

UK Government challenged on its non-implementation of law to outlaw caste discrimination

by Meena Varma in [News](#) | [Edit](#)

Dalit Solidarity Network UK challenges UK government on the non-implementation of promised legislation to outlaw caste discrimination.

In July 2016, Dalit Solidarity Network UK instructed well known solicitors Mishcon de Reya to write a pre-action letter to the Minister for Equalities and Women and the Secretary of State for Education, Justine Greening.

This was a significant milestone for Dalit Solidarity Network UK leading a consortium of organisations, including Anti Caste Discriminations Alliance, CasteWatch UK and the National Secular Society who seek to challenge the UK government over the non-implementation of the promised legislation to outlaw caste discrimination in the UK. Well known solicitors, Mishcon de Reya's Employment team, acting on a pro bono basis for Dalit Solidarity Network UK challenged the UK government on this matter with Diya Sen Gupta and Daniel Cashman of Blackstone Chambers, also acting pro bono.

The response to the letter from the government, and the Minister for Equalities, Justine Greening, was to confirm that it will undertake a [public consultation](#) on the legislation – to take place for 12 weeks at the end of this year.

Under the caste system, which is practised most commonly on the South Asian continent, individuals are born into a lifelong hierarchical status. As the former Secretary of State for International Development, Justine Greening MP will be more than well aware of the human and labour rights abuses suffered by Dalits in South Asian countries as a result of caste discrimination. She has met Dalit groups on her visits.

There is clear evidence of caste discrimination amongst the South Asian diaspora in the UK, affecting Christians, Hindus, Muslim and Sikh communities. Dalits have campaigned since 2007 for the inclusion of 'caste' as a protected characteristic (like race and gender) in the Equality Act 2010.

By an amendment effected by section 97 of the Enterprise and Regulatory Reform Act 2013, the ability for caste to become an aspect of race then became an obligation for the Government to so legislate. In July 2013, the government introduced a timetable that set out a series of steps, including a public consultation, intended to lead to the enactment of this caste legislation in the summer of 2015.

Key deadlines in this timetable have not been met, and to date the government remains silent on whether it will make an Order under section 9(5) of the Equality Act 2010 so as to provide for caste to be an aspect of race.

So what of this recently announced consultation? The goalposts have been moved. We were told in 2013 the consultation would focus on 'how to implement the legislation. It now appears that the focus will be on 'whether to implement the legislation'

[CasteWatch UK](#) is preparing to mobilise the many thousands of Dalits to protest outside Parliament if the terms of the consultation are not fair and equal.

[The Anti Caste Discrimination Alliance](#) have stated in their press release: 'The Anti Caste Discrimination Alliance is deeply concerned that the UK Government has decided to consult on the need for the law already agreed by Parliament in April 2013. The Government is blatantly ignoring the will of Parliament and UN CERD's recommendation that the law be brought into force without further delay.

[The National Secular Society](#) has raised the issue at the United Nations Human Rights Council saying It (UK Government) has just announced a public consultation on "whether additional measures are needed [on] ... caste discrimination ... under the 2010 Equality Act". This in effect invites the opinions of the public, including those of '**so-called higher**' caste and those wishing to discriminate on grounds of caste, to oppose the legislation recommended by the UN in accordance with the UK's "international human rights obligations", and required by Parliament.

Theresa May has pledged; *"The government I lead will be driven, not by the interests of the privileged few, but by yours. We will do everything we can to give you more control over your lives."* Will she stand by this pledge and give protection to the many thousands of potential victims of caste discrimination rather than listen to the rich lobby that insists there is no caste discrimination in Britain – well not much anyway!