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Regulation of Religion and Granting of Public Holidays

The Case of Tai Pucam in Singapore

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Abstract

During the colonial period, the Straits Settlements government formalised through law the declaration of public holidays marking religious festivals for the different communities. This practice was continued by the post-colonial state, apportioning public holidays “equally” amongst its citizenry. Adopting a historical perspective, this paper theorises the Singapore state’s allocation of public holidays for its citizens with a specific focus on the Singaporean Hindu community. The paper traces the journey of Tai Pucam as a declared public holiday in colonial Singapore to the 1950s when the Hindu community had two gazetted public holidays to 1968 when Tai Pucam was removed from the list of public holidays, a situation which persists into the present. The “making and unmaking of Tai Pucam as a public holiday” remains a controversial issue for Singaporean Hindus who express unhappiness over the fact that their religious community is granted only one religious holiday, when the norm in Singapore is such that each ethnic community has two holidays. This inequality is cited by Hindus and Indians in Singapore as a discriminatory practice. In 2015, a recent case, *Vijaya Kumar s/o Rajendran and Others v. Attorney General*, the controversial ban on musical instruments during a Tai Pucam celebration triggered yet again the sensitive issue of Tai Pucam as a “non holiday”.

Keywords

Tai Pucam – Hinduism – post-colonial Singapore – public holidays – managerialist state – multiculturalism

During the annual Singapore *Tai Pucam* celebrations in 2015, three *thavil* (drum) players and procession participants were detained by the police for playing musical instruments during the festivities.¹ As per the law of the land, i.e., the long-standing police ban on the playing of musical instruments along the foot procession on the streets of urban Singapore, subsequently these procession participants were arrested, charged and convicted with disorderly conduct, obstructing justice, offending the religious sentiment of one of the police officers and voluntarily causing hurt to another officer (Chelvan, 2015). The scuffle during which these “offenses” took place were in response to the police’s attempt to prevent *Tai Pucam* participants from playing musical instruments during the annual foot procession because this was in violation of a 42-year-old music ban by the police not specific to the procession. Although recorded music has been permitted during the 5-km foot procession, and instruments such as *urumi* and *thavil* drums are allowed to be played within the temple premises at the start and end of the procession, the playing of musical instruments, other than the singing of hymns, is forbidden during the procession itself (Vijayan, 2015; Zaccheus, 2017). This ban has been controversial since its inception and is brought into sharp focus in public at provoking debates about religious rights amongst Singapore’s Hindu community. Most recently, the issue has taken centre stage in the police enforcement of the music ban and the Hindu public’s critique of the same. The police’s actions in arresting and charging participants for infringing this ban has also seemed heavy-handed and callous to many observers, Indians and non-Indians alike (see “Three men

1 “Singaporean Hindu” is used throughout this article to refer to individuals who subscribe to the “manifold beliefs, rituals and ideologies prevalent in the Singaporean Hindu community” (Sinha, 2005: 17). The term serves as a heuristic device that demonstrates the likeness that may be shared amongst Hindus across the world, as well as how Hinduism in Singapore is a construction—the product of a number of actors from inside and outside the community. Additionally, it is a term that highlights the unique history of the Singaporean “Indian” community that goes beyond its predominantly Tamil roots to embrace all Hindus, and sometimes even non-Indian and non-Hindu populations who celebrate *Tai Pucam*, a holiday that is currently embraced as a definitive feature of the Hindu community in Singapore (Sinha, 2005).

were charged in court”, 2015; Loh, 2015a). Not only were participants prohibited from performing religious rituals they saw as essential, the devotees were ironically charged with offending the religious sentiments of *the police* (Chelvan, 2015). Furthermore, the Singapore Police Force statements seemed to draw on stereotypical readings of Indians in declaring publicly that the participants in the confrontation “smelt strongly of alcohol” without testing the defendants’ blood alcohol levels (SPF, 2015; “Statement from Mohan”, 2015; see also Xu, 2015).² Lastly, many of the participants in the peaceful procession claimed to have witnessed devotees, male and female, being allegedly man-handled and physically assaulted by the police (Loh, 2015b). The event triggered anger and outrage within the Singaporean Hindu community and grew into a broader debate about the over-regulation of *Tai Pucam* in Singapore. Interestingly this incident served yet again to trigger collective memories about *Tai Pucam* as not being a public holiday, which continues to be read by Singaporean Hindus as a marginalisation of their religious rights.

From a historical perspective, mass Indian migration to Singapore was largely a product of British political and economic needs and became a key element in British colonial expansion in the region. (Abraham, 1983; Stenson, 1980; Barratt Brown, 1974: 117). Archival evidence shows that *Tai Pucam* was considered a public holiday by the British in *The Holidays Ordinance of 1879*, applied to the Straits Colony of Penang in 1912, and to all of colonial Malaya in 1914. By 1968, the post-colonial Singapore government removed *Tai Pucam* from the list of designated holidays causing much controversy from that point onwards. This is especially the case because the current Singaporean practice has been to allocate two holidays per ethnic community. Although this state of affairs seems to be a strictly post-independence phenomenon, this article will show that the post-colonial Singapore state’s practice of regulating religion draws heavily on tools and principles laid down by the British, highlighting the legal continuities across timeframes. Furthermore, it argues that the practice of “making and unmaking” a public holiday is part of the state’s agenda of enforcing public order, and how—instead of encouraging multicultural and multireligious harmony—such “secular” or “impartial” policies can breed feelings of injustice and marginalisation. In effect, such state practices culminate in a *re-making* of *Tai Pucam*, widening the discourse well beyond the issue of public holidays.

2 On 26 February 2015, Martyn See, Singaporean filmmaker and the current Executive Secretary of Singaporeans for Democracy, filed a police report against Dr. Lam Pin Min, Minister of State for Health and Member of Parliament for Sengkang West for “distort[ing] an allegation by the SPF [that alcohol was a contributing factor to the *Tai Pucam* scuffle] into a statement of fact.”

