect of a new China in the east and a new India in the west, of course strengthened these attitudes and orientations" (Sopheer, 1974:49; emphasis added). The implication is that the Indians did not show any interest in the politics of the nation during the Malayan Union controversy because they were only temporary lodgers in this country. Sopheer, of course, offers no substantiation for this view.

The truth was the very opposite, however. By this time a large number of Indians had already begun to consider Malaya as their home. It may be noted that the number of local born and permanently domiciled Indians in this country was on the increase right from the second decade of the twentieth century. In 1921, for instance, about 12.4 per cent of the Indians was local born. Ten years later, the proportion had increased to 21.1 per cent. And by this time, about a quarter million others had settled permanently in the country (Stenson, 1980:

¹ Meaning the Indian and the Chinese communities in then Malaya.

36). In 1947, local born Indians constituted about 49.8 percent of the total Indian population, while the permanently domiciled accounted for another 25.5 per cent (Ratnam 1965: 74). Most of these people had lost contact with India and had no reason to return to India. It may also be noted that these people had refused offers of free passage to India by the Malayan government during the depression years (Stenson, 1980: 6). Thus, to say that the majority of the Indians had regarded Malaya as their *temporary home* at the time of the Malayan Union scheme is an unfortunate misrepresentation of fact.

The so-called transient character of the community was a creation of the British administrators. The British had brought the Indians into this country with the intention of sending them back once they were not required here anymore. Thus, naturally, they had considered the Indian stay in this country as temporary. Besides, as Lim (1984:47) puts it, it was also politically and economically expedient for the British to maintain the Indians as a transient community. With this in mind, the British had cautiously avoided granting the Indians any rights that might make them feel that they belonged to this land. To illustrate, the request of the community leaders for the establishment of permanent land settlements for the Indians was not considered sympathetically. Even proposals made by the Planter's Association and British officials were turned down by the government.² While there could be many reasons for the government's position on this, what cannot be denied is that the British government was reluctant to create a permanently settled Indian community in this country. The Indians were also refused entry into the Malayan administrative services. In 1931, when S.N. Veerasamy, the Indian representative, raised this matter in the Federal Council, he was reminded that the Indians, by virtue of being foreigners, were not eligible for posts in those services (Aiyer, 1938:143). Besides, the community was also refused representation in the State Councils.³

The Indian leaders made repeated pleas to the Malayan government asking for a place in the various State Councils.⁴ The government turned them down saying

² See Lim (1984: 47) for a list of proposals made and the government's position on them.

³ The Perak and Selangor State Councils were set up in 1887. Those for Negeri Sembilan and Pahang in 1889. In 1877, 3 Malays and 2 Chinese were appointed to the Perak Council. This was increased to 7 Malays and 3 Chinese in 1895. There were 4 Malays and 2 Chinese in the Selangor Council, in 1877. See Roff (1967: 17).

⁴ The first of such representations was made in 1923 to L.N. Guillemard, the High Commissioner of the FMS, by the Selangor Indian Association. *Indian Pioneer*, 24 June 1930.

that the Indians did not merit representation. The reason given was that they did not contribute directly to the economy of the country by way of owning tin mines or rubber estates in Malaya (Aiyer, 1938: 93-94). Ironically, the British had forgotten the contribution of thousands of Indians toiling in the rubber estates to keep the Malayan economy afloat and British coffers full.

However, when the Indians persisted in their demand, a couple of Sri Lankan Tamils were appointed. When the Indian elite protested against this, Hugh Clifford, the High Commissioner, told them that the right to decide who should represent the Indians was the prerogative of the government. The elite was further enlightened by Clifford that for purposes of administrative simplicity the Sri Lankan Tamils were treated as Indians (Aiyer, 1938:93-94).

This attitude of the British against the Indians continued through the forties and fifties. When the Communities Liaison Committee was set up, in 1949, no Indian was appointed to it. Again, the honour was given to an anglophile Sri Lankan Tamil. This was done despite the fact that by this time the Indians were very much an organised group. They even had a political party, the Malayan Indian Congress (MIC), to fight for their interests. Although there was an outcry from the Indian community, it was to no avail. Two years later, when the Member System was introduced, the Indians found themselves without a representative in that Cabinet. Of the 5 people appointed, there were three Malays, one Chinese and a Sri Lankan Tamil. This again sparked widespread protests from the Indian community but no concessions were forthcoming. And when the Cabinet was enlarged in 1953, the Indians were again denied a place in it.

The British meticulously tried to keep the Indians as a transient community by actively discouraging their involvement in local politics. Those harbouring political ideas were deported to India. The community's political party, the MIC was ignored, even when it came to matters pertaining to the future of the community. It was an extension of an attitude that prevailed even prior to the Second World War. At that time, the Central Indian Association of Malaya (CIAM), which strove to represent the Indian interests, was not accorded recognition at all. In short, the British did everything to keep the Indians as a transitory community for the sake of their own economic benefit. Unfortunately, this 'transient community' myth created by the British has not been questioned at all by subsequent local scholars like Sopiee. Instead, it has been accepted and given further life by repetition, giving rise to a misinterpretation of the aspirations of the Indian community in the country.

