



**British Legislation Against Caste Based Discrimination
and the demand for the Sunset Clause**

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Abstract

On 23 April 2013, British Parliament agreed an Amendment on caste to the Enterprise and Regulatory Reform Bill (ERR Bill). The Bill received Royal Assent on 25 April 2013 and Section 97 of the ERR Act (that provides that Government 'shall' use Section 9(5)a to make caste an aspect of race) came into force on 25 June 2013. The Amendment will be made to the Equality Act 2010 by 'adding caste as 'an aspect of' the protected characteristic of race' (Waughray 2014). Importantly, although the Government's timetable states that the legislation will be enforced not before October 2015, the considerable delay in implementation is consequential of the opposition from both Sikh and Hindu organisations. To some degree, there was unanimity amongst most British Sikhs that legislation against caste discrimination was unnecessary under British law. The Sikh Council UK (SCUK) declared that 'caste allegiances were on their way out in the UK' and demanded a Sunset Clause which essentially renders the caste legislation as temporary for a period of ten years since the credence of the SCUK is that caste will have absolutely no significance for subsequent generations of British Sikhs. This paper provides an analysis of attitudes, primarily from the British Sikh and Punjabi Dalit communities towards caste discrimination legislation in British Law and in particular attitudes towards the proposal of the Sunset Clause.

Key words: UK Equality Act 2010; Caste Discrimination Legislation; Sunset Clause; Sikh Council UK; Anti Caste Discrimination Alliance; CasteWatch UK; Sikhs and Caste; Caste Identity; Punjabi Dalits; Ravidassias; Valmikis.

Introduction

A discussion about the position and role of caste amongst Sikhs is a contentious issue, one which almost always raises a heated debate (see Takhar 2005; Jodhka 2014). A vast amount of published literature is readily available on the topic of caste and its demonization which represents caste as invidious (Gupta 2005; Srinivas 1996). Caste remains the oldest of challenges in contemporary India and "continues to affect its economy and polity even today" (Ram 2013: 2). However, the other perspective needs to be looked at which is that it is part of a long-standing culture that is integral to the Hindu and Sikh mindset. In that respect it is positive because it is about self-identifying oneself in a group of class that is in keeping with an overarching religious and cultural system (see Ballard 1999). Participants may not want to speak up against it because it is part of their heritage and so is something that they want to protect. Teltumbde (2012) observes that the basic identity of individuals in the Indian subcontinent is constituted around caste. The position of caste amongst Indians, indeed South Asians generally, in countries such as Britain highlights that stigmas and expectations associated with caste have indeed, retained significance in the psyche of South Asians who are settled outside of India/South Asia. Much work on caste has been undertaken from an empirical and ethnographical approach which highlights the harsh discrimination faced by victims from the Dalit community in particular (Gorrige and Rafanell 2007). British

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3 legislation against caste discrimination therefore indicates that caste based stigmas, and
4 indeed, discrimination, are inherent amongst South Asians in Britain. ¹ This paper therefore
5 discusses attitudes towards such legislation, primarily by analysing testimonies gathered from
6 within the Punjabi Dalit and Sikh communities in the Midlands area of England. On 23 April
7 2013, British Parliament agreed an Amendment on caste to the Enterprise and Regulatory
8 Reform Bill (ERR Bill). The Bill received Royal Assent on 25 April 2013 and Section 97 of
9 the ERR Act (that provides that Government 'shall' use Section 9(5)a to make caste an aspect
10 of race) came into force on 25 June 2013. The Amendment will be made to the Equality Act
11 2010 by 'adding caste as 'an aspect of' the protected characteristic of race' (Waughray 2014).
12 Importantly, although the Government's timetable states that the legislation will be enforced
13 not before October 2015, there has been considerable opposition to the legislation to outlaw
14 caste, both before it being passed, and now from a number of faith based organisations such
15 as the Hindu Council of Britain and Hindu Forum of Britain (collectively the 'Alliance of
16 Hindu Organisations'). The Sikh Council UK has also raised concerns over a number of
17 matters. The Sikh Council UK have also argued for the Sunset Clause as they are of the
18 opinion that the legislation should not become a permanent Amendment to the Equality Act
19 2010, since they believe that caste amongst British Sikhs will have no significance at all
20 within the next ten years. This paper will explore the rationale behind the Sunset Clause and
21 whether it has merit in terms of the 'institution' of caste dying out within the next ten years
22 amongst British born Sikhs. For a detailed insight into the historical process leading to the
23 Amendment to add caste as an aspect of race to the Equality Act 2010 see Pyper (2014) and
24 Waughray (2014).
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27 Overall, there are three key concerns that have been put forward by British
28 organisations which oppose the caste discrimination legislation: (1) The flaws in the
29 NIESR² report relate to errors in sampling which is both bias towards the Dalit community
30 and also limited in the number of informants. The report in their view therefore does not
31 provide a true reflection of the cross section of opinion within the community; (2)
32 other than an extremist fringe, there is broad unanimity amongst South Asian groups that
33 caste and caste discrimination have no place in a modern enlightened society and that
34 legislation could make things worse by re-inscribing caste-based identities that have
35 diminishing currency, especially for young people; (3) that education, rather than legislation,
36 is the best way forward to combat prejudiced attitudes that may be held by and about
37 individuals associated with particular caste identities. Organisations that lobbied against the
38 legislation were also concerned that any requirement for people to record their caste would
39 firmly embed and institutionalise caste-based divisions in British society. The British Sikh
40 Report 2013,³ for example, indicates that a majority (61.2%) of the 662 British Sikhs who
41 responded to a questionnaire indicated that they have no concern for caste-related issues.
42 This has also been voiced by the Sikh Council UK in their insistence on a Sunset Clause.
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45 On the other hand, supporters of the legislation, led by the Anti Caste Discrimination
46 Alliance argue, largely on the basis of their own experiences and knowledge, that there is
47 indeed ample evidence of the existence of both individual and institutional forms of caste
48 discrimination. They accept NIESR's research conclusions that there is caste discrimination
49 in the areas covered by the Equality Act 2010. They have called for legislation to protect the
50 Dalits in particular, since they continue to be impacted by centuries-old stigma attached to
51 untouchability (for example see Ballard 1999; Ghuman 2011). A number of reports have
52 indicated that it is the Dalits who face the majority of caste-based discrimination in the UK.
53 However, the Sikh community in particular has raised a key concern that references to the
54 Sikh religion in relation to caste discrimination legislation should be removed. This stems
55 from the very foundations of the Sikh faith based on egalitarian principles that reject caste
56 and gender discrimination (Singh, Pashaura 2000).
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3 In this article, I have drawn on testimonies gathered from a number of pro legislation
4 and anti legislation (in its current form) organisations, with regard to attitudes towards the
5 caste discrimination legislation, and the Sunset Clause in particular. A number of other, pro
6 and anti, legislation organisations were also contacted, however, the majority of these did not
7 respond. Additionally, a semi structured questionnaire was used to collect qualitative data
8 from twenty young British Sikhs, Dalits and Hindus in order to be able to explore British
9 youngsters' responses to the caste discrimination legislation, and indeed towards the role, if
10 any, that caste plays in Britain.
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12 **The Sunset Clause: Temporary legislation against caste based discrimination in Britain**