The non-public holiday status of the Hindu festival and the restrictions, therefore, serve as a platform for the very articulation and assertion of Singaporean Hindu rights as well.

Postcolonial multiculturalism can be seen as a product and continuation of the colonial racialisation of the past (Goh, 2008; see also Chua, 2012; Radics, 2014). Established as a trading port by the British, and relying on foreign labour, the British engaged in a practice of organising and regulating populations on the basis of race to enforce order in their colony (Clammer, 1982). Now, as one of the most religiously diverse nations in the world, Singapore has institutionalised such practices by employing a managerial approach in regulating its religious and ethnic communities (Brown, 1997). Strict controls and procedures have been instituted to ensure public expression of religiosity in Singapore is kept in check, while private religiosity remains largely unregulated. Particularly in the context of religion, Sinha (2011) has argued elsewhere that “[l]egal and bureaucratic regulation does not necessarily curtail religious expression” and that in Singapore it may in fact ironically and unexpectedly facilitate greater religious freedom. At the same time, however, this article will demonstrate that such legal and bureaucratic rationality, including the *Tai Pucam* music ban, also holds the potential of subverting these same multicultural policies. This complex process of ensuring public order, while at the same time subverting racial and religious harmony, demonstrates a complicated multicultural performance scripted by the state (see Povinelli, 2004; Goh, 2008).

Ultimately, strict controls and procedures and the non-declaration of *Tai Pucam* as a public holiday are related and significant concerns for Hindus and Indians in Singapore who see in this their marginalisation as a minority community. This article, therefore, explores how *Tai Pucam*'s unrecognised status as a public holiday remains alive in Singaporean Hindu consciousness and forms the basis for querying the Singapore state's claims of multiculturalism and equal treatment of all religious communities.

1 Vijaya Kumar s/o Rajendran and Others v Attorney General

On 3 February 2015, members of the Singaporean Hindu community hosted their annual *Tai Pucam* celebration, which includes a foot procession on Singapore's streets.³ Part of the celebration entails the carrying of the *kavadi*, other-

3 Interestingly, foot processions are only permissible in Singapore for the Hindu festivals of *Tai*

wise known as a “burden”, which can be as simple as carrying a pot of milk, to something as elaborate as large contraptions attached to the body using hooks and piercings through the skin, cheeks or tongue. The *kavadi* is seen as an offering to Murugan, the God of War, to register appreciation for vows fulfilled or undertaken as a sacrifice to seek Murugan’s help in easing the burdens of loved ones (Sinha, 2011: 211). Traditionally, in Singapore, music—both vocal singing and the playing of instruments, including *urumi* and *thavil* drums—have been reported in the temple premises as devotees prepared themselves for this ritual and accompanied them along the foot procession. *Kavadi*-carrying devotees often dance to the beat of the drums and the chanting often stopping at various points. This year, Jaya, a Singaporean Tamil, arranged for a group of *urumi* and *thavil* players (which included many of their friends), to support another friend who was participating in the procession and who was carrying a roughly 100 kg *kavadi* that was supported by 108 spikes pierced through his skin (Loh, 2015a).

Due to a longstanding ban against musical instruments being played during *Tai Pucam* in Singapore, the *urumi* players were denied entry by the event organisers into the temple where preparations were taking place. What is even more interesting is that Jaya organised this, knowing well of the music ban. As expected, this gesture was not well received by the authorities. As the devotees made their way out of the temple, the *urumi* players followed and played alongside the devotees. Plainclothes officers were immediately mobilised and asked the *urumi* players to cease playing the instruments and to accompany the officers to an adjacent alleyway off of the main course of the procession. Many of the players refused to comply. The situation became heated and, according to reports, the police allegedly manhandled two of the *urumi* players, which prompted the wife of one of the players to protest vociferously (Loh, 2015b; “Statement from Mohan”, 2015). She was reportedly pushed to the ground by someone, which prompted her brother-in-law to intervene to stop this altercation and he later realised that the person “assaulting” his sister-in-law was a police officer (“Statement from Mohan”, 2015). In the end, three Singaporean men were arrested—Ramachandra Chandramohan, 32, Jaya Kumar Krishnasamy, 28, and Gunasegaran Rajendran, 33.

Chandramohan, the man who had rushed to his sister-in-law’s aid and who was there to support his cousin’s *kavadi*, faced seven charges, including behaving in a disorderly manner and voluntarily causing hurt to a police officer

Pucam and *Timiti*. This exception is often part of the discourse that counters the marginalisation and unequal treatment of the minority Hindu community on the island.

(Loh, 2015a). He was also asked to surrender his passport (Mokhtar, 2015). Jaya Kumar Krishnasamy, 28, a participant and *kavadi* bearer, faced three charges—including voluntarily obstructing a police officer in the discharge of his public functions (“Three men were charged”, 2015). Also charged was 33-year-old Gunasegaran Rajendran, another devotee participating in the festivities. He faced two charges, which include behaving in a disorderly conduct and with the deliberate intention to wound the religious feelings of a police officer. Newspaper reports alleged that all three men were under the influence of alcohol and disrespectful towards law enforcement (Lim et al., 2015; Lee, 2015). Official depictions of the event conveyed the impression that the physical confrontation between police officers and the *Tai Pucam* devotees was a one-off event fueled by alcohol-related misdemeanour. However, the altercations between festival participants and members of the police and also temple volunteers have been routinely reported by observers and devotees and appeared in the local press since the ban in the mid-1970s. The ban on musical accompaniment during religious processions has been applied to *Tai Pucam* since 1973, a development that continues to be criticised and has remained controversial. This prohibition instituted by the Singapore Police has been explained as having to do with issues of traffic disruption and congestion and, thus, for maintaining traffic order on the streets. By now, it is common knowledge amongst Hindu devotees that participation in these festivals is governed by a body of rules and regulations, set out in pamphlets printed for the events. Yet, the very existence of these rules has also led to what are seen by authorities as incidents of religious “deviance”. Such “transgressions” are seen in the “smuggling” of non-traditional musical instruments like drums, bongos and the improvised use of dustbin lids, which are regularly seized by the police year after year. In the aftermath of the 2015 incident, many parties have come to the defense of the three arrested devotees. Their challenge to the music ban has been interpreted by Singapore Hindus as the underlying frustration of the community with 42-year-old music ban. The ban and the denial of a public holiday both serve as a flashpoint in Singapore’s multi-religious landscape, where tightly managed and over-regulated communities can feel oppressed, especially when in minority communities in a nation where race and ethnicity are conflated, and laws entrench longstanding biases and stereotypes.