OVEREMPHASIS ON THE INFLUENCE OF INDIAN NATIONALISM

Fortunately, there are some scholars who have recognised that the Indians had played some role in shaping the history of the nation. Means, for instance, asserts that modern Malaysian history is incomplete without the inclusion of the stories of the various races who had lived, and are still living, in this country. He points out that "since the end of the War the central issues of Malayan politics have been those of communal character" (1970:12). And, he takes pains to introduce the Indian community to his readers by narrating, albeit in brief, an account of their general character and structure as a minority community in Malaysia. Stenson published an elaborate study on the Indians in Malaya. Writing in 1980, he argues that works thus far on the Indians had mainly emphasised their cultural features, and in so doing, had failed to explain well the Indian position in this country. He has attempted to rectify this weakness by studying the history of the Indians in the wider context of Peninsular Malaysia's political economy. Rajeswary (1981) has analysed the political evolution of the Indian community as a whole for the period between 1945-57. She has provided a detailed history of the Indians in Malaysian politics. Her work analyses the role of the Indians in the context of wider political changes that occurred as Malaysia moved from the Japanese occupation period to eventual independence. The community's endeavour to cooperate and collaborate with the other races in the struggle to establish a free and democratic nation is well documented by the author. Perhaps, this is the most comprehensive work that has been written to date on Indian political participation in Malaysia.

However, these authors too have not completely freed themselves from making generalised and unsubstantiated statements about the Indian community. For instance, Means (1970: 38) opines, without offering support, that "before the Second World War most of the Indians in Malaya still considered India to be their home and were largely unconcerned about politics in Malaya, except as related to India." He further adds that the Indian community's attention was fixed upon "the Indian nationalist movement in its political struggle with the British over the issues of national independence." Rajeswary (1981:2) adds credence to this when she asserts that "the Indian community in Malaya in the interwar years was politically quiescent, and the relatively few occasions when it was aroused to political action were usually in response to initiatives from India rather than to events in Malaya." She attempts to support this by suggesting that all that the local Indians did during this period was to get involved in the Gadhri Movement and the Khilafat Movement.⁵ In addition,

⁵ Before delving deeper into the examination of this contention, it is well to understand here that both of these movements are not at all good examples to gauge the political involvement of local Indians in the interwar period.

when writing about the Indian community's response to the Malayan Union scheme, Rajeswary (1981: 79) suggests that the community did not show much interest because it was too engrossed in the political developments in India. The Indian community's failure to grab the liberal citizenship offered under the Malayan Union scheme was interpreted in similar vein. For example, Stenson (1980: 114) 'explains' this apparent indifference to local citizenship by noting that at a time when India was becoming a major Asian power the Indians could not see the point of acquiring Malayan Union citizenship.

There are two premises here. The first suggests that during the period before the Second World War the Indian community was 'politically quiescent' or 'largely unconcerned' about politics in Malaya, except when it was related to India. The second implies that it was the disproportionate preoccupation of local Indians over Indian nationalism in the subcontinent that had distracted them from responding positively to the Malayan Union controversy and the acquisition of Malayan citizenship. The two premises are not unrelated. Both give an unwarranted overemphasis to the influence of Indian nationalism on the political life of local Indians.

Contrary to the assertion by Means and Rajeswary, it can be shown from the existing evidence that the Indians had, indeed, shown ample concern over the developments in Malaya, and were largely unmoved by the national struggle in India. The Indians had actually been active in local politics since the beginning of the last century. In fact, they were among the first to form socio-political associations in an attempt to safeguard their interest in this country. As Khoo (1992: 4) reveals, the Indians had taken initiatives to form an Indian Association as early as 1892 itself.

Thereafter the trend continued, and culminated in the formation of the Central Indian Association of Malaya (CIAM) in 1936.⁶ These organisations were

They were rather insignificant events to the majority of the local Indians and had attracted very scant attention from them. The Gadhri Movement was of interest mainly to the north Indians, while the Khilafat Movement involved only the Muslims. Both groups are minute minorities within the Indian community.

⁶ CIAM was actually the culmination of more than a decade's struggle of the various local Indian organisations to form a national body to represent the Indians in the country. Contrary to this, Ratnam (1965: 16) writes that the body was formed in 1937, following the visit of Nehru to Malaya. It is well to remember here that CIAM was formed in 1936, a year before Nehru visited Malaya. Indeed, it was CIAM that invited Nehru to visit Malaya following

political in nature. These two organisations were concerned primarily with local affairs and not at all with Indian politics. This held true even for the interwar period that Rajeswary referred to. This period saw the beginning of political turmoil in India. Gandhi came to the fore of Indian politics in the 1920s. Almost all his mass movements against the British were organised during this period. Yet, none of the local Indian organisations had come out in open support for Gandhi or his movement. No evidence whatsoever exists to show that local Indians had organised similar movements in Malaya against the British, in support of what was happening in India.