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15 In their rebuttal of the NIESR, and other reports relating to caste based discrimination in
16 Britain (as highlighted above), the Sikh Council UK takes the view that a comprehensive
17 study should have used the evidence provided by case studies to demonstrate how attitudes
18 and discrimination associated with caste have changed over time. Hence their conviction is
19 that the younger generation of British Sikhs have diminishing regard for caste based
20 identities. This is important since many testimonies gathered in the various reports have
21 alleged that victims have been discriminated on the basis of their caste by non-Dalit Sikhs,
22 particularly those from the Jat caste (also see Ghuman 2011).
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24 The concerns of the Hindu community, post legislation, are highlighted in a report
25 from the Oxford Centre for Hindu Studies (OCHS), University of Oxford.⁴ Two of the key
26 concerns highlighted in the report are methodological issues with the NIESR report (i.e.
27 interviewing individuals from only Dalit communities) and the definition of caste itself for
28 legal purposes. The OCHS report also draws attention to a statement by Jonathan Portes, the
29 Director of NIESR, that the NIESR report was “not designed to establish reliable and robust
30 evidence on the prevalence and severity of such discrimination”. Mr Portes has since
31 reaffirmed that the NIESR report concluded that there was caste discrimination, and that the
32 Alliance of Hindu Organisation's statement to the contrary was incorrect. The report by
33 Professor Flood also makes it clear that one of the limitations of the NIESR report is that the
34 majority of cases of caste discrimination involved Sikh rather than Hindu agency. In response
35 to such NIESR claims, the Sikh Council UK also put forward a number of recommendations
36 for consideration to Helen Grant MP. The five point recommendation highlights the
37 following key concerns:
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- 40 1. Any definitions of caste, for the purposes of the legislation, must ensure that
41 references to the Sikh faith, founded on the principle of egalitarianism, must be
42 excluded.
- 43 2. The word ‘descent’ be used to replace the term ‘caste’, as this will effectively
44 cover ‘all discrimination based on hereditary principles, including caste, tribe and
45 clan affiliations.
- 46 3. Equality monitoring should not legitimise ‘caste’ by asking individuals to record
47 their ‘caste’ when applying for jobs or accessing public services.
- 48 4. Inclusion of a Sunset Clause which would limit the legislation to a period of ten
49 years.
- 50 5. The implementation of the legislation should be preceded by a 2-3 year period
51 which would allow for wider consultation and an educational programme to
52 ‘inform and facilitate community initiatives’ when addressing prejudice and
53 discrimination.⁵
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3 The rationale behind the five point recommendation is summarized in the following statement
4 from the Sikh Council UK:
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6 *In essence our position is that identities based upon essentially historical family*
7 *professions are becoming increasingly irrelevant due to mobility, increased*
8 *opportunities and socio economic convergence. Therefore we would be opposed to*
9 *any measures that potentially entrench these labels in UK society. We should not*
10 *make the same mistake as Indian legislators who through well intentioned but poorly*
11 *thought through legislation have had the unintended consequence of the varna system*
12 *entrenchment and increased polarisation of society on a scale that is now probably*
13 *irreversible.*⁶
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16 Disagreement over how 'caste' is to be defined in the legislation is thus a major factor
17 in the delay in implementation. The Equality and Human Rights Commission appointed a
18 team of academics to work on this very issue of providing guidance to how the term 'caste'
19 should be defined in view of the concerns from anti legislation organisations.⁷ A clearer
20 definition of caste would equip employers and those working in the public sector to
21 understand the issue within a human rights context, as opposed to traditional Indian notions
22 of the opposition between ritual purity and ritual pollution associated with the hierarchical
23 structure of class (*varna*) and caste (*jati*). Detailed discussions around definitions of caste can
24 be found in Jodhka 2012; Flood 1996; Dirks 2002. Although caste discrimination in Britain is
25 not primarily an economic issue, it is the social stigmatisation associated with caste that
26 continues to influence behaviour by some within the Hindu and Sikh communities (Ballard
27 1999).
28

