



14 January 2015

Sikh Council UK Vindicated on Caste Legislation

Sikh Council UK notes the delivery of an Employment Appeal Tribunal verdict by HJ Langstaff in a caste discrimination case which vindicates Sikh Council UK position on 'descent' being a more appropriate protected category to be named in the Equality Act 2010.

The Sikh Council UK has consistently maintained that equality of all mankind and the rejection of any 'caste' system represents a founding principle of the Sikh faith. This principle as espoused by Guru Nanak Dev Ji, the founder of the Sikh faith, rejects all systems or concepts of hierarchy based on caste, ritual purity, the four classes (varnas) as practiced by the Hindu tradition, occupation or any other hereditary or descent based factors.

During the debate to legislate against caste based discrimination, Sikh Council UK put forward five points that would protect against unintended consequences of legislation. These were:

1. The Sikh faith not to be referenced in any definition of caste as Sikhism had previously been incorrectly linked with ritual purity in the definition of caste.
2. Consideration to be given to 'Caste' being replaced with 'descent' as the protected category to be named in the legislation.
3. Caste to be excluded from equality monitoring requirements because to monitor caste by asking service users and customers to identify would be offensive.
4. Legislation to contain a sunset clause to ensure a focus and urgency on removing 'caste' from the consciousness of all citizens.
5. To implement an education programme within effected communities to inform and facilitate community initiatives to address any prejudices/practices in preparation of legislation.

Secretary General of the Sikh Council UK, Gurmel Singh said, "The five points we had identified were to ensure there were no unintended consequences as a result of legislation. We wanted to ensure that we did not follow the example of India where caste

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discrimination legislation rather than eliminating caste discrimination has actually entrenched caste identities and discrimination further.”

He added, “At the time, both the Government and Opposition front bench accepted our rationale and provided for four of our five points either in legislation or in the ongoing work to implement the legislation. The tribunal ruling now gives a clear indication that not only is caste judiciable under current legislation but it is so because of the definition of racism in European legislation that follows the UN definition and covers ‘descent’. According to the UN definition, ‘caste’ is included within ‘descent’ along with other specific categories.”

Sikh Council UK is now calling upon the Government to immediately review the implementation of the legislation and to examine further the suggestion to use ‘descent’ instead of ‘caste’. It is the responsibility of the Government to make sure they get the legislation right in light of all the available evidence and in a way that minimises the risk of unintended consequences.

END

Notes for Editors

The Sikh Council UK is the largest representative body of Sikhs in the UK. We are recognised as the national advocate for British Sikhs in the United Kingdom and at the European Union.

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