Instead, local Indian leaders had busied themselves in finding ways to solve the multitude of problems the community was facing at that time in Malaya. They organised a series of national conferences, in the late twenties and early thirties, for this purpose. It was only a coincidence that these conferences were organised at a time when the Indian nationalist movement was at its peak. A perusal of press reports on these conferences shows, conclusively, that none of the political developments in India at that time had engaged the attention of the organisers of these conferences. Several resolutions, all pertaining to the interests of the local Indians, were passed at these conferences and brought to the attention of the authorities concerned for consideration.⁷

The political stand of the Indians in the mid-forties was not much different. It is true that some of the Indian community leaders of that time had maintained a close rapport with the Indian nationalists of the Indian National Congress (INC). A few of them were also in the habit of making regular visits to India to meet these leaders. Yet, this cannot be construed as indulging in Indian politics. Their visits were no more than to seek advice and assistance from the more experienced Indian nationalists. The political turmoil in India had actually inspired the Malayan Indians to get involved in local politics. Their notions of democratic institutions, self-government and the like were all borrowed from the Indian nationalists. However, they had used them strictly to mobilise

the controversy caused by the Srinivasa Shastri Report on Indians in Malaya. Without checking the validity of Ratnam's claim, Arasaratnam (1970: 98), writing five years later, commits the same factual inaccuracy.

⁷ The first of these conferences was held at Kuala Lumpur, in 1927. A year later, the second one was held in Ipoh. Two more were organised in the following years. The economic depression of the thirties, however, had brought this trend to a halt. Some of the issues taken up for consideration in these conferences were: exploitation of estate labourers, permanent land settlements for the Indians, the deplorable condition of estate Tamil schools, and representation for Indians in the various State Councils. See *Indian Pioneer*, 22 March; 23 & 30 August 1929; 24 January 1930.

support for their freedom struggle here and not at all for Indian independence. Thus, there is no evidence to suggest that local Indians had involved themselves in Indian politics either directly or indirectly. There was no role, or even scope, for Malayan Indians in Indian politics. The Indian nationalists too did not expect help or support from the Malayan Indians in their struggle for India's freedom. It had always been the other way round. Hence, the argument that their preoccupation with the politics in India had diverted the attention of the Malayan Indians from the brewing Malayan Union controversy is simply untenable. That a few members of the local Indian elite had kept themselves abreast with the political developments in India, is not enough to conclude that the community as a whole was preoccupied with this to the extent of neglecting their future in this country.

Similarly, the local Indian community's stand on Malayan Union citizenship had nothing to do with the prospect of India becoming an Independent nation. To suggest so is a gross misinterpretation of the stand taken by the local Indian elite on this question. It has to be remembered that the Indian elite had already clamoured for Malayan citizenship in the early thirties. Several meetings and conferences were held by the Indian Associations and a number of memoranda were sent to the government appealing that the Malayan born and other permanently domiciled Indians be granted citizenship and equal rights. It will be recalled that when the Indian representative in the Federal Council brought the matter up in 1931, the British had brushed it off as without merit (Aiyer, 1938:8).

The Malayan Union scheme granted this very right - citizenship with equal rights. The acquisition of it was also made so easy that a good majority of them stood to gain by that. As Ratnam (1965:74) noted, about 75 percent of the Indians in Malaya were eligible to become citizens under this provision. Nevertheless, the Indians did not rush to grab this opportunity. Why? It is too simplistic to suggest, as Stenson did, that this was because the Indians had harboured notions of going back to an independent India. It has already been explained that by this time some 75 per cent of Indians were either local born or had become permanently domiciled and had lost contact with India. What prospects could these people have hoped from India, even if it became an independent nation? And why was there no exodus of local Indians to India after it gained independence in August 1947? Clearly, to explain the local Indian elite's stand on Malayan citizenship, we need to analyse critically the role they played in the constitutional struggle of the nation from the time the Malayan Union scheme was introduced.

THE INDIAN RESPONSE TO THE CONSTITUTIONAL STRUGGLE

News about the Malayan Union scheme began appearing in the Tamil press as early as October 1945. This cannot be considered as a late response since even the Malay press started publishing this news just around this time.⁸ *Tamil Murasu* was among the first to carry the news of the Malayan Union proposal in its October 27 issue. *Tamil Nesan* and *Jananayagam* soon joined the fray. The initial coverage was rather vague. However, by the first quarter of 1946 more detailed news, feature articles and even editorials began to appear. Unfortunately, these papers did not analyse the scheme to see how the Indian community stood to gain from it nor did they give credit to the British for proposing liberal citizenship rights to the Indians. Instead, they were highly critical of the Malayan Union Constitution for the lack of democratic principles in it. The nominated legislatures, absence of any assurance for elections and, more especially, the separation of Singapore were criticised as calculated attempts by the British authorities to prolong imperialism in Malaya. Claiming that the constitution had no promises of self-government that would lead Malaya to eventual independence, these Tamil dailies called on the local Indian community to reject the Malayan Union scheme.⁹