29 Despite the lack of a definition of caste which is accepted by both pro and anti
30 legislation organisations, there are a number of salient features associated with caste that
31 apply to most South Asian communities – particularly endogamy. Endogamy is one area in
32 which caste becomes important amongst the British Sikh, and indeed British Hindu
33 community also. Caste identities amongst Hindus in Britain are particularly influential when
34 it comes to marriage (Zavos 2012). The practice of endogamy was raised by a number of
35 British Sikh individuals who were interviewed for their views towards the legislation:
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38 *It is important for me to marry someone of the same caste as me since this is the*
39 *expectation that my parents and grandparents, and extended family have from me.*
40 (Davinder, Jat, Sikh).
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42 *I want my children to be aware of what caste they belong to because this ties them in*
43 *with their cultural heritage. I would be upset if they married out of caste.* (Harinder,
44 Ramgharia, Sikh).
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47 When asked whether caste has been an important aspect in her life, Sunita (Khumar, Sikh)
48 replied: *“Not for me personally, but my mom has always mentioned getting married in caste.”*
49 Importantly, however, the views of other British Sikhs gain credence from their interpretation
50 of Sikhi as being one which has no regard for caste based distinctions, as one interviewee
51 states:
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53 *Sikhi is a caste less religion. Our Gurus taught that everyone is equal. The*
54 *expectation from my parents is that I marry a Sikh, her caste does not even come into*
55 *the equation.* (Sandeep, Jat, Sikh).
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3 The conviction that the Sikh faith is 'caste free' is one that is often quoted, and indeed, one
4 that is hugely problematic when addressing caste identities as cultural heritage and in many
5 cases, a positive aspect of belonging and identifying with the ingroup (Ballard 1989).
6 Although based on conjecture, the traditional life accounts of the Sikh Gurus imply that they
7 and their offspring also married endogamously. The social comment of the Sikh Gurus is one
8 that practically applied the concept of the immanence of the Divine to extol an egalitarian
9 ideal. Repeatedly the Guru Granth Sahib rejects caste based notions of purity, and conversely
10 pollution (AG 349; AG 747). However, there is no inclination of eradicating the caste system
11 *per se* in the teachings of the Gurus. This is one possible indication as to why the discussion
12 of caste amongst Sikhs becomes a controversial topic. Nevertheless, Sandeep's statement
13 above was echoed by a number of other British Sikh youngsters too.

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15 Endogamy is also important to youngsters from the Punjabi Dalit community, as
16 highlighted in the following testimony:
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19 *It is a personal wish, but best to stick to tradition and marry someone within your*
20 *caste, because then no one will say you're from a certain caste etc. It's a decision you*
21 *should think not for yourself but family members too, and their honour. However, you*
22 *take that decision to think about your future, and what life would be like after you are*
23 *married. (Raj, Chamar, Ravidassia).*
24

25 Therefore, the importance of maintaining family honour, *izzat*, is strongly attached to how
26 caste identities manifest themselves in contemporary British society amongst South Asians
27 (Ballard 1989; Takhar 2005). The cultural aspect of caste amongst some Sikhs, particularly
28 when it comes to marriage, is a contentious and sensitive issue. I reiterate that discussing
29 caste amongst Sikhs is a complex issue which has arisen from attempts to try and simplify the
30 structure of Indian society which in turn has added confusion in subsequent understandings of
31 how caste works on the ground. Sikhs are indeed divided over caste. Some view endogamy
32 as essential in maintaining the family's *izzat*, whereas others translate Sikh teachings as
33 totally rejecting caste identities. On this point, the Sikh Council UK's justification for the
34 Sunset Clause gains strength in their belief that:
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38 *Increasingly 2nd, 3rd and 4th generation British Sikhs neither recognise nor accept*
39 *'caste' identities. This is perhaps best illustrated by the ever increasing rate of*
40 *marriage between couples descended from different backgrounds - it is clear to*
41 *SCUK that evolutionary change is happening.*⁸
42