The ban on musical accompaniment during the procession was not in the first instance led by Singapore’s Hindu Endowment Board (SHEB) but imposed by the police given the exigencies of holding a foot procession in a highly urban, dense context. It is less known to the public that the SHEB has, in fact, on several occasions appealed to the relevant authorities to lift the ban on music during the procession, but without success. For instance, in 1997, the

SHEB approached the police authorities to relax its ban on musical accompaniment by allowing the playing of traditional music at specific “thaneer panthals” (water stalls) along the procession route and a concession which was not then made. In addition to the police ban on music, which is arguably in place for practical reasons, a segment of the Hindu community (including organisers of the festival) have supported the ban by offering a radical re-reading of what *Tai Pucam* is—a ritual. The revelry, carnival-like atmosphere of *Tai Pucam*, when music and dance were integral elements in the early decades of its celebrations in Singapore and up to the 1970s has been criticised and challenged. Calls have been made, rules and regulations formulated and enforced—on *religious* grounds—to downplay the carnivalesque character of the festival and bestow upon it a serious, sombre and spiritual imprint. The police ban on the playing of musical instruments along the procession route *happens to be well-aligned* with the aspiration to expunge what are deemed to be frivolous, playful and pleasurable elements and have no place in a proper religious event.

As part of this continuing tradition of challenging the ban, on 29 April 2015, Vijaya Kumar s/o Rajendran, a relative of the three devotees, and Balasubramaniam and Sathiyamoorthy s/o Murugiah filed an original summons in the High Court of Singapore to declare the music ban was *ultra vires* [against the law] because it violated Articles 15 and 12 of the Constitution, the provisions guaranteeing freedom of religion and equal protection, respectively. They also argued that the law was irrational. On the basis of this complaint, the appellants asked the court to declare the 2015 Music Ban null and void, and that it be lifted in 2016. Ultimately, the court held that with regards to Article 15(1), which states, “Every person has the right to profess and practise his religion and to propagate it”, the court held that the ban was justifiable because “potential public order issues arising from crowd build-ups, traffic congestion, unhappiness and conflicts among participants could not be underestimated ...” (*Vijaya Kumar s/o Rajendran and others v Attorney-General*, 2015: 33). On the Article 12 issue regarding equal protection,⁴ the court held, “the restriction on the playing of musical instruments during the Thaipusam procession did bear a reasonable nexus to the objective to be achieved by the Act and the Regulations, which is the preservation and maintenance of public order” (*Ibid.*, 41). In addressing

4 Article 12(1) states, “All persons are equal before the law and entitled to the equal protection of the law,” it is limited by Article 12(3) which adds, “This Article does not invalidate or prohibit— (a) any provision regulating personal law; or (b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.”

the argument that *Tai Pucam* was singled out since the Chingay Parade⁵ and St. Patrick's Day were allowed music, the courts responded that, "the police did not grant permits for religious foot processions. Therefore, as between the Thaipusam procession and other religious processions, the grant of a permit for the Thaipusam procession every year was an exception to the rule" (Ibid., 43).⁶ Finally on the issue of the irrationality of the law, the court held that, "History and current events in Singapore and around the world give ample justification to the police to pay special attention to events involving a religious element" (Ibid., 47).

On the bases above, the challenge by Vijaya Kumar, Balasubramaniam and Sathiyamoorthy s/o Murugiah was thrown out. In addition, they were ordered to be jointly and severally liable to pay the Attorney General's office S\$6,000 and disbursements amounting to S\$1,923.80 for their challenge. While their efforts may have been perceived to be in vain, a few silver linings emerged. The first was that the court recognised and accepted the testimony by Tan Sri Datuk R. Nadarajah, who had been involved with the Sri Maha Mariamman Temple Dhevasthanam in Malaysia for 43 years, in which he stated,

The playing of the above instruments are ... a crucial and important part of the Kavadi procession and constitutes fundamental religious expression during the Thaipusam festival. It is essential to the religion and the practice of the religion of Hinduism.

Ibid., 17

This testimony was accepted over the objection of the Attorney General, who instead of challenging the validity of the testimony, instead, attacked the credibility and character of Nadarajah. Secondly, the Attorney General attempted to have the challenge disposed of on the basis of *locus standi*, or the right to raise a challenge, because the three appellants could not show that their con-

5 The Chingay Parade is an annual street parade held in Malaysia and Singapore in celebration with the birthdays of the Chinese deities or the procession of the Goddess of Mercy (Guanyin) as part of the Chinese New Year festivities. It has been argued that the parade has become secularised and that it expresses the state's official multiracialism policies and tourism goals. Daniel Goh (2009) "Chinese Religion and the Challenge of Modernity in Malaysia and Singapore: Syncretism, Hybridisation and Transfiguration", *Asian Journal of Social Science* 37(1): 107–137.