The role of the Tamil press has not been acknowledged by many scholars who were, instead, more concerned about the response from the Indian elite which was indeed missing during this initial period. But this silence had nothing to do with what was happening in India. It was the happenings in Malaya that accounted for it. Actually, there were no able leaders in the community at this crucial time to organise the Indian opinion towards the Malayan Union proposals. Almost all leaders who were active during and before the War had been arrested and imprisoned by the returning British authorities for suspected collaboration with the 'enemy' during the Japanese occupation of Malaya. They were released only in the early months of 1946, after the intervention of Nehru, and some protracted efforts on the part of Chettur, the Representative of the Government of India in Malaya, and the Indian legal team.¹⁰ However, even after their release these leaders remained discredited as fascist collaborators. Only after the first quarter of 1946, consequent to the Nehru's Malayan visit, were they vindicated of these abuses and gained the confidence to participate

⁸ See Rajeswary (1981: 81) for details of news that appeared in *Utusan Melayu* at this time.

⁹ See in particular *Tamil Nesan* (8 & 27 April 1946 & 7 May 1946), *Tamil Murasu* (2 April 1946), *Jananayagam* (22 & 24 January 1946, 6 February 1946, 6, 26 & 30 March 1946 & 11 June 1946).

¹⁰ See Chettur (1948: chps 5 & 7) for an elaboration on this.

again in local politics.¹¹ And almost immediately, the Indian response began to shape up.

Not surprisingly, the Indian elite too opposed the Malayan Union scheme on the same grounds as the Tamil press. They rejected the scheme claiming that it was imposed on the people without prior consultations. John Thivy, a well-known leader during the occupation period, for instance, went on a whirlwind tour of the country to educate the Indians on this stand. He visited all the states from Perlis to Singapore to explain the weaknesses of the Malayan Union scheme and mobilise the community's support against it (*Jananayakam*, 14 & 23 May 1946). This effort culminated in the formation of the Malayan Indian Congress in August 1946.¹² Thereafter the Indian community's participation in Malayan politics became much more organised.

The decision by the MIC to oppose the Malayan Union scheme is not surprising. The reason behind this was the political tutoring its leaders, especially Thivy, had received from the Indian nationalists.¹³ Nehru, for instance, during his visit in March 1946, had repeatedly told the local Indians that it was their responsibility to help Malaya gain her Independence. He also warned the Indians not to do anything that might jeopardise the constitutional process in Malaya and asked them to work closely with the Malays and other races in their freedom struggle. The local Indian leaders seem to have taken Nehru's advice literally, and were convinced that it was their duty to lead the

¹¹ During his visit in March 1946, Nehru had justified the involvement of the local Indian community in the Indian Independence League and its military arm, the Indian National Army, as a struggle against imperialism in Asia and not specifically in support of Indian independence. He urged the people to view local Indians who were involved as freedom fighters and not as fascist collaborators. See speeches of Nehru in *Jananayakam* 26 March & 20 April 1946.

¹² It may be remembered that the United Malays National Organisation (UMNO) was formed just a few months – May 1946 – before MIC was formed. Both the MIC and UMNO announced opposing the Malayan Union scheme as their main immediate objective, and worked hard for it. Interestingly, the prominence given to the UMNO was never accorded to the MIC.

¹³ The Indian nationalists of the Indian National Congress had rejected all the constitutions that had been introduced in India by the British authorities since 1909. The reason was that these constitutions did not promise self-government for India. Although elections for the assemblies were introduced on a gradual basis, beginning from 1909, these nationalists refused to participate in it until 1935.

freedom struggle in this country. In line with this, the MIC expressed its full support for the stand taken by the UMNO to oppose the Malayan Union. Furthermore, in order to win the confidence of the Malays it even declared openly that the Indians would never appeal over the heads of the Malays for any special rights from the British. At the same time, the MIC also cautioned the Indians not to indulge in any action that would jeopardise the aspirations of the Malays.¹⁴

Despite these overtures the UMNO was reluctant to work with the MIC. It did not reciprocate the offer made by the MIC to work together. Instead, it opted to negotiate unilaterally and secretly with the British on the constitutional question. When news of the secret negotiation between the British authorities and UMNO leaders leaked out the MIC was greatly disappointed. Thivy was visibly disturbed at the attitude of the UMNO leaders which had shattered his dream of organising a movement for the eventual establishment of a democratic independent nation where the Malays, Indians and Chinese could live in harmony. He lamented that the action of the UMNO leaders was based on "narrow Malay racialism that was cold and reactionary" (*Thivy Papers*, 1945).