43 In the same 'Position Statement' the Sikh Council UK also make it clear that caste based
44 discrimination is 'evil' and has no place in British society:
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47 *SCUK welcomes the recognition by parliamentarians of the evil of caste*
48 *discrimination and fully supports and commends attempts to eliminate it. We*
49 *recognise that whether any such system is pursued according to religious doctrine or*
50 *is practised to conform to cultural or social norms the end result is the same and has*
51 *no place within UK society or within the Sikh lifestyle.*
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53 The practice of caste based divisions amongst the Sikhs is markedly different to the practice
54 of caste amongst other South Asian communities, as highlighted by Jodhka:
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3 “... Sikh caste differs from its more classical antecedents...Nor is there any specific caste
4 group comparable to the kind of division that the textbook view of caste suggests.” (2014,
5 p. 583).
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8 In February 2015, Lord Avebury (a supporter of the caste discrimination legislation)
9 probed the Government to provide a clearer indication of when the Amendment to the
10 Equality Act 2010 would be implemented. Baroness Garden’s response made it clear that
11 Government, which at that time was the Conservative and Liberal Democrat Coalition, had
12 “...no immediate plans to incorporate caste into legislation” (Cranmer 2015). The delay in
13 the implementation has resulted in further lobbying of Parliament by the pro legislation
14 organisations. Ms Santosh Dass, MBE, Anti Caste Discrimination Alliance (ACDA), has
15 voiced her concerns over the delay:
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18 *“Like many people in this country I am frustrated at Governments’ procrastinations*
19 *when it comes to protecting victims of Caste-based discrimination in the UK. The*
20 *existence of caste and Caste-based discrimination in the UK is not in question and*
21 *has been documented in various Government-commissioned and non-Government*
22 *reports. That is why the law was agreed by the UK Parliament and is a*
23 *recommendation of UN Council on the Elimination of Racial Discrimination. In*
24 *December 2014, there was a disturbing report in the Sunday Times that PM Cameron*
25 *had personally blocked the consultation ready to go on Caste law because he had*
26 *been lobbied by the Hindu groups. Right up to this year’s Election two reasons were*
27 *given for the delay (i) Government wanted to look into the extent of Caste and Caste*
28 *discrimination in the UK, and (ii) outcome of an Tirkey v Chandhok Employment*
29 *Appeal Tribunal (EAT). The EHRC in late 2013 and NEISR before them in December*
30 *2010, both advised Government that it was not practicable to carry out research into*
31 *the extent of Caste. The Judgement on the Tirkey v Chandhok appeal concluded in*
32 *December 2014 the case could be heard under existing law. However, the judge did*
33 *not say that Caste is covered by the Equality Act 2010 in all circumstances – just in*
34 *this particular case. If anything, the judgement reinforced the fact that Caste*
35 *discrimination is an issue coming before the courts and can no longer be ignored or*
36 *that legislation and the clarity in the law is not required. So Government should stop*
37 *delaying and implement the law”.*⁹
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41 According to Ghuman (2015) non-Dalit Indians in the UK fail to acknowledge that casteism
42 exists in Britain. Indeed this is an observation that I too have gathered through various
43 conversations with British Sikhs, especially the younger generation. So what is happening
44 here? Are British Sikhs insensitive in recognising caste based discrimination or is there
45 credibility in the demand for a Sunset Clause? And what about the cases of caste based
46 discrimination reported by the victims? The production of the Sikh Manifesto¹⁰ (officially
47 launched in January 2015), by the UK based Sikh Network, may shed some possible light on
48 the many contradictions in the qualitative data collected from both individuals and
49 organisations. The Sikh Manifesto, for 2015 – 2020, was produced after extensive
50 consultations with the British Sikh community, ahead of the 2015 UK General Election. Ten
51 key areas of concern to the British Sikh community were highlighted as a result of the
52 consultations. The issue of caste discrimination, and indeed legislation against such
53 discrimination, is not one of the ten key areas. The simple reason for this being that Sikhs
54 who attended the nationwide consultations are of the opinion that such discrimination is not
55 an issue within the community.¹¹ This does not mean that all British Sikhs outrightly reject
56 that caste has a place within the community. Indeed, the majority of Gurdwaras in Britain are
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3 caste based (Singh, Gurharpal 2012) and members of a particular caste are nominated to the
4 management committee board (Sato 2012). Informants, particularly from the Punjabi Dalit
5 communities, have repeatedly remarked that the Gurdwaras they visit are explicitly formed
6 around their caste identities as Chamars/Ravidassias and Chuhras/Valmikis. Two
7 interviewees shared their experiences when questioned about whether they have a preference
8 for the Gurdwara they attend:
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11 *“Shri Guru Ravidass Temple, Walsall and Birmingham. We attend these Gurdwaras*
12 *only because if you go to other Gurdwaras they discriminate you saying you’re from a*
13 *different caste: Chamar coming here, having free Langar, and you listen to the Bani*
14 *but you have no turban or beard”.* (Raj, Chamar, Ravidassia).
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17 *I have been to many [Gurdwaras] where I have felt excluded or belittled. I have had*
18 *people look down on me and ask me my surname.* (Jyoti, Dalit, Ravidassia).
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20 Youngsters from Dalit communities also regularly make the point that their ancestors
21 either established links with their own caste Gurdwaras or set up caste based Gurdwaras
22 because of the discrimination that the elders faced in Gurdwaras, which tended to be
23 dominated by non-Dalit Sikhs, during the 1960’s and 1970’s. In recent years, Gurdwaras of
24 the Ravidassia and Valmiki communities increasingly prefer to be recognised as Sabhas and
25 Bhawans, rather than as ‘Gurdwaras’. This has led to a strengthening of their religious
26 identity as non-Sikhs (see Takhar 2014a). However, caste based institutions amongst the
27 British Sikh community are not solely based on assertions of a distinct religious identity, the
28 vast numbers of Ramgharia Gurdwaras and Bhatra Gurdwaras are established by caste groups
29 who identify with the ‘mainstream’ Sikh community, these Gurdwaras are run by the specific
30 caste members for a specific caste based *sangat* (Singh, Gurharpal 2012). Hence,
31 strengthening caste based identities amongst British Sikhs. It is important to note however,
32 that the legislation does not cover religious institutions; currently the legislation covers caste
33 based discrimination in the workplace, public services (for example cases of neglect of
34 elderly Dalit patients in care homes or those receiving care in their own homes) and
35 educational institutions. The overall response of the British Sikh community is that the
36 legislation is unnecessary and that any problems associated with caste should be addressed
37 through education.¹² The ‘Talk for Change’ programme was subsequently funded by British
38 Government in an attempt to finding community based solutions to caste based prejudice and
39 discrimination. The educational programme however failed to reach any conclusive
40 objectives.
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43 A major concern from anti legislation organisations is that the legislation would
44 entrench caste in Britain as a means of social identification. The Sunset Clause therefore,
45 according to the Sikh Council UK, would ensure that the legislation is a temporary solution
46 for a form of discrimination ‘on its way out’. The Anti Caste Discrimination Alliance has
47 been persistent in its efforts towards the implementation of the legislation, as highlighted in
48 the following statement:
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51 *“The sunset clause is unprecedented. Simple as that. There is no such measure for*
52 *any of the existing protected characteristics in the Equality Act 2010. Equality of*
53 *treatment certainly appears to be going amiss when it comes to Caste discrimination.*
54 *It’s good that academics who undertook EHRC commissioned study ‘Caste in Britain:*
55 *Socio-legal Review 2014’ support this view too”.*¹³
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Concerns over the delay in the implementation of the legislation have also been voiced by another British pro legislation organisation, CasteWatch UK, who make it clear that further lobbying of British Government is inevitable if the delays continue. The General Secretary of CasteWatch UK, Davinder Prasad makes it clear that:

*CasteWatchUK is now getting ready to take part in the process of implementation of caste legislation by the newly elected Government and we are hoping that this will happen soon. We are also getting ready to lobby Parliament with the help of our supporting organisations in order to remind Government of its duty to implement the decision of British Parliament and implement caste legislation. CasteWatchUK is fully aware of the Sunset clause which we believe will come into effect from the date the Government announces the implementation of caste legislation. We are still handling caste related incidents, one recently was denied justice only because there are no clear guidelines on caste based discrimination.*¹⁴

CasteWatch UK have also been involved in reviewing educational textbooks for teaching about the Hindu faith in British schools. They are of the opinion that teaching about the caste system has no relevance at all for British school children.¹⁵ Contrary to this view however, is that teachers and pupils alike should have some knowledge of recognising cases of caste based discrimination and bullying, especially in schools. This opinion was also voiced by Ravinder who, although in support of the legislation, also believes that schools in Britain should teach pupils about the caste system:

I believe that caste and religion should be taught more in depth within primary and secondary schools, for children to understand what multi cultural society we have, and more for personal development for themselves. It will give them an insight to respect and behave in a manner to one another. (Ravinder, Chamar, Ravidassia).

Another respondent however, made the point that she had no knowledge of her caste until she was discriminated against at school. This in turn affected her friendship groups:

I have been discriminated during school, affected what friends I had. Higher caste didn't want to be around me. Today people treat you different just because of a 'caste name'. The real ideology behind the caste system ie jobs have nothing to do with society today. [The legislation] needs to be implemented ASAP". (Alisha, Chamar, Ravidassia).

