
BRIEFING:

Caste discrimination

July 2021

Introduction

The National Secular Society wants caste-based discrimination to be recognised as a form of discrimination under UK equality legislation.

The caste system is the result of ancient religious and cultural beliefs, most often, though not exclusively, associated with Hinduism and Sikhism. The caste system is imbued with inequality and discrimination, and is in diametric opposition to the Universal Declaration of Human Rights.

What is caste?

The caste system is South Asian in origin and is based on a division of labour and the concept of a spectrum of 'purity' and 'impurity'. Caste systems involve the division of people into one of a number of social groups where assignments of rights are determined by birth. These assignments are fixed and hereditary. Caste prescribes the type of occupations a person can pursue and the social interactions that he or she may have. Those at the greatest disadvantage are called Dalits, or 'untouchables'.

Inequality is at the core of the caste system. Caste discrimination is unlawful under India's constitution, but is still widely practised.

Caste-based discrimination has emerged within the diaspora in the UK. A report into the prevalence of caste discrimination in the UK was commissioned by the Government Equalities Office and undertaken by the National Institute for Economic and Social

Research (NIESR). The report – 'Caste discrimination and harassment in Great Britain' – was published in 2010 .

The report estimated there are at least 50,000 (and perhaps in excess of 200,000) people living in Great Britain who are classified as "low caste". It found significant evidence of caste-based discrimination, harassment and bullying in employment, education and in the provision of services, including care.¹

Case studies

The following case studies are summarised extracts from NIESR's report:

- X worked in the catering section of a hospital. Most of her colleagues were Jatt ('high caste') Sikhs. She experienced discrimination from them after they found out her caste. During lunch breaks X and her friend, also low caste, would sit on a separate table as the other women did not want to sit with them. They were excluded from casual conversations. The other women would openly ridicule the "Chamars" (Dalits) and the "dirty work" they do.
- X worked as a mechanical engineer. In the workplace, employees had to clean their own spillages. A Sikh Jatt refused to clean his own spillage. He said to the foreman, "It's not my

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85522/caste-discrimination.pdf

job, I'm high caste. It's the job he should be doing," indicating X. X raised this with the company and the union, but they did not understand why it was so offensive.

- X's first job in the UK was in a clothing factory where he worked for a very short while before being asked his caste. Soon after he was told that there was no more work, although he found out that they had recruited a replacement worker and was told that the employer did not want a Chamar in the factory.

The need to legislate

The NSS has been closely involved with the introduction of legislative provisions passed by the UK parliament concerning caste.

A provision in the Equality Act 2010 that enabled secondary legislation to be passed by a Ministerial Order to include 'caste' as a specific protected characteristic was replaced in 2013 by an instruction by parliament to the government to outlaw such discrimination, a move strongly endorsed by the United Nations.

But in 2018, the government announced that it would not explicitly recognise caste-based discrimination under equality legislation, a decision criticised by the NSS, the Equality and Human Rights Commission and various organisations and individuals in the field of human rights.

Opponents claim legislating against caste discrimination would be an 'attack' on Hindus. Some opponents of legislation claim to be unaware of caste discrimination and therefore deem it unnecessary without much greater evidence of caste discrimination than has been produced so far. This view appears to be more prevalent among those from so-called higher castes, who would by the very nature of caste be less likely to suffer adversely from discrimination, and in fact be likely to benefit from the status quo. It has also been claimed that legislation would displease the Modi-led Indian Government, which is increasingly identified with Hindus.

While caste remains unrecognised as an explicitly protected characteristic in equality law, victims of caste discrimination currently have to use unclear and precarious case law to secure justice. An express provision in the Equality Act 2010 would remove any legal uncertainty.

For more information on our campaign, please visit www.secularism.org.uk/outlaw-caste-discrimination

The National Secular Society (NSS) is a non-profit organisation campaigning for the separation of religion and state, and equal respect for everyone's human rights so that no one is either advantaged or disadvantaged on account of their beliefs.