The decision of the UMNO to engage in secret talks with the British opened a new era in the history of the MIC's role in the Malayan constitutional process. It gave up its conciliatory attitude towards UMNO after that. It is unclear what Thivy's earlier view of UMNO was; he probably viewed it as a nationalist organisation akin to the Indian National Congress, with dreams of freeing Malaya from the clutches of the imperialist. His overtures to cooperate with UMNO were possibly made on that assumption. He misconstrued the Malay opposition to Malayan Union as a freedom movement launched by the community against the British. However, by its action the UMNO had made it clear that it was not immediately interested in the independence of the nation but was content to be under the British tutelage as long as Malay interests were protected from the non-Malays. It became obvious to Thivy that UMNO's struggle all the while had not been against the British but rather against the non-Malays, including the Indians. This attitude of the UMNO leaders was a bitter pill to swallow for Thivy. He criticised the UMNO as "withdrawing itself into its own shell and avoiding any instance to come forward in the sureness of its inner strength to hold the hands of friendship and co-operation with other progressive parties which are fighting for the freedom of this country from the imperialist" (*Thivy Papers*, 1945). Soon after this, the MIC took a more radical stand on the constitutional question. It began to organise opposition against the British proposal to implement the Federal Constitution, which was the outcome

¹⁴ See the speech by the President of MIC, John Thivy, at the First Annual Session of the MIC in *Balakrishnan Papers*.

of the secret negotiations they had with the UMNO leaders and the Malay rulers on the Federation Agreement proposal.

It is interesting to note that even this stance of the MIC has not been accurately presented by some scholars. Means (1970: 109), for instance, writes that "the Indians in Malaya, like the Chinese, favoured the Malayan Union over the Federation Agreement, but did little to give the former active public support. Only after Malay political action had forced the abandonment of the Malayan Union did the Indians begin to agitate for its retention...." It should be clear from the previous discussion that local Indians had at no time clamoured for the retention of the Malayan Union scheme. They, in fact, welcomed the abandonment of that scheme. To suggest that their opposition to the Federation Agreement was inspired by their pro-Malayan Union sentiments is absolutely without basis. Local Indians had opposed the Malayan Union because there was no promise of self-rule in it and had urged the British to rectify this. They were therefore anxious to see that the new Constitution under the Federation Agreement would address this lack by immediately setting in place democratic institutions that would pave the way for popular rule. However, they were greatly disappointed when the Federal Constitution did not meet their expectations. Based on this, they decided to oppose the Federation Agreement as well (*Indian Daily Mail*, 11 July 1947).

The Federation Agreement was not very different from the Malayan Union scheme as far as democratic principles were concerned. There was no improvement on those clauses relating to elected legislatures and self-government. Only clauses pertaining to the special position of the Malays had been redone and strengthened, while the liberal concessions towards the non-Malays had been watered down. The acquisition of citizenship for the non-Malays became more restrictive and required a longer period of residence, documentary proof of birth and language proficiency either in English or Malay. Naturally, the MIC ranked among the most vociferous opponents of the new constitution. But it must be emphasised that their opposition was not because of special rights for Malays, or the difficulties imposed upon the non-Malays in acquiring the citizenship. Rather, the MIC opposed it on the grounds that there was nothing in the proposals to prepare the nation towards independence in the near future. It condemned the constitution as undemocratic, unrepresentative of the people and retrograde. And it joined other like-minded people in mobilising the masses against the British plan to implement it.¹⁵ And, in contrast to how it opposed the Malayan Union, the MIC organised public

¹⁵ See 'The History of the Congress Association in the Constitutional Issue' in *Thivy Papers, 1938 - 1948*.

rallies and mass meetings to educate the masses on the constitutional controversy.

The MIC's role in the anti-Federation campaign was quite substantial. However, this too has missed the attention of many historians. Yeo (1973), who analysed this episode in depth, failed to give sufficient emphasis to the role of the MIC or the local Indian community. However, this lapse is most evident in Sopiee's work. As was noted earlier, he had suggested that the lack of commitment from the MIC was among the reasons for the anti-Federation campaign's failure. Paradoxically, the very idea to form a Council of Joint Action, which culminated in the formation of the All-Malayan Council of Joint Action (AMCJA)¹⁶, was first mooted by the MIC. As early as in November 1946, Thivy called upon all the progressive elements in Malaya to join hands in sponsoring an all-Malayan inter-communal conference to discuss ways and means of asserting the voice of the people on the future constitution of Malaya (*Jananayakam*, 16 & 18 November 1946). On 19 November, resolutions to the effect that the MIC should take the leadership in organising the inter-communal conference were passed at the meeting of the MIC branch chairmen.¹⁷ Following this public rallies were organised by the Selangor branch of the MIC to register the Indian opposition to the Federation Constitution and mobilise support for the anti-Federation campaign (*Jananayakam*, 12, 18, 19 & 20 December 1946).

