



<http://www.acdauk.org.uk> contact infoacda@googlemail.com

Lord Avebury
House of Lords
Houses of Parliament,
Parliament Square,
London
SW1A 0PW

9 February 2015

Caste Discrimination law

Dear Lord Avebury

The Anti Caste Discrimination Alliance along with many other organisations interested in the implementation of the law on Caste discrimination watched with deep concern and sheer frustration the Coalition Government's response to your Parliamentary Question on Caste: Equality Act 2010 on 2 February (Official Report 2 Feb 2015 : Column 455-7). Your challenge to Government on its lack of progress on the implementation the law agreed by Parliament in April 2013 and that of other members of the Lords from all three Parties was helpful in highlighting this grave injustice to victims. I would be grateful if you could please pursue the need for implementation of the law without further unacceptable delays.

It is clear from the *Tirkey v Chandhok* case that the December 2014 judgment reinforces the point that caste discrimination is an issue coming before the courts and that clarity of the law is required rather than relying on common law. I attach a short document of some of the published legal opinions on the judgment that come to the same view. Furthermore, the EHRC have said the judgment is not binding on all future cases of caste discrimination and that an express provision in the Equality Act, which has already been decided by Parliament, is necessary for reasons of legal clarity.

Baroness Garden of Frognal, raised the point again, as Government have done for nearly two years, of the need for clarity on the definition of caste. As you know, the EHRC reported in February 2014 on what academics and stakeholder organisations (on both sides of the argument for implementation of the law) understood by the word caste. A full list of consultees (I was one of them) (see report [Caste in Britain](#) February 2014) clearly indicates that much of the thinking on this has already been done and a clear definition of caste for the purposes of the law can only be progressed with a public consultation building on the findings of the EHRC report. We are disappointed that Baroness Garden of Frognal made no commitment to consult on this before or after the General Election.

In its [Mid Term Report of the UK to the United Nations Universal Periodic Review](#) (UN UPR) in July 2014, the Government stated "*The UK Government intends to introduce legislation to make caste discrimination unlawful, as a specific aspect of race discrimination under s.9(5) Equality Act 2010. A public consultation process on the detail of the prospective legislation is expected later in 2014*" in response to [Recommendation 110.61](#) (combating caste discrimination). The *Tirkey v Chandhok* Tribunal had been in progress since January



<http://www.acdauk.org.uk> contact infoacda@googlemail.com

2014 but it was not until the Autumn – after the UN UPR mid-term report, did the Government use the case as a reason to delay the already delayed consultation. Perhaps the Government would like to explain why the Tribunal was not considered a significant reason to delay the consultation at that time.

Politics is not immune to caste prejudice. On 4 February, an article in the Guardian “Is Labour scared of George Galloway?” referred to a “*baridiri* system of clan politics which is reported to have plagued Bradford politics for decades” and *Jhat* clans [Jat – a word used to describe a particular caste in Sikhism] playing a part in the selection for prospective parliamentary candidates for the next Election. *Baridiri*, *Jat* and many other words were identified as ways to describe what is meant by caste at the EHRC stakeholder workshop in November 2013.

We fear the Coalition Government’s unnecessary delays to the implementation of the law is failing actual and future victims of caste-based discrimination UK. Many will have to continue to suffer in silence. Any cases that do come before the courts will have to go through the same arguments as the Tirkeys or indeed the likes of the Begrajs, and be prepared to spend many hundreds of thousands of pounds and many years of their lives to get any hope of justice – if any. So it leads me to conclude that the Government’s handling of the equality law in this area is left seriously wanting and is inconsistent with Baroness Garden of Frognal’s response to your Question that the Government “completely oppose caste discrimination”.

In light of the many published legal views expressed since the *Tirkey v Chandhok* judgment, the EHRC’s views, and the Government’s commitment shown in the UN UPR mid-term review, I urge you take up the need for the Government to begin the implementation of the law agreed in April 2013 with the swift launch of the first consultation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Santosh Dass', written in a cursive style.

Santosh Dass
Vice Chair, Anti Caste Discrimination Alliance
00447902806342

Copies:

Baroness Brinton, Lord Deben, Lord Harries of Pentregarth, Lord Lester of Herne Hill,
Baroness O’Neil, Baroness Thornton, Dr Raj Chand (ACDA)