6 On this point, the court added that because *Tai Pucam* entailed a religious procession that usually takes place on weekdays and during working hours, while Chingay and St. Patrick's day takes place during weekends or in the evening.

stitutional rights in particular were harmed. On this point, the court upheld a citizen's right to challenge a purported unconstitutional law. The court stated,

Thaipusam is celebrated by Hindus. People who profess to be adherents of a religion would have the legal standing to challenge decisions affecting what they believe to be the proper practice of that religion. It is open to the authorities in issue to adduce evidence to show that a particular applicant is in fact a charlatan pretending to profess a certain religion for ulterior purposes. However, there was no dispute in the present case that the three applicants are Hindus.

Ibid., 23

Lastly, in response to the public backlash to the 2015 episode and this particular case, a series of small but important gestures of appeasements have ensued. The SHEB held a series of 10 consultation sessions with about 100 members of the Hindu community to elicit their feedback on the music ban. The SHEB then made a set of recommendations to the Singapore government, most of which had been accepted ("More Music", 2015). According to the Chairman of the SHEB, Mr. R. Jayachandran,

Those who gave feedback said music is needed for Thaipusam. What they said we felt was right, but balancing this was a problem ... We started thinking how we can suggest to the Government that there will be a balance between law and order and the use of music instruments.

Ibid.

In response, the police loosened restrictions for the 2016 procession allowing the use of certain musical instruments determined to be integral to the procession and the Hindu religion (Zaccheus, 2016). Thus, for the 2016 *Tai Pucam* procession, the following concessions were made,

Seven new 'music points' have been approved by the police, with music to be broadcast at four new locations and musical instruments to be played by certified musicians at three locations.

"More Music", 2015

As a further sign of belated recognition of the ritual value of music and the demand for this from devotees, during the 2017 *Tai Pucam* celebrations more "music points" were created,

Live music will be played on Short Street, Hastings Road, and Dhoby Ghaut Green. These feature *nadaswaram* (double reed wind instrument), *thavil* and *urumi melam* (Indian drums) players. Speakers at 23 points along the procession route will also play *kavadi* songs.

TOH, 2017

These developments have certainly been received positively by Singapore's Hindus. While the small victories may temporarily placate growing tensions and demands for broader freedoms in Singapore, the decision to continue to uphold the music ban places strain on the multi-racial policies of Singapore. Borne out of colonial prerogatives to manage and control a diverse population, the development of the CMIO (Chinese, Malay, Indian, Other) classification system has been enhanced by the post-colonial state as a tool to prevent racial and religious tension. Yet, multiracialism as a strategy in Singapore has yet to put to rest the long-standing historical decision by the post-colonial Singaporean state to de-list or "un-make" *Tai Pucam* as a recognised public holiday with all rights attached. The remainder of this article will review the purpose and goals of the post-colonial Singaporean multiracial policy and the historical conflict that led up to the conflict that emerged in the *Vijaya Kumar* case.

2 Multiracial British Malaya

Mass Indian migration to Singapore was largely a product of British political and economic needs driven by "competitive capital accumulation" in the region (Abraham, 1983; Stenson, 1980; Barratt Brown, 1974: 117). By the time Raffles arrived in Singapore in 1819, the Dutch already had well-established roots in the region, triggering a bitter rivalry between the two colonial powers (Kennedy, 1973; Tarling, 1962). Initially, the British saw Malaya as a rich source of raw materials, in particular, rubber and tin (Sandhu, 1969; Stenson, 1980). Such industries were not amenable to the technology of the time, and required hard physical labour to exploit the wealth embedded in the land. Therefore, the political and economic interests of the British to expand their empire in Southeast Asia ushered in a surge of Indian migration to Southeast Asia. Indian labour, thus, became a key element in British colonial expansion in the region.

Indian labourers were not the only migrants into the region, however. Driven from their homeland due to over-population and political conflict, the Chinese had already begun to flood the region as early as the 1820s. In fact, for the first 25 years or more after the British intervention in the western Malay

States in the 1870s, the Chinese provided most of the labour for the British (Stenson, 1980: 15). By the 1920s, after the Chinese became concentrated in certain industries such as tin mining, constant strikes and collective bargaining led colonial officials to regard the Chinese as both expensive and politically volatile (Kratoska, 1982: 291; Hirschman, 1986; Stenson, 1980). The local Malay population could also have served as labour to fuel the growth of British enterprises. The Malays, however, were not inclined to work for fixed hours since they could obtain a living usually in a more congenial manner than by working for wages on an estate (Sandhu, 1969). Furthermore, any attempts to force Malays to engage in hard labour could have jeopardised the fragile relations the British had with the Malay sultanates and rulers as they tried to expand their influence and control in Malay lands (see Hirschman, 1975, 1986; Kratoska, 1983).

Multi-racial and multi-cultural colonial Malaya, and by extension Singapore, became the new political landscape that the British colonial government had to navigate. As a result, the colonial government attempted to manage these groups to reduce conflict as much as possible. First, it allowed ethnic groups to be governed through their own headmen, i.e., in the case of the Chinese, the “Kapitans China” (Clammer, 1982: 132). This policy allowed each of the ethnic groups freedom to pursue its own customs, culture and religion. At the same time, in order to ensure the profitability of the colony, the British segmented and divided the economy with each ethnic group occupying a particular trade to reduce inter-ethnic competition, creating an “ethnic division of labour” (Kratoska, 1982). Moreover, once these racial categories were established, the colonial government ensured that important aspects of the colony were highly regulated along these racial lines, from immigration, settlement and security, to sexuality and hygiene (see Siddique et al., 1990; Turnbull, 1970; Manderson, 1997). Although the British government espoused an official policy of “non-interference” (see Newbold, 1839: 489; see also Benda, 2003: 188), colonial officials, particularly in the context of religion, “found themselves enmeshed in local circumstances, [and therefore] engaged, participated and involved with religious affairs of the natives, sometimes due to practical necessity, at other times on the force of public opinion or simply by choice” (Sinha, 2011: 80). As a result, the colonial state in Singapore contributed to religious activity on the island through a variety of routes. Two examples include the granting of land to religious communities for building places of worship and declaring public holidays to mark the religious observances of the different communities.