The two main demands of the AMCJA – that Singapore should not be separated from the Federation of Malaya and that the establishment of a responsible government through a fully elected legislature – were identical to those proposed by the MIC from the beginning. Thus the MIC had no difficulty in cooperating with the AMCJA. In fact, it gave its unflinching support to its struggle against the Federal Constitution. This is not to deny that there were some minor problems initially. For instance, since Thivy was the one who initiated the idea of a council of joint action the MIC had hoped that he would

¹⁶ The Council of Joint Action (CJA) was inaugurated on 14 December 1946. Eight political and non-political organisations, including the Malayan Indian Congress (MIC), the Malay Nationalist Party (MNP) and the Malayan Democratic Union (MDU), became members of it. A week later, on 22 December 1946, the CJA was expanded into a larger coalition with the inclusion of the Pan Malayan Federation of Trade Unions. It was then called the Pan Malayan Council of Joint Action (PMCJA). Later, following objections from the MNP, the name was changed to All Malayan Council of Joint Action (AMCJA).

¹⁷ See the Annual Report of the Congress for the year 1946-47 in *Indian Daily Mail*, 10 June 1947.

be chosen as the chairman of the coalition. However, some members of the coalition saw it as inexpedient to have a member of an 'insignificant minority community'¹⁸ at the helm of the opposition front. Thus, Tan Cheng Lock, leader of the Chinese community, was given the honour to lead the coalition. The MIC felt slighted by this turn of events. In fact, a minor storm brewed within the party over this 'non-recognition' of the competence of its leader to lead the coalition.¹⁹ Nevertheless, the MIC did not make any hasty decision to walk-out of the coalition or withhold its cooperation.²⁰ It continued to be loyal to the AMCJA. Its representatives participated very actively in the meetings of the coalition so much so John Eber of the Malayan Democratic Union had to request Tan Cheng Lock to silence "the Indian Congress speakers" (*Tan Cheng Lock Papers*).

Despite this the MIC continued to play its role to make the anti-Federation campaign a success. When decision was made to draft alternative proposals to the Federal Constitution, which culminated in the formulation of the People's Constitution, it designed and put forward its own set of proposals which outlined, among other things, the formation of a democratic free nation, inclusive of Singapore, with equal citizenship rights to all those who had accepted Malaya as their permanent home and the object of their undivided loyalty. It recommended a House of Representatives with 117 members. The seats were to be allocated in the ratio of 48 for the Malays, 32 for the Chinese and 12 for the Indians with the remainder to be distributed among the Europeans, Eurasians, Ceylonese, Arabs and others. It also suggested the establishment of a Council of Races with power to scrutinize all legislation to prevent racial discrimination.²¹ And, when the government refused to consider the proposals of the People's Constitution, MIC joined others in the AMCJA to

¹⁸ John Eber of the Malayan Democratic Union, in particular, was of this opinion. In one of his letter to Tan Cheng Lock he had written that "the political weight of the Indian community is not of basic importance to us whereas the Chinese community is." See John Eber to Tan Cheng Lock, 31 December 1946, in *Tan Cheng Lock Papers*.

¹⁹ See 'Statement by Mr. Thivy on the Malayan Indian Congress' in *Thivy Papers, 1938 - 1948*.

²⁰ It may be noted here that the Malay Nationalist Party, which had also eyed the leadership, quit the coalition immediately when it did not get it. There were also other reasons for the MNP's decision. See Khong (1984: 110 - 111) for an elaboration.

²¹ See 'Amended Proposals by the MIC to the Draft of the New Constitution for Malaya Drawn Up by the Representatives of the PUTERA and the PMCJA' in *Tan Cheng Lock Papers*.

launch the *hartal*²² to pressure the government into accepting their proposals. It is not possible to gauge accurately the support rendered by the Indian community to the *hartal*. However, according to the 3rd Delegates Conference of the AMCJA, some ninety per cent of the community supported it (*Tan Cheng Lock Papers*).²³

Despite all these efforts, the anti-Federation campaign, which represented the first ever instance of active and loyal cooperation of the three major races in the freedom struggle of the country, failed. However, the MIC was in no way to be blamed for this. As has been shown above, contrary to what Sopiee asserts, the MIC had played the role expected of it with full devotion and commitment. This is further attested to by the MIC's later claim that "at no time did the Congress ever tarnish her annals by withholding its cooperation from the AMCJA during its existence" (Stenson, 1980: 155-156). Actually, the main reason for the failure of this agitation was the intransigent attitude of the British authorities. They refused to compromise with the AMCJA whose campaign, they suspected, was anti-British.

INDIANS AND MALAYAN CITIZENSHIP

What is of interest in this whole episode is that the MIC leadership, and also the Tamil press, in their unrelenting pursuit of democratic principles, sidelined their duty to the Indian community at large. The majority of the community was languishing in the remote outskirts in rubber estates slogging for their everyday existence. For them democracy and self-rule had less immediate relevance. What they needed was an assurance in the form of citizenship to safeguard their future in this country. But they remained ignorant both of the importance of the citizenship as well as the means to acquire it. Although the Malayan Union scheme made liberal provisions for it, the elite in the MIC never paused for a moment to give serious thought to this practical concern. Never did they try to educate the community on the importance of citizenship or the means of its acquisition. It was this that caused the absence of any rush from the Indian community to grab the offer of citizenship under the Malayan Union scheme.

