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The Rt. Hon David Cameron, MP, Prime Minister  
10 Downing Street  
London  
SW1A 2AA

20 July 2015

Dear Mr Cameron

### CASTE-BASED DISCRIMINATION LAW

1. I am writing to urge you in the interests of equality and justice that your Government delivers on the commitments made at a domestic and an international level to implement the legislation against caste-based discrimination in the UK.
2. Caste affects the South Asian Diaspora in the UK although caste is not exclusively confined to that group. There are a reported 4,303,978 South Asians in the UK<sup>1</sup>. There is strong evidence of caste-based discrimination in our report Hidden Apartheid – Voice of the Community (October 2009)<sup>2</sup>; Government’s own commissioned research by the National Institute of Economic and Social Research, (NIESR) 2010<sup>3</sup>; and more recently in Equality and Human Rights Commission’s report ‘Caste in Britain’<sup>4</sup> in February 2014. It is this evidence and a number of employment Tribunal cases and international calls for legislation that led Parliament to agree to outlaw caste-based discrimination in the UK.
3. In addition to Parliament’s public commitment to the law, in response to recommendation 110.61 (2012) of the UNHRC’s Universal Periodic Review (UPR) of the UK, calling for the adoption of the clause on caste in the Equality Act, the Government stated that this recommendation ‘enjoys the support of the UK’. They added,

“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<sup>5</sup>. A public consultation process on the detail of the prospective legislation is expected later in 2014<sup>6</sup>.”

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<sup>1</sup> 2011 Census report for England, Wales and Northern Ireland and 2001 reported figures for Scotland

<sup>2</sup> <http://acdauk.org.uk/pdf/Hidden%20Apartheid%20-%20Voice%20of%20the%20Community%20-%20ACDA%20Report.pdf>

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85522/caste-discrimination.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85522/caste-discrimination.pdf)

<sup>4</sup> <http://www.equalityhumanrights.com/publication/research-report-92-caste-britain-experts-seminar-and-stakeholders-workshop>

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/2010/15/section/9>

<sup>6</sup> <https://www.gov.uk/government/publications/caste-discrimination-legislation-timetable>

4. We are alarmed that in spite of the above commitments, in a recent answer to a Question in the Lords (Official Report Col 572<sup>7</sup>), Lady Williams of Trafford controversially assured the House that “case law provides potential protection for someone wishing to claim caste discrimination”. Legal and international opinion does not support this view:

a. the Judgement on the *Chandok v Tirkey* Employment Appeal Tribunal case concluded in December 2014 the case could be heard. However, the judge *did not* say that Caste is covered by the EA2010 in all circumstances – just in this particular case. Furthermore, the judgement confirmed that Caste discrimination is an issue coming before the courts and therefore it is wrong to argue that it can simply be ignored or that legislation is not required:

b. Lord Lester of Herne Hill QC in an opinion<sup>8</sup> on the Odysseus Trust website states

“Until caste is explicitly included as an aspect of race within the Equality Act 2010, the question as to whether caste discrimination is prohibited will remain a matter for UK courts and tribunals ..... Resolving the question of whether caste discrimination is prohibited as an aspect of race discrimination would involve the great expense and delay in pursuing a test case to the Supreme Court of the United Kingdom. Parliament decided that it was more appropriate to legislate to deal with the problem so as to avoid unnecessary delay and expensive litigation.”

c. Ms Navi Pillay the then Human Rights Commissioner at a meeting in the House of Lords on 6 November 2013 at the invitation of the ACDA<sup>9</sup> stated,

“Caste-based ignorance, hatred, fear and suffering, a fact of life for hundreds of thousands of people, also affects the lives of people in the United Kingdom.” She made clear that we cannot rely on case law “... when non-discrimination legislation might cover, *de jure*, certain acts of caste-based discrimination, an explicit reference to such discrimination in legislation is needed. It not only clarifies the legal situation and ensures comprehensive coverage of the offense; it also heightens the attention paid to it by law enforcement, other authorities and by the public at large.”

5. We are aware that some Hindu organisations want a repeal of S 9(5)(a) but it is not true as alleged by Lord Popat that all the British Hindu and Sikh communities are outraged at this amendment to the Equality Act (Official Report Col 572<sup>10</sup>). If Lord Popat means that caste does not exist in the UK or that caste discrimination does not occur, higher caste Hindus have nothing to fear from the legislation, while

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<sup>7</sup> <http://www.publications.parliament.uk/pa/ld201516/ldhansrd/text/150715-0001.htm#15071539000391>

<sup>8</sup> <ftp://ftp.odysseustrust.org/public/www/caste/castedisc.pdf>

<sup>9</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13973&LangID=E>

<sup>10</sup> <http://www.publications.parliament.uk/pa/ld201516/ldhansrd/text/150715-0001.htm#15071539000391>

Sikhs reject the division of human beings into castes and are therefore against caste discrimination in principle.

6. We urge the Government to implement the long-overdue law and outlaw caste-based discrimination in the UK. We believe this can only bring about community cohesion in the long run. When implemented the law will:

- provide structures for redress and have preventive and educational effects for people of all Castes
- provide the clarity of law required. The Courts and Tribunals will not have to waste time and resources in determining in relevant cases whether the circumstances are on all fours with *Chandok v Tirkey*.
- Employers and providers of services will be able to identify and understand the sources of discrimination. This will give them the confidence to discuss Caste-related incidents before they result in costly and long drawn-out (on both sides) legal cases that find their way to the courts.

Yours sincerely



Ms Santosh Dass, MBE  
**Anti Caste Discrimination Alliance**