On the topic of *Tai Pucam*, the colonial government took different positions on declaring it as a public, national holiday through the years. The *Holidays*

Ordinance of 1879, for instance, did declare *Tai Pucam* a gazetted public holiday, although this was only for the island of Penang. According to the *Straits Settlements Government Gazette* of 1912:

In accordance with the provisions of 'The Holidays Ordinance 1879', Friday, the 2nd February, 1912, the date of the festival of the Tai-pusam, will be observed as a Public Holiday in the Settlement of Penang

Gov. Gazette, 1912: xviii

By 1914, the original Ordinance was amended to grant the holiday in the other settlements of British Malaya as well. According to Maartensz et al. in their review of legislation for the Straits Settlements for 1914:

Holidays—Ordinance No. 25 amends the Holiday Ordinance No. 9 of 1879 and introduces a liberal amendment in the interest of local religions by (1) appointing a public holiday at the close of the Mohammedan fasting month; (2) extending the Hindu Taipusum festival day as a public holiday throughout the Colony instead of restricting it to the Settlement of Penang.

MAARSTENSZ et al., 1916

Fire walking was an important festival for the Hindu migrants in the 19th Century, and was observed all over British Malaya, not just amongst the Hindu labour populations in the estates and plantations, but also amongst sectors of the Hindu community in major towns and cities. Yet, it was never legislated as a public holiday, nor do there seem have been any efforts by the Hindu community in this direction. This was, however, not the case with other Hindu festivals like the Tamil New Year, *Ponggal* and *Deepavali*. Historically, there was considerable agitation to have them declared as public holidays, either in addition to *Tai Pucam* or substituting it on grounds that these other events were days of important religious observance for the Tamil Hindu community. In 1912, the Singapore Mohammedan and Hindu Endowments Board (SMHEB) meeting held on 7 June received a petition from the Hindu community for "*Deepavali* festival to be declared an annual public holiday" to be forwarded to the Governor. Additionally, in response to the amendments to the Holiday Ordinance in 1914, which declared *Tai Pucam* a public holiday, the Board received another petition from the Hindu community, this time asking for *Tai Pucam* to be replaced by *Deepavali* as a public holiday (Minutes of MHEB Meeting, 1914). The Board informed the petitioners that there was nothing more they could do in this direction although they had recommended to the Governor that their

request be granted.⁷ For the Malayan Indian Hindu community, there was no consensus about which religious festival should be declared a public holiday: *Tai Pucam*, the Tamil New Year, and *Deepavali* were all contenders, as was *Thai Pongal*:

Holiday for Pongal: The Hindu Advisory Board at its meeting yesterday decided to recommend to the Government that from a religious point of view a holiday is not necessary for Thaipusam but is very essential for Thai Pongal which is Harvest Festival Day and which falls in Jan-Feb.

“Holiday for Pongal”, 1952

In the 1920s, members of the Hindu and Muslim communities in Singapore appealed to the colonial government case for Deepavali and Hari Raya Haji to be made public holidays. The British colonial government agreed adding Hari Raya Haji to the list of public holidays in 1928 and Deepavali in 1929. Until 1950, the Singapore’s Hindus had two festivals—*Tai Pucam* and *Deepavali*—declared as public holidays and yet the matter was not deemed fully resolved with new suggestions continuously being made by different segments of the Indian community. In the “Report of the Select Committee appointed by the Legislative Council to examine and report on the Holidays Ordinance (Chapter 174) and to make recommendations thereon”, a number of groups in Singapore appealed for *Vesak Day*, *Vaisakhi* (“Sikhs want a Holiday”, 1955) and the birthday of the Prophet Muhammad (“Holy Prophet’s Birthday”, 1941) to be declared public holidays—a proposition for the committee to consider. The Select Committee responded that:

The Committee was unanimously of the view that whilst there is a greater number of Public Holidays in the Colony than in some other countries,

7 It is important to note that the Hindu community was not alone in petitioning the Colonial Government for the recognition of religious festivals as Bank and Public Holidays. Similar appeals defined the Muslim and Buddhist communities in Malaya. Also the idea of equal treatment of the different religious groups with regard to declaration of public holidays is found in arguments made in the late 1940s. Here is an example from the Buddhists: “Buddhists in Malaya who are said to number no fewer than 2,000,000 are asking for a holiday at *Wesak*—the Birthday of Lord Buddha. When Hindus, Muslims and Christians are enjoying religious holidays, we do not see any reason why the Buddhists should not be granted one.” (*Indian Daily Mail*, 9 March 1949)

“Neither was this discussion confined to Malaya. We learn that *Deepavali* was declared to be a public holiday in Ceylon in 1949 in substitution for the *Adi New Moon Day*.” (*Indian Daily Mail*, 21 July 1949).

having regard to the many races and religions represented in the population, there is justification for the continued observance of that number of Holidays. The Committee was also unanimously of the opinion that no change in the existing practice of declaring certain days to be Bank Holidays is necessary or desirable.