²² *Hartal* is the complete stoppage of all economic activities. This was successfully used by Gandhi as a non-violent weapon against the British imperialist in India. It is not clear if the MIC had any part in suggesting the use of it by the AMCJA.

²³ This might be an exaggeration. Yet, the fact that the Indian community had played a significant role cannot be denied. According to *Jananayakam* (1 November 1947), for instance, of the 5,500 municipal workers who observed the *hartal* in Singapore some 3,300 were Indians.

Under the subsequent Federation Constitution the clauses pertaining to the acquisition of citizenship was made more difficult. The language proficiency test, in particular, was too prohibitive. The Indian estate labourers hardly had any chance to learn either English or Malay. Neither of these languages was taught in the estate Tamil schools. Further, living in seclusion in far away estates, their chance of socialising with the other communities too was practically nil. Under these circumstances, it is surprising that the government had expected them to pass a proficiency test in one of these languages. The need to produce documentary evidence to prove their local birth further restricted the Indian labourers' chance to qualify for the Federal citizenship. Most births had occurred in the estate quarters itself and the labourers generally were not in the habit of registering these births. Even those who registered never took the care to keep the birth certificates safely. Besides, many of them had lost whatever documents they had during the Japanese occupation period. In short, the majority of the Indians did not have the prerequisites to register as Federal citizens. Unfortunately, without taking these obstacles into consideration, the Indian community has been blamed as having exhibited indifference towards the Malayan citizenship.

Ironically, the Indian elite in the MIC did not give much consideration to these prohibitive clauses. It was S.K. Chettur, the Representative of the Government of India, who criticised the clause pertaining to the language proficiency test as ridiculous. His appeared to be the lone voice on this issue. He expressed the fear that this requirement was going to deny many Indians a chance to become citizens and urged Indian organisations in Malaya to oppose these clauses (*Jananayakam*, 17 January 47). Although the Indian leaders opposed Federal citizenship, it was not because of the prohibitive clauses but because the citizenship did not confer nationality on the citizens. There was truth in their claim. The citizenship suggested under the Federal Constitution was dual natured. It was not a nationality. A person, even after having registered as Malayan citizen, was allowed to maintain his or her foreign nationality. This caused a great deal of confusion, not only among the Indians but also among all races. It is not clear if this was an oversight on the part of the framers of the Federal Constitution.²⁴ But the MIC picked that aspect to oppose the citizenship. In his speech at the MIC annual session, Thivy called on the Indians to reject the Federal citizenship.²⁵ This state of confusion had, to a certain extent, discouraged the Indians from going for the Federal citizenship.

²⁴ This weakness was rectified in 1952 through the Federation of Malaya (Amendment) Ordinance.

²⁵ See The Minutes of the First Annual Session of the MIC, 7 & 8 June 1947, in *Balakrishnan Papers*.

However, changes began to shape up in the stance of the MIC elite from 1950 onwards. That year K. Ramanathan Chettiar was elected the president of the MIC. He had no personal relationship with any of the Indian nationalists in India. Thus, he was not unduly perturbed by the absence of democratic principles in the Federal Constitution or the failure of the citizenship to confer nationality. He withdrew the MIC's opposition to the Federal Constitution and announced his willingness to work with the government. He also urged all the eligible Indians to register as citizens (*Tamil Murasu*, 1 May 1950). To overcome the difficulties faced by the Indians in acquiring citizenship he led a delegation to James Griffiths, the Minister of Colonies, and appealed that the language proficiency test be waived or made simple for the Indians. Besides, a special counter was opened in the MIC headquarters to help the community to register as citizens (*Tamil Murasu*, 23 November 1950). The MIC also encouraged the Indians to become citizens by restricting its membership to Malayan citizens only (*Tamil Murasu*, 28 November 1950). And, the 10th annual session of the MIC, in 1956, passed resolutions demanding that all the prohibitive prerequisites for citizenship be waived for four years.²⁶

This change encouraged more Indians to register as Malayan citizens. Yet, the number of Indians registered as citizens up to the time of independence was not very significant. For instance, the total number of Indians in Malaya in 1957 was 696,186. Whereas the number registered as citizen stood at 111,890 only.²⁷ It may not be an exaggeration to say that the main reason for this was the prohibitive clauses attached to the acquisition of citizenship. This is attested to by the astronomic increase in the number of Indians who became citizen when these clauses were relaxed for a year from the day of independence. It was reported that an alarming 434,153 Indians registered as citizen for the period between September 1957 and the end of 1958. And, when the restrictions were imposed again in the following year, there were only 12,214 Indians who managed to become citizens (*Daftar Warganegara*).