British Organisations who have been campaigning for the legislation look to British laws around equality and human rights. Their lobbying in Britain takes momentum from the process of liberal democracy in India as set up by the British during the Raj (Ram 2013). Important to note here is that, not all supporters of caste discrimination legislation are against the Sunset Clause. The Chair of the All Party Parliamentary Group (APPG) for British Sikhs, Rob Marris MP, has made his position towards the legislation clear:

I support outlawing caste-based discrimination in employment. I support outlawing caste-based discrimination in the commercial provision of goods and services. I do not support outlawing caste-based discrimination in private/family matters, because that would be an unjustified intrusion by the state. I am content for there to be a sunset clause. In Parliament I moved an amendment to the then Equalities Bill in

2009, to outlaw caste-based discrimination in employment and in the commercial provision of goods and services. That amendment was not passed.¹⁶

Support for the legislation has also been recognised internationally through the efforts of Navi Pillay, the United Nations' High Commissioner for Human Rights. For Pillay, the caste discrimination legislation must be implemented by the British Government in order 'to win a seat on the UN human rights council'.¹⁷ For her, the implementation of the legislation can be *easily addressed* and is urgently needed to 'wipe out the "insidious stain" of caste-based discrimination and protect the tens of thousands of people in the UK from traditionally lower status Asian backgrounds'. However, the discussion in the paper thus far, makes it clear that the implementation is hardly a straightforward issue due to opposition, in its current form, from a number of British based Organisations. In the following section, I refer to opinions gathered from young British Sikhs and Dalits in relation to whether caste based identities acquire salience in their everyday lives and social interactions in order to analyse the rationale behind the Sunset Clause.

Social Representations of caste among young British Sikhs and Punjabi Dalits

Generally speaking, there is agreement amongst the majority of the British Sikh and Hindu communities that the legislation should not be implemented, since caste based discrimination does not take place in Britain. Dalit individuals and organisations on the other hand are adamant that caste based discrimination continues to affect the lives of British victims and hence legislation is the only means to bring the perpetrators to account. So how do we make sense of the paradoxical claims from both the supporters of the legislation, in its current form, as well as its opponents? If Sikhi is taken as the litmus test then supporting the legislation against caste based discrimination would surely be strengthening the Gurus teachings in the contemporary age. However, the case is far from being black and white since caste divisions are far from being straightforward amongst the Sikhs. The point is succinctly stated by Jodhka who implies that "Caste has been a difficult and complicated subject for the Sikh Panth...caste-based divisions continue to mark the social and political life of the Sikhs everywhere." (2014, p. 583). Nevertheless, although accepting Jodhka's point of view, the majority of Sikhs would out-rightly reject the legislation supporters' notion that retaining caste based divisions is synonymous with caste based discrimination. Lord Indarjit Singh's recommendations in favour of the legislation were largely ignored by those who denied that caste discrimination was an issue at all in Britain.

A young Dalit interviewee, who in his own words defines himself as Ravidassi Sikh has never experienced caste discrimination himself but believes the legislation should go ahead to protect victims of such discrimination:

I believe it will help to stamp out on caste discrimination amongst Indians in UK as this form of discrimination still happens. (Hans-Raj, Chamar/Ravidassia).¹⁸

A respondent from the Jat caste also believed the legislation should go ahead since it would

"...stop the discrimination amongst castes/Sikhs...many people will look down on people from a lower caste to them and encourage children not to mix with them... caste shouldn't be mentioned, and caste doesn't really bother me" (Kulwinder, Jat, Sikh).

When questioned about whether caste identity is stronger amongst the younger generation, a number of respondents replied that it would be important to them for their children to identify with their caste:

“Not particularly for my friends. They see their caste as an identification of themselves and family heritage, nothing more... it would be important for my children to understand their parent’s caste but I would not push it onto them”. (Hans-Raj, Chamar/Ravidassia).

“...their parents who are from the Punjab are very into caste especially some of my cousins.”(Kulwinder, Jat, Sikh).

“... I have taught my children and grand-children what caste we are and what our religious identity is. It is important to educate the children whilst they are young.” (Raj, Chamar, Ravidassia).

The responses above echo Gurharpal Singh’s (2012) observation that Sikhs in Britain are differentiated on the basis of their caste. Roger Ballard (1989 &1994) has also highlighted, through extensive fieldwork, that caste identities are indeed important to South Asians – whether living in the Indian Subcontinent or elsewhere. Alisha’s point about caste being influential within the extended families attitudes also strengthens the fact that caste very often determines one’s social interaction and plays a significant role in marriage:

“I feel that living in Birmingham, if you belong to a certain caste it defines which Gurdwara/Temple you go to. My family have spoken about not being treated right for attending another Gurdwara. I do feel that caste has caused problems in making friendships and marriage. I think my family would expect that I rather marry inside my community rather than out. When asked why the reply was ‘say if the family do not accept you, this will cause problems. Do you really want that. Also they may treat you different, no matter how much time moves on, the subject of caste will still in some ways or another remain a issue. Especially in big families and with the elders.” (Alisha, Chamar, Ravidassia).

Respondents highlighted a number of positive aspects associated with caste, most prominent of which was a sense of belonging and identification with their caste ingroup. An identification which also extended to ingroup affiliation through bollywood:

“Yes, it unites people of the same caste. For instance, contemporary Punjabi music is dominated by superiority of Jatts. Jatt people tend to idolise other Jatt people, as we regard ourselves as united through this shared identity. For instance, I love Sunny Deol (because he is a Jatt”. (Ravi, Jat, Sikh).

“It keeps discipline for generations. Reminds people that communities are judgemental about appearance and the way we act.” (Harminder, Jat, Sikh).

“It gives you an individual identity, different to other people of diverse religions”. Ravinder, Chamar, Ravidassia).

“Yes, because it gives you your identity awareness, you should not hide your caste, be proud of your heritage and history.” (Raj, Chamar, Ravidassia).

