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27 February 2015

Dear Eric

Thank you for your letter of 9 February enclosing a letter from Ms Santosh Dass, Vice Chair of the Anti-Caste Discrimination Alliance (ACDA), in which she urges that the Government launch the consultation on a definition of caste immediately.

I am afraid that, as I made clear in responding to your Oral Question on 2 February, we have no plans to launch the consultation imminently, since it would not be appropriate to run a public consultation of this sort in the period immediately before an Election. When the need for caste legislation was debated extensively during the passage of the Enterprise and Regulatory Reform Act 2013, it was generally acknowledged that there was no universal consensus on even basic aspects of caste and so a full 12-week public consultation would be necessary to address such issues. There is now no longer sufficient time in the current Parliament for a public consultation of the appropriate length for this complex and controversial issue to be carried out.

Ms Dass also enclosed extracts from various legal opinions that have been expressed in relation to the recent EAT judgment in the *Chandhok v Tirkey* case. We are aware of the views that have been expressed regarding the judgment and we note the interpretation which ACDA has given to it.

We have always stated that we completely oppose caste discrimination and in that context we note that the judgment opens the possibility of a legal remedy for claims of caste-associated discrimination under existing legislation, i.e. the 'ethnic origins' element of Section 9 (1) of the Equality Act 2010. As the recently published paper from the House of Common Library observes:

'...the EAT held that, notwithstanding the fact caste, as an autonomous concept, does not fall within the Equality Act 2010:

"...there may be factual circumstances in which the application of the label "caste" is appropriate, many of which are capable - depending on their facts - of falling within the scope of section 9(1)".'

This view appears to be shared by, for example, the *New Law Journal* (16

January 2015) which noted that:

“ Caste discrimination may be prohibited under the Equality Act 2010 if it relates to a protected characteristic such as a person’s ethnic origin, the Employment Appeal Tribunal (EAT) has held”.

I hope that ACDA and others who campaign against caste discrimination will feel able to welcome the confirmation provided by this judgment of a legal remedy against ethnic origin caste associated discrimination under the Equality Act 2010.

As I mentioned to you during our exchange on your recent Parliamentary question, I cannot make promises on behalf of a future Government not yet elected, but post-election any incoming Administration will need to consider how to discharge its legal obligations in respect of the outstanding duty to legislate. I am certain that whatever the political nature of the next Administration, it will be mindful of its responsibilities in respect of caste and the implications of recent legal developments.

I hope you find this letter helpful.

With best wishes

Yours sincerely
She

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