CONCLUSION

It is clear from the foregoing that the Indians had, indeed, played a significant role in the constitutional history of Malaysia but their role has not been duly acknowledged in the historical writings of the nation. This misrepresentation is

²⁶ It is not clear why the MIC had asked for this four year period. See the Minutes of the 10th Annual Session of the MIC, 12 & 13 May 1956, in *Balakrishnan Papers*.

²⁷ See *Siaran Perangkaan Bulanan Semenanjung Malaysia, September 1987 & Federation of Malaya Annual Report, 1957*.

partly due to the shortage of sources in English on the Indian community. There were numerous Indian organisations which functioned quite actively during the period of Malayan Union controversy. Many of them were dominated by the English educated middle class. Yet, most of them did not leave behind records of their activities for posterity. Even the MIC's records are not to be found in the National Archives. According to Rajeswary (1981: 225), some of these were in the possession of S. Govindaraj, General secretary of the MIC between 1948 and 1952.

It is not known what has happened to them now. This lack of sources, to some extent, has made the study of the Indian role in Malaysian constitutional history more difficult.²⁸

However, the very nature of history writing implies the diligent search for obscure sources. If this responsibility is not duly executed, the historian will be guilty of perpetuating unsubstantiated generalisations that are in common currency. The activities of the Indians and their organisations were quite amply reported in the Tamil press of the day like *The Tamil Nesan*, *Tamil Murasu* and *Jananayakam*. Even the *English* daily, *The Indian Daily Mail*, a sister paper of the *Tamil Murasu*, gave extensive coverage to news on local Indian political activities. That Malaysian scholars like Sopiee failed to consult these sources is a matter of concern and regret. Even those who have consulted Tamil sources, like Stenson and Rajeswary, have had their analyses coloured by preconceived notions perpetuated by the British or earlier writers.

All this underscores the need for greater academic diligence in chronicling the role of minority groups in the nation's history and development.

BIBLIOGRAPHY

Arasaratnam, S. 1970. *Indians in Malaysia and Singapore*. London: Oxford University Press.

Chettur, S.K. 1948. *Malayan Adventure*. Mangalore: Basel Mission Press.

²⁸ However, scholars wishing to study the MIC can refer to *Thivy Papers*, deposited in the University of Malaya library, and the *Personal Papers of Balakrishnan*, a one time active MIC leader, kept in the Universiti Sains Malaysia library. The Balakrishnan Papers, in particular, contain useful information on the activities of the MIC from the time it was founded in 1946 up to the fifties.

Indian Daily Mail, 1947.

Jananayakam, 1946 – 1947.

Khong Kim Hoong. 1984. *Merdeka! : British Rule and the Struggle for Independence in Malaya, 1945 – 1957*. Kuala Lumpur: Insan.

Khõ Kay Kim. 1985. *Historiography of Peninsular Malaysia: Past and Present*. In Lent, John A. & Mulliner, Kent (eds.), *Malaysian Studies: Archaeology, Historiography, Geography, and Bibliography*, pp. 87 – 118. Wyoming.

_____. 1992. The Indian Association Movement in Peninsular Malaysia: The Early Years. *JMBRAS* 65(2): 3-24.

Lim Teck Ghee. 1984. British Colonial Administration and the Ethnic Division of Labour in Malaya. *Kajian Malaysia* 11 (2): 28 – 66.

MacMichael, Harold. 1946. *Report on a Mission to Malaya*. Kuala Lumpur: Malayan Union Government Press.

Mahajani, Usha. 1960. *The Role of Indian Minorities in Burma and Malaya*. Bombay: Vora.

Means, Gordon p. 1970. *Malaysian Politics*. London.

Mohamad Nordin Sopiee. 1974. *From Malayan Union to Singapore Separation: Political Unification in the Malaysia Region, 1945-65*. Kuala Lumpur: Penerbit Universiti Malaya.

Neelakandha Aiyer, K.A. 1938. *Indian Problems in Malaya: A Brief Survey in Relation to Emigration*. Kuala Lumpur: Indian Office.

Netto, George. 1961. *Indians in Malaya: Historical Facts and Figures*. Singapore.

Personal Papers of Balakrishnan. Penang: Universiti Sains Malaysia Library.

Rajeswary, A. 1981. *The Indian Minority and Political Change in Malaya, 1945-1957*. Kuala Lumpur: Oxford University Press.

Roff, W.R. 1967. *The Origins of Malay Nationalism*. Kuala Lumpur: University of Malaya Press.

Kajian Malaysia, Jld. XVII, No. 1, Jun 1999

Stenson, M.R. 1980. *Class, Race and Colonialism in West Malaysia: The Indian Case*. St. Lucia: University of Queensland Press.

Tamil Nesan, 1946 – 1947.

Tan Cheng Lock Papers. Kuala Lumpur: National Archives.

Thivy Papers, 1938-48. Kuala Lumpur: University of Malaya Library.

Yeo Kim Wah, 1973. "The Anti-Federation Movement in Malaya, 1946-48,"

JSEAS, Vol. 4, No. 1, March pp. 31-51.