Ravi goes on to state that is important for her children to identify with her caste. Harminder's response suggests that social conduct is relative to the caste one belongs to (see Ballard 1999). A number of respondents viewed the Sunset Clause as superfluous since they believe that caste distinctions will remain a dominant feature of identity for the unforeseeable future:

"... because the caste system has lasted for many years and there are many people who have been discriminated in jobs, education, friendship and marriages. So yes definitely Caste will be an ongoing problem for the generations to come. (Raj, Chamar, Ravidassia).

"Yes the community will keep it alive". (Harminder, Jat, Sikh).

"Yes because these views and prejudice are infiltrated through the generations. When you grow up to believe you are superior or inferior to others that sticks. (Jyoti, Dalit, Ravidassia).

Raj also made the point that he was very happy when the Amendment was passed since it gives "people more fairer and equal opportunities to work in society". He is equally proud of his caste identity and that it should be taken with pride amongst his children and future generations too: "we are proud to be Ravidassia and say that it strengthens our caste identity". Raj's comments can be compared to those of Indians, as observed by Gupta (2005) in his discussions around the rise in caste identities in India as an assertion of 'pride and status claims' (p. 417).

Bhangra lyrics remain influential in strengthening Jat caste identity with the land in Punjab/India, despite the fact that Jats living in India too are becoming urbanised. The Jat's nostalgic relationship with the Punjab and one's ancestral village (*pind*) continues to infiltrate through to the younger generation through the ever increasing popularity of bhangra amongst British Punjabi youth. This is a means of positive identification with the ingroup and one that strengthens caste identity as being autochthonous, especially for Jat Sikh youth. Nicola Mooney (2011) observes that:

"Jats reclaim their identities through the construction and assertion of a rural imaginary, a symbolic and discursive project in which urban and diasporic Jats variously create, deploy, and commemorate a romanticized rural identity as a means of negotiating the impacts of development, modernity, and transnationalism" (174).

Caste pride/nostalgia was certainly echoed by respondents who were interviewed for the current research:

Yes because for me it is part of my heritage. Being a Jatt shows that my ancestors were farmers and land-owners and this tradition was passed down through the generations after. In essence, the caste system has created a culture. (Ravi, Jat, Sikh).

The people who belong to other castes are jealous and have pride of what other people have achieved e.g. of how far the Ravidassia religion has come. We do not tolerate discrimination, we believe in equality for all. (Raj, Chamar, Ravidassia).

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When attending my induction week at Wolverhampton Uni, I was asked by two separate individuals about whether I was Jatt. They noticed because of my last name and now we are friends. Another girl who is not Jatt, did not feel comfortable talking to me. In my family and friendship groups, we mostly listen to music that uses the words Jatt, such as Diljit Dosanjh. (Harminder, Jat, Sikh).

The responses clearly indicate that caste identity amongst Punjabi youth, especially the Jat Sikh caste identity, is reinforced through bhangra lyrics (Kalra 2000). The ever increasing rise in popularity of bhangra amongst British Sikh youth is also contributing to positive aspects of being associated with the caste ingroup. It is incorrect to synonymously link such affiliation with notions around the subordination of outgroups. And here the Sunset Clause is merited in its rationale that caste identities do not equate caste based discrimination. Harminder's response illustrates that friendship groups amongst South Asians tend to be constructed around the ingroup (Ghuman 2015).

Ravinder is of the opinion that that inter-caste marriages may see caste identities as having diminishing currency with future generations:

"As far as I'm aware I don't think it will be a big impact, because I know people who have inter-caste marriages. However, there are people who are strongly against it, so it depends on personal beliefs." (Ravinder, Chamar, Ravidassia).

The reasoning behind the demand for the Sunset Clause was predominantly supported by youngsters from non-Dalit castes. These respondents also viewed the legislation as unnecessary:

"Education is more important than legislation if we are to change the mindset of the older generation. Most of them are illiterate so don't understand what the legislation is. The Gurdwaras need to have meetings about caste discrimination being wrong, only the older generation have caste-ist attitudes." (Balwant, Jat, Sikh).

"First of all, we do not need legislation against caste based discrimination here in Britain, that is just ridiculous. I have never seen or heard anyone being discriminated against because of their caste. This happens in India, not here. But if the Government says it is needed, then of course the Sunset Clause is important otherwise people will bring out the 'caste card' whenever it suits them". (Nacchater, Saini, Sikh).

"As a faith, Sikhi and the Khalsa does not recognise any caste, one must before becoming Amritdhari be freed from all social hierarchies and become part of the Khalsa family. Until then we struggle with social labels based on historical occupations. Although it is around, I feel this will disappear with future generations, and when people stop calling and identifying themselves publically or in the Gurdwaras. I don't believe this is something the UK Gov should get involved with". (Jaswinder Singh, Sikh Network).

In order to make sense of what role, if any, caste plays amongst Sikhs, ***** explored the reactions of British Sikh youngsters to questions about identity in relation to one's caste or ingroup (forthcoming 2016). Although generally, there is an implicit representation of caste as a negative aspect of South Asian culture and religion, and of caste identification as a means of oppressing vulnerable outgroups, the study taps into the social representations held by young British Sikhs. *****(2016) indicate that identifying with a caste does not

necessarily become synonymous with notions of hierarchy and subordination. Using the identity process theory in their data analysis has indicated that people monitor their identity in relation to their environment and how they sense control of this environment. What the research shows is that endogamy enforces group membership. People are concerned about their children marrying into their own ethnicity and religion (as also highlighted by respondents above). Caste also works well in this case for them by reinforcing a sense of continuity and group. Despite the emphasis on the irrelevance of caste based distinctions in Sikhi, it would be naive to dismiss that caste based discrimination takes place amongst the British Sikh community, this is a cultural issue and not one that has any justification whatsoever from Sikh teachings. **** have indicated that:

“there is evidence that caste remains a phenomenologically important identity among many Sikhs and that, despite theological attempts to distance Sikhism from the institution of caste, many Sikhs continue to view this as an important cultural component of identity” (forthcoming 2016).