“Report of the Select Committee”, 1950

There was the strong view that any modifications should not lead to an increase in the existing list of Bank and Public Holidays, and if any of the three festivals under consideration were recommended for inclusion, it could only be done if one of the existing holidays could be replaced. The Select Committee appointed by the Legislative Council argued thus:

It was furthermore agreed that if any existing Holiday was to be so replaced it should be one of the Holidays of particular to the Sikh, Buddhist or Muslim Community as the case might require. The Committee was fully conscious of and gave considerable weight to the fact that the representations in question related to festivals of much religious significance to one or other of those communities of which of course the Buddhist and Muslim each constitute a substantial proportion of the present population of the Colony. The committee also formed the view that it would only be justified in recommending the substitution of one of these festivals for one of the existing and traditional holidays of the Colony if it were satisfied that there is full public support for such a substitution.

“Report of the Select Committee”, 1950: 3

Of the three festivals, in the end, none were recommended for inclusion in the list of Bank and Public Holidays, which in 1950 declared a total of 17 days, including days of religious festivals observed by Muslims, Hindus, Christians and Buddhists, as well as the King's Birthday. *Vesak Day*, was however, declared a public holiday for Singapore in the year 1955.⁸ It is not widely known that in the mid-1950s, some segments of Singapore's Hindu community had argued (unsuccessfully) that *Tai Pucam* should be replaced by the Tamil New Year as a public holiday, as it was more universally observed by the Tamil community. In 1959, Singapore achieved self-government and the Queen's Birthday

8 This was achieved after several years of petitioning to the Colonial Government by the Singapore Buddhist Association, the first such petition being made in October 1947 (Ong, 2005). *Vesak Day* was finally added to the list of public holidays after the Labour Front government led by David Marshall came to power in June 1955.

was removed from the list of public holidays but the total number remained 16. After Singapore's full independence in 1965, the Birthday of Yang di-Pertuan Agong and Malaysia Day were removed from the list too. From 1968 onwards, *Tai Pucam* has not been a public holiday in Singapore. But the historical dust has refused to settle, with recurrent appeals by Hindus to re-instate a public holiday for the festival but without success. In the decades that followed, these historical negotiations and decisions—and their logic—have continued to be revisited, debated and challenged. The discussions about “swapping” and replacing different festivals as public holidays reveals that the very practices and techniques of statecraft are constitutive of these critical processes: The imagining and expedient *recognising/misrecognising* of ethnic and religious groups, their religious festivals and rights. The ambiguities that have been consequently produced, for example, about who is Indian or Chinese, and what is a Hindu or Buddhist festival, continues in post-colonial Singapore. This has the effect of forcing minority ethnic and religious communities to rethink how they define themselves and others, engendering complex discussions about citizenship and the rights and entitlements of ethnic and religious communities.

3 Post-colonial Singapore

Shortly after becoming independent, the fledgling nation of Singapore became engrossed in a number of contentious social conflicts, being plagued with racial riots, regional instability and terrorist attacks (Vasu, 2008; “Terror Bomb”, 1965). As a result, much of the institutional structures created by the British were left intact and many times enhanced—with the racial classification system one of the most important colonial legacies in Singapore. According to John Clammer (1982: 132), “the ... system of ethnic division ... was accepted wholesale by the government of newly independent Singapore in 1965. Strict ethnic boundaries, while generated during the colonial era, were thus perpetuated into the present” (see also Turnbull, 1981). Such ethnic divisions ultimately began to take on a political significance. David Brown discusses how the depoliticisation of the ethnicities and the manipulation of the “ethnic mosaic” led to corporatist policies that treated race as a “cultural building block from which an Asian communitarian form of national identity can be created.” (Brown, 1996: 106). Moreover, the promotion of inter-racial understanding was used to avoid potential group violence. Inter-racial mixing was encouraged through the physical integration of all racial groups within government housing estates, with quotas from the three main races of Singapore monitored and maintained by the government (see Chua, 2002: Ch. 5). The managerial and supervisory men-

tality, therefore, has been reconfigured and departs from the past through the post-colonial state's explicit intervention into all societal domains, including the religious (Sinha, 2011: 252). In this regard, *Tai Pucam* became a victim of enhanced state intervention.

In addition to adopting the managerial and supervisory mentality, the post-colonial state had to promote communitarian practices, scripted cultural identities, and top-down multicultural practices to control its diverse populations. Furnival (1948) argues that a coercive, interventionist state was crucial to ensuring the stability and viability of multicultural and multi-religious colonial societies. Yet Goh (2008: 234) reminds us that in Singapore and Malaysia, the colonial pluralism that was the product of divide-and-rule tactics and racism left behind fractured societies that the post-colonial state attempted to manage and maintain legitimacy over by distributing "the economic spoils of national development to [the various] ethnic groups." While Western liberal nations embark upon multicultural domination by encouraging a return to an "authentic" self, providing the state avenues to step in and honour ethnic differences while further enhancing its authority and control over minority populations, in Southeast Asia, post-colonial multiculturalism is concerned with the cost of membership in a state-managed market of cultural choices bounded by one's ascribed racial identity (Povinelli, 2004; Chua, 2005). Whether through making one think it is their choice to celebrate their "authentic" culture, or automatically being forced to pay the price of membership based on ascribed characteristics, both processes entail the essentialisation or orientalising of racial and ethnic markers. As seen in the case of *Tai Pucam*, this process of deciding the ethnic rights and privileges of the Singaporean Hindu and determining the boundaries of Hindu religious practices stems from the colonial tactics of interventionist, pluralist state, transformed in post-colonial landscape as multiculturalism.

