

INTRODUCTION

The Hindu-Jain population is diverse consisting of many different communities, each with its own identity, traditions, rituals, language and social condition. Hindus and Jains have traditionally been multi-cultural and are flexible in adapting to settlements globally. The older generation diaspora is lost in the socio-cultural-political adjustment and do sometimes ponder on non-issues, one of them is caste. We believe caste is an exceedingly complex issue and legislation requires deep understanding of the subject within its traditional context and also grass-root level sociological research for an evidence based understanding of the realities.

This short document presupposes that the Honourable member has background knowledge on this very sensitive subject and is intended to give a short summary of the views and concerns of Hindu and Jain Communities within the UK regarding the impending debate on the legislation regarding caste discrimination.

It must be noted that the signatories to this document represent majority of the Hindus and Jains in the UK .

PREAMBLE:

It is our view that

a) The inclusion of Caste in the legislation, based on the evidence gathered and presented in the NIESR report, would be erroneous and may prove to be detrimental to the very community that it is intended to serve. We believe that the evidence is fundamentally flawed and therefore does not provide any rational basis for the legislation.

b) It is recognised that the well meaning Honourable members of HoL and HoC are united in creating and promoting a just, fair and free society consisting of diverse communities. We also believe that their own knowledge of this sensitive subject may be limited and therefore to make decisions based on understanding of this issue and judgements based on inadequate evidence in a biased research document would be unfair to not only the legislation but to the community it is supposed to serve.

c) Various statements made in the House of Lords, for example, that the affected community has a population of around 480,000 and that there are 400 so called Dalit leaders expressing their feelings outside the house, are not only false but distort the picture. Also statements based on various references to cases which have not been investigated properly, and references to incidences in India which have no bearing on the laws to be enacted in the UK, strongly indicates that the Honourable members have not had access to accurate information which has led them to incorrect conclusions regarding this issue.

d) We propose that a properly designed and detailed, in-depth research be carried out for a just and fair decision to be made. The Hindu and Jain group for Equality would like to see proper justice being applied based on accurate information and understanding and would like to assist in producing an informed and reliable report with the help of the community that it is meant to assist.

e) It is of course understood on the principle of fairness and justice that there should not be any kind of discrimination. Any new legislation should be well accounted for and backed by accurate data and research.

A) NIESR report is inaccurate and misleading.

It is fundamentally flawed in its research methodology leading to misleading and inaccurate conclusions. We are not commenting on the ability of NIESR nor on the writer but consider that the quality and value of the report has been limited by the inadequacy of time and resource allocated to producing the report. Briefly these are some of the points which are contentious:

- *The report states that the Hindu population is 5% of the population.* In the last census of 2011 the Hindu population was 816,633 or closer to 1.6% of the population; If the report is meant to say Hindu, Jains and Sikhs than the figure would be 1,259,000 or 2% of the population.
- It suggests that the “*affected community*” can be from 50,000 to 200,000. In House of Lords it was suggested that this figure is closer to 400,000. This indicates that the figures are widely variant and thus unreliable. Accurate figures can be obtained by further research that would be fair on the Hindu community.
- It states that there is no evidence that the extent of harassment is reducing. There is no evidence to show that any research was done to support this view;
- The research methodology used in the report is ‘purposive sampling and qualitative research methodology’ which we consider as highly inadequate for the purpose of any solid evidence base
- In the report only 30 persons were interviewed as compared to the 850,000 Hindu populations in UK, which is very poor sampling and again inadequate. Out of 30, nine of the cases were dropped by the author of the report. Based on 21 interviews, that too a totally purposeful interview, no valid conclusions can be obtained. The sample accounts for only 0.0021% of the total Hindu population and highly inadequate number for a legislation. We believe that the flawed method of sampling and a biased sampling procedure have highly weakened the basis for any valid conclusions.
- It is worthwhile noting that no effort has been made to prove the claims nor have the alleged perpetrators been contacted for further verification. The dates and the place of abuse, if any, is either very long time ago or not in this country;
- 98% of the persons interviewed were for this report, were Sikhs. Sikhs are totally different religious groups and cannot be generalised for all the Hindus. Also some of the cases of discrimination stated may be differing religious practises as opposed to caste discrimination. The NIESR report authors were contacted several times to carry our further research to find out if there is an abuse, if the abuse is current or if the abuse is historical. Unfortunately this offer was not considered.
- The report has used terminologies like ‘low caste’, ‘untouchables’ ‘dirty’ etc., which are derogatory terms and not used in Indian Census context. (Indian census uses only scheduled castes and scheduled tribes (classification on the basis of level of income and occupation). The report is thus confusing and emotive to the layman to be using vague terminologies.

Until there is complete clarity as to if and where abuse lies, we believe that the legislation to include caste should not be enacted. It is our opinion that much harm will be done to the

community as it will create a 'caste consciousness' where it may not exist at all and thus make it an issue where it was not before.

b) What areas of further research is required:

i) We would expect the new research to include all the sectors of the communities in the UK and all faiths and not just be limited to Hindu, Sikhs and Jains to be able to give an accurate picture.

ii) The research has to be carried out by an independent organisation to identify potential abuse.

iii) The report must closely look for any evidence of discrimination in the Work, Provision of Goods & Service and Health & Education in the UK as this would be the key element in providing a clear evidence base.

Conclusion and Prayer:

Hindu and Jain groups are united in saying that 'we do not believe that Caste abuse exists in our communities'. We are also united in that we do not condone discrimination of any kind on the basis of Race, Gender, Religion or Caste. Therefore we will support any adequately researched work that is carried out.

We would like to conclude by stating that our peaceful and contributing communities have found the threat of legislation very difficult and it has caused a lot of pain in our communities by being drawn into a piece of work in which we have not been consulted.

We urge ALL POLITICIANS from ALL PARTIES to oppose the introduction of legislation and executive measures concerning caste discrimination until proper research and consultation has taken place.

OUR RECOMMENDATION FOR MOTION

Commending all efforts to end discrimination, we welcome initiatives to prevent any form of discrimination and prejudice in the UK. We, however, have strong reservations on the amendment to include Caste in the Enterprise and Regulator Reform Bill which will be debated without wider consultation with the affected communities such as Hindus, Jains and Sikhs. We fear that the amendment could lead to acrimony and divisions within sections of British Society directly as a result of this inadequately consulted and hasty legislation initiative. This can only adversely affect community cohesion. If enshrined in Law, given the practical difficulties involving adjudication and evidential documentation, which will make the declaration of caste mandatory, this amendment can only be counter productive. On this basis we feel that without further research this sensitive matter should not proceed in the manner currently being proposed. We propose that you reject this amendment and recommend further research, consultations and community efforts, assisted by Government and interested parties, to explore the possibility of ending any perceived or real discrimination.