Conclusion

The debate around whether caste based discrimination should be legislated against under British law remains a topic of debate within the South Asian community in Britain. This paper has attempted to present an unbiased approach which has taken into account the views of both the organisations supporting the legislation, as well as organisations which oppose the legislation in its current form. For the time being however, we are going around in circles until the present British Government makes a decision on the implementation of the legislation. The Dalit community is demanding the implementation as the only way forward for victims of caste based discrimination, according to them of which the majority are from the Dalit community. Lobbying for their human and political rights, has become a global response by Dalits to raise awareness of their centuries old oppression and stigmatisation by non-Dalit castes (Mendelsohn and Vicziany, 2000). The British Sikh and Hindu communities are adamant that the implementation be delayed since they assert that there is not enough evidence that caste based discrimination is an issue in Britain. For now, “the political prevarication behind these unhappy compromises continues” (Ford 2015).

The Sunset Clause has merit if we consider that caste identity takes on form as cultural heritage and increasingly cannot be regarded as being synonymous with caste based prejudice. However, we also must take into consideration the testimonies from victims of caste based discrimination where caste identities, especially those within the Dalit community, continue to be overshadowed with social stigmatisation. However the very fact that castes overvalue themselves in relation to each other means that there are multiple hierarchies within the caste system (Gupta 2005) and trying to ‘simplify’ the structure of Indian society has added confusion in subsequent understandings of how caste works on the ground. Caste based identities are not necessarily synonymous with discourses on prejudice and discrimination. Demonizing caste, moreso, in relation to caste based identities further adds contention and conflict to debates around caste. This is the case particularly in relation to the manifestation of caste within the Sikh community where caste (or *zat*) is not confined to the religious realm: it is social, material and cultural. The easiest solution therefore, tends to be to brush it under the carpet as an issue that does not affect Sikhs. The testimonies above, illustrate otherwise. The lobbying of British Parliament by pro legislation organisations is grounded in the determination that caste based discrimination has no place in British society. Activists repeatedly draw attention to the fact that they left India in order to escape the discrimination they faced on a daily level. The process of acculturation has

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3 enabled Dalits to secure social mobilisation in Britain in a culture which is supported by
4 protective laws, particularly the Single Equality Act 2010. Therefore, an Amendment to the
5 Equality Act 2010 was seen as the most relevant since legislation against caste based
6 discrimination under British law would allow acculturation through “spatial relocations
7 involving members of other societies” (Watson, 1963: 356). Pyper (2014) has aptly
8 highlighted that it is the Dalit community who are most affected by caste based
9 discrimination and therefore the legislation is to protect them. The Anti Caste Discrimination
10 Alliance (ACDA) on 17 July 2015 announced that the Government “are seriously considering
11 a repeal of the law”.¹⁹
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Notes

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⁵ These can be found on the Sikh Council Website, available at <http://sikhcounciluk.org/wp-content/uploads/2010/08/Sikh-Council-UK-Policy-on-'The-Equality-Act-2010'-and-Inclusion-of-Caste1.pdf>

⁶ Personal correspondence with Sikh Council UK, July 2015.

⁷ The reports on 'Caste in Britain' can be accessed at <http://www.equalityhumanrights.com/commission-publishes-new-caste-research>

⁸ 'Sikh Council UK-Caste Position' available at <http://sikhcounciluk.org/press-release-scuk-scuk-position-vindicated-on-caste-legislation-14-01-2015/>

⁹ Personal correspondence with the Anti Caste Discrimination Alliance, June 2015.

¹⁰ The Sikh Manifesto can be accessed at <http://www.thesikhnetwork.com/sikhmanifesto.php?id=1> Accessed 15 July 2015.

¹¹ Views gathered from attendees at the Consultations between October 2014 – January 2015, organised by the Sikh Network.

¹² See the historical debate that took place on Sikh Channel on 10 April 2013, days prior to the Amendment being passed on 23 April 2013. Available in 2 parts at: <http://www.youtube.com/watch?v=wKQwMPjlbPs> and <http://www.youtube.com/watch?v=J73pw5de9BM>. Accessed 20 June 2015.

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¹⁴ Personal correspondence with Davinder Prasad, July 2015.

¹⁵ A particular case relates to Veronica Voiels textbook for GCSE level titled *Hinduism*.

¹⁶ Personal correspondence with Rob Marris, MP for Wolverhampton South West, July 2015.

¹⁷ The Guardian, 6 November 2013. Available at: <http://www.theguardian.com/law/2013/nov/06/un-envoy-navi-pillay-caste-discrimination-law>. Accessed 3 June 2015.

¹⁸ The interviewee's preference to label himself as a Ravidassia/Chamar clearly illustrates that the Chamar caste identity and Ravidassia religious identity are synonymous. This particular individual also refers to himself as Ravidassia Sikh – thus clearly rejecting the notion that all Ravidassias identify as non-Sikh (see Takhar 2005). The fluidity of boundaries of religious identification, especially in the Punjabi context, are also well illustrated amongst many Ravidassias who also identify as Hindus or Sikhs (see Takhar and Jacobs 2011).

¹⁹ Email received from ACDA on 17 July 2015.

For Peer Review Only

For the Special Issue: Caste: Contemporary Dynamics in South Asia and Beyond

**British Legislation Against Caste Based Discrimination
and the demand for the Sunset Clause**

Abstract

On 23 April 2013, British Parliament agreed an Amendment on caste to the Enterprise and Regulatory Reform Bill (ERR Bill). The Bill received Royal Assent on 25 April 2013 and Section 97 of the ERR Act (that provides that Government 'shall' use Section 9(5)a to make caste an aspect of race) came into force on 25 June 2013. The Amendment will be made to the Equality Act 2010 by 'adding caste as 'an aspect of' the protected characteristic of race' (Waughray 2014). Importantly, although the Government's timetable states that the legislation will be enforced not before October 2015, the considerable delay in implementation is consequential of the opposition from both Sikh and Hindu organisations. To some degree, there was unanimity amongst most British Sikhs that legislation against caste discrimination was unnecessary under British law. The Sikh Council UK (SCUK) declared that 'caste allegiances were on their way out in the UK' and demanded a Sunset Clause which essentially renders the caste legislation as temporary for a period of ten years since the credence of the SCUK is that caste will have absolutely no significance for subsequent generations of British Sikhs. This paper provides an analysis of attitudes, primarily from the British Sikh and Punjabi Dalit communities towards caste discrimination legislation in British Law and in particular attitudes towards the proposal of the Sunset Clause.