The post-colonial "unmaking" of *Tai Pucam* as a public holiday eventually took place in 1968, when the Holidays Act was restructured to reallocate the total number of public holidays for the different ethnic groups in Singapore. Citing economic rationale and the need for ensuring high productivity, a decision was made to reduce the total number of public holidays from 16 to 11: The two casualties were *Tai Pucam* and the Birthday of Prophet Mohamed. In making decisions about which days should be added on or removed as public holidays, only the following *religious* festivals were recognised as public holidays: Hari Raya Haji, Hari Raya Puasa, Deepavali, Good Friday, Christmas Day and Vesak Day. Interestingly, the two days of public holidays for Chinese New Year were retained. This recalculation worked out to two holidays for each ethnic/religious group on the logic of parity. *Deepavali* and *Vesak Day* were to be

holidays for the Indian community at the expense of *Tai Pucam*. The decision to “count” *Vesak Day* as a holiday for the Indians has been controversial from the outset. *Vesak Day* has been perceived by Indian community as a day that has more significance for the Chinese Buddhist community in Singapore. The demographic profile of the Indian community and the negligible number of Indian Buddhists cited as reasons for this. Ironically, the decision to placate all communities by allocating each religion an equal number of holidays, has instead prompted confusion and created tensions in the explicit “rejection” of *Vesak Day* as an Indian and/or Hindu festival.

The controversy continued into the late 1970s and even made an appearance in discussions in the Singapore Parliament, where the exchanges in 1978 between Mr. P. Govindaswamy, then a Member of Parliament, and Dr. Ahmad Mattar, the then-Acting Minister for Social Affairs, are helpful for clarifying some crucial details of the story which are not part of everyday Hindu or Indian discourse or consciousness. The former made a request to the Minister thus:

Sir, I would also like to request the Minister to look into the question of recommending *Thaipusam* as a public holiday for everyone. It appears that the traditional activity of carrying *kavatis* by Hindu devotees has been increasing year by year ... Currently, *Thaipusam* has been gazetted as a public holiday for daily rated workers but not for the monthly rated staff who enjoy a public holiday on Good Friday. As a result the majority of the monthly rated Hindus have to take vacation leave on this day to attend this traditional annual affair ... Could the Minister use his good offices to see that *Thaipusam* is declared a public holiday for both the daily rated and monthly rated staff? I do not want to see any discrimination. The Christians have two public holidays; the Chinese have two public holidays; the Muslims have two public holidays. The Hindus have only one public holiday. Why is there discrimination? All the races should be treated equally. Even if the Indians are a minority group, they are still citizens of Singapore. I hope the Minister will strongly recommend to the Labour Ministry to declare *Thaipusam* a public holiday. *There is a long history about this* (emphasis added).

Parliamentary Reports, 1978: 2–3

This reference to historical precedence carried perhaps an ironic reminder, to a representative of the democratic government of an independent Singapore, of the state recognition of *Tai Pucam* as an important religious festival for Hindus living under a colonial government. Thirty years earlier, a Mr. H.H. Abdoolcader, CBE, who was speaking at the Advisory Council session of the Straits Settle-

ments, had made an almost identical argument about equity.⁹ As a Muslim, he was making a case for why the Hindu New Year should be gazetted as a public holiday for Indians in Malaya:

I was responsible for obtaining the public holiday on *Deepavali Day* in Malaya having brought up the matter in the Straits Settlements Legislative Council in 1928. I would like here to point out that we Muslims have two public holidays on *Hari Raya Puasa* and *Hari Raya Haji*. Now the Birthday of Holy Prophet has been added. The Chinese have a two-day holiday for their New Year. The Christians have holidays at Christmas and Easter. I am sure that Indian¹⁰ sentiment, both Hindu and non-Hindu, will be greatly pleased if the Solar New Year or Hindu New Year is declared a public holiday in Malaya and I commend the suggestion to Your Excellency's sympathetic and favourable consideration.

"Wants Holiday", 1947

It is striking that the response of the Minister did not address the points raised about equality of treatment of races in the allocation of public holidays. Instead, his reply revisits the possibility of "swapping" yet again, this time *Deepavali* for *Tai Pucam*, which was not an option for the Hindu community, the former by then having acquired the status of a more "universal" festival for Hindus in Singapore, leading to something of a stalemate.

The third point is whether the Government would declare *Thaipusam* a public holiday. The Hindu Advisory Board too had proposed this. It had requested my Ministry to forward its recommendation to the relevant authority for consideration. As the Ministry of Labour is the Ministry which is administering the Holidays Act, I shall again convey the wish of the Member for Anson to the Hon. Minister for Labour. But if I know the Minister of Labour well enough, I think he might not be too happy about

9 There seems to have been no uniformity across the three settlements with respect to the declaration of religious days as public holidays as the list changed over time. For example, in the settlement of Malacca in 1951, "the Resident Commissioner decided to adopt the Hindu New Year Day instead of *Thaipusam* as a public holiday" ("New Year Day and Not *Thaipusam* A Public Holiday". *Indian Daily Mail*, 14 December 1951).

10 This is something of a puzzle as *Tai Pucam* by then was already declared a public holiday across Malaya so together with *Deepavali* the Indians did already have two public holidays. Yet for 1947, the Hindu New Year was a Government gazetted holiday, as reported on the 21 April issue of the *The Malayan Daily News*.

this suggestion. But he might be more flexible in his attitude if the Member for Anson would consider swapping *Deepavali* with *Thaipusam*.

Parliamentary Reports, 1978: 8

The Minister then proceeded to clarify that in the past this substitution had already been effected for the daily-rated workers, to enable them to take a holiday on *Tai Pucam*, a point which is not widely known amongst Singaporean Hindus, even today. Instead, the common-sense knowledge which prevails that "*Tai Pucam* is not a public holiday in Singapore" continues up to the present. The Minister offered the following details:

As regards daily-rated employees having *Thaipusam* as a public holiday, I am told that this follows an agreement between the seven daily-rated unions and the Ministry of Finance to have *Thaipusam* as a public holiday in place of another day in the gazetted public holidays list. Prior to 1976 they exchanged *Vesak Day* for *Thaipusam*. As from 1976, the daily-rated employees unions, with the agreement of the Ministry of Finance, exchanged Good Friday for *Thaipusam* as a public holiday for daily-rated workers.

Parliament Reports, 1978: 8–9

The "making and unmaking of *Tai pucam* as a public holiday" remains a controversial issue for Singaporean Hindus who express unhappiness over the fact that their religious community is granted only one religious holiday, when the norm in Singapore is for each community to have two. This "inequality" is cited as a discriminatory practice and self-explained by Hindus in terms of their minority status. The festival therefore has become a trigger point of sorts that leads Singaporean Hindus to express dissatisfaction with the government and the Hindu Endowment Board (HEB). Discussions about the non-declaration of *Tai Pucam* as a religious holiday are added to the reading of the festival as "over regulated" by the authorities, something that is seen as a curtailment of Hindu religiosity. Many participants feel that the festival has thus become somewhat "sanitised", lacks religious intensity and spontaneity. It is not insignificant that Hindus share a collective memory about *Tai Pucam* being granted a national holiday by a *colonial government* but ironically not so within the democratic context of independent Singapore. While these discussions are expressed in lay conversations, unlike the negotiations in the 1970s and 1980s, the Hindu community has not made collective representations to the Singapore government to add *Tai Pucam* to the list of public holidays. Neither has the HEB or any Indian/Hindu politician taken up this issue in recent times, leading to the

criticism of both. In particular, the “inaction” and apathy of the HEB and lay Hindus are of the view that this body has failed to act on behalf of the Hindu community. But neither has the Singapore state signalled its inclination to change the situation. As recently as 2015, the Ministry of Manpower’s Workplace Safety and Strategy Division Director Alvin Lim explained why *Tai Pucam* could not be declared a public holiday:

The decision on which public holidays to give up was reached only after careful consultation with religious groups ... But any move to reinstate any one festival as a public holiday will invite competing claims, and necessitate considerable renegotiation with all communities. Balancing the wishes of each community will not be a simple matter. Neither can we simply re-allocate public holidays by ethnic group, as amongst both Chinese and Indians we have citizens of different faiths.¹¹

He also revisited the 1968 decision and cited the need for remaining globally competitive and reducing business costs as reasons for reducing the list of holidays, an idea that was echoed by Singapore’s Tharman Shanmugaratnam in Singapore Parliament in March 2017 when he reiterated that there were no plans to gazette *Tai Pucam* as a public holiday.¹²

4 Conclusion

Following the outcome of the *Vijaya Kumar s/o Rajendran and Others v. Attorney General*, several Singaporeans voiced their discontent over the court’s ruling online. Sathiyamoorthy s/o Murugiah, one of the appellants in the case, set up the webpage called “Voices of Singaporeans Indians” providing a timeline of the 2015 case, raising funds to support the legal challenge, and calling for a lift of the ban (Sathiyamoorthy, 2015). Another Facebook profile by “Voice of One” published a page entitled “Speak Up For *Thaipusam*” garnering close to 9,000 Likes (Ibid.). An online petition was also started on change.org by prominent social activist Sangeetha Thanapal and delivered to the Chairman of the Public Petitions Committee, Parliament of Singapore, Mdm Halimah Yacob. The petition advocated for support by the Hindu community and the wider society

11 <http://www.humanresourcesonline.net/thaipusam-will-public-holiday-singapore-mom/>.

12 <https://www.channelnewsasia.com/news/singapore/thaipusam-won-t-be-a-public-holiday-says-dpm-tharman-8443872>.

to reinstate *Tai Pucam* as a public holiday in Singapore from 2016, in the interest of “fairness to all races in Singapore” and was signed by 22,081 supporters (Thanapal, 2015). According to one netizen who had signed the petition,

As all other races have 2 or more holidays, it's pure discrimination that only 1 holiday is allocated to Indians, i.e. *Deepavali*. *Vesak day* is not celebrated by any Indians [so] it can[not] be counted.—Antony Kuruz Viji
Ibid.

Moreover, upon the release of a new article about the case in *The Straits Times* on their Facebook page, netizens expressed their dismay over the decision to continue to ban music instruments during *Tai Pucam*. According to one commentator,

The ruling is archaic and runs contrary to religious tolerance. Many people inclusive of non-Indians embrace and enjoy the colours and sounds of the processions. Why don't [we] just give it a try to introduce the instruments?

VIJAYAN, 2015b

Another commentator raised an argument pitting Chinese holidays against *Tai Pucam* perhaps demonstrating the potential for the growth of interracial conflict,

So Thaipusam period cannot play instrument[s] but then Hungry Ghost festival can burn paper for one month? The last time I checked, *Thaipusam* music doesn't affect my health but smoke from burned paper during ghost month does. Singapore wants Racial Harmony but then pick on the minorities, really pathetic.

Ibid.

The *Tai Pucam* procession incident in 2015 and its aftermath have served to surface embedded and implicit tensions and public discontent over the music ban and the denial of a public holiday for the festival. Far from being an isolated incident, the event represents a longstanding grievance of the Singapore Hindu community with the delisting of *Tai Pucam* as a public holiday. The demands to “make” *Tai Pucam* a public holiday again continue to reverberate in different societal domains but especially on social media platforms. The article demonstrates how the practice of regulating religions in the colonial past takes on new life in the post-colonial present and with different consequences.

Admittedly the inherited legal and political infrastructure from a colonial past has in many instances been reconfigured to deal with issues in post-colonial Singapore. However, this article has demonstrated that the continued state regulation of *Tai Pucam* remains a talking point in/for the community and spills into discourses about equal community and assertions of citizenship rights and entitlements. It is obvious that Singapore's Hindus are alive to this subject and are challenging what they see as unequal treatment of religious communities. This is something that the Singapore state has been compelled to respond to, lest it become the basis for creating new tensions and challenge even more vociferously the secular state's claims to equal and just treatment of its multi-religious and multi-racial citizenry.

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