Key words: UK Equality Act 2010; Caste Discrimination Legislation; Sunset Clause; Sikh Council UK; Anti Caste Discrimination Alliance; CasteWatch UK; Sikhs and Caste; Caste Identity; Punjabi Dalits; Ravidassias; Valmikis.

Introduction

A discussion about the position and role of caste amongst Sikhs is a contentious issue, one which almost always raises a heated debate (see Takhar 2005; Jodhka 2014). A vast amount of published literature is readily available on the topic of caste and its demonization which represents caste as invidious (Gupta 2005; Srinivas 1996). Caste remains the oldest of challenges in contemporary India and "continues to affect its economy and polity even today" (Ram 2013: 2). However, the other perspective needs to be looked at which is that it is part of a long-standing culture that is integral to the Hindu and Sikh mindset. In that respect it is positive because it is about self-identifying oneself in a group of class that is in keeping with an overarching religious and cultural system (see Ballard 1999). Participants may not want to speak up against it because it is part of their heritage and so is something that they want to protect. Teltumbde (2012) observes that the basic identity of individuals in the Indian subcontinent is constituted around caste. The position of caste amongst Indians, indeed South Asians generally, in countries such as Britain highlights that stigmas and expectations associated with caste have, indeed, retained significance in the psyche of South Asians who are settled outside of India/South Asia. Much work on caste has been undertaken by **collecting from an empirical data through ethnography and has highlighted and ethnographical approach which highlights** the harsh discrimination faced by victims from the Dalit community in particular (Gorringe and Rafanell 2007). British legislation against caste

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3 discrimination therefore indicates that caste based stigmas, and indeed, discrimination, are
4 inherent amongst South Asians in Britain.¹ This paper therefore discusses attitudes towards
5 such legislation, primarily by analysing testimonies gathered from within the Punjabi Dalit
6 and Sikh communities in the Midlands area of England. The Oxford Centre for Hindu
7 Studies, based at the University of Oxford, has already published a report highlighting the
8 concerns of the British Hindu community over the legislation against caste discrimination.²

9
10 On 23 April 2013, British Parliament agreed an Amendment on caste to the Enterprise
11 and Regulatory Reform Bill (ERR Bill). The Bill received Royal Assent on 25 April 2013
12 and Section 97 of the ERR Act (that provides that Government 'shall' use Section 9(5)a to
13 make caste an aspect of race) came into force on 25 June 2013. The Amendment will be
14 made to the Equality Act 2010 by 'adding caste as 'an aspect of' the protected characteristic
15 of race' (Waghray 2014). Importantly, although the Government's timetable states that the
16 legislation will be enforced not before October 2015, there has been considerable opposition
17 to the legislation to outlaw caste, both before it being passed, and now from a number of faith
18 based organisations such as the Hindu Council of Britain and Hindu Forum of Britain
19 (collectively the 'Alliance of Hindu Organisations'). The Sikh Council UK has also raised
20 concerns over a number of matters. The Sikh Council UK have also argued for the Sunset
21 Clause as they are of the opinion that the legislation should not become a permanent
22 Amendment to the Equality Act 2010, since they believe that caste amongst British Sikhs will
23 have no significance at all within the next ten years. This paper will explore the rationale
24 behind the Sunset Clause and whether it has merit in terms of the 'institution' of caste dying
25 out within the next ten years amongst British born Sikhs. For a detailed insight into the
26 historical process leading to the Amendment to add caste as an aspect of race to the Equality
27 Act 2010 see Pyper (2014) and Waghray (2014).

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29 Overall, there are three key concerns that have been put forward by British
30 organisations which oppose the caste discrimination legislation: (1) The flaws in the NIESR³
31 report relate to errors in sampling which is both biased towards the Dalit community and also
32 limited in the number of informants. The report in their view therefore does not provide a true
33 reflection of the cross section of opinion within the community; (2) other than an extremist
34 fringe, there is broad unanimity amongst South Asian groups that caste and caste
35 discrimination have no place in a modern enlightened society and that legislation could make
36 things worse by re-inscribing caste-based identities that have diminishing currency,
37 especially for young people; (3) that education, rather than legislation, is the best way
38 forward to combat prejudiced attitudes that may be held by and about individuals associated
39 with particular caste identities. Organisations that lobbied against the legislation were also
40 concerned that any requirement for people to record their caste would firmly embed and
41 institutionalise caste-based divisions in British society. The British Sikh Report 2013,⁴ for
42 example, indicates that a majority (61.2%) of the 662 British Sikhs who responded to a
43 questionnaire indicated that they have no concern for caste-related issues. This has also been
44 voiced by the Sikh Council UK in their insistence on a Sunset Clause.

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46 On the other hand, supporters of the legislation, led by the Anti Caste Discrimination
47 Alliance argue, largely on the basis of their own experiences and knowledge, that there is
48 indeed ample evidence of the existence of both individual and institutional forms of caste
49 discrimination. They accept NIESR's research conclusions that there is caste discrimination
50 in the areas covered by the Equality Act 2010. They have called for legislation to protect the
51 Dalits in particular, since they continue to be impacted by centuries-old stigma attached to
52 untouchability (for example see Ballard 1999; Ghuman 2011). A number of reports have
53 indicated that it is the Dalits who face the majority of caste-based discrimination in the UK.
54 However, the Sikh community in particular has raised a key concern that references to the
55 Sikh religion in relation to caste discrimination legislation should be removed. This stems
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3 from the very foundations of the Sikh faith based on egalitarian principles that reject caste
4 and gender discrimination (Singh, Pashaura 2000).

5 In this article, I have drawn on testimonies gathered from a number of pro legislation
6 and anti legislation (~~in its current form~~)–organisations, with regard to attitudes towards the
7 caste discrimination legislation, and the Sunset Clause in particular. A number of other, pro
8 and anti, legislation organisations were also contacted, however, the majority of these did not
9 respond. Additionally, a semi structured questionnaire was used to collect qualitative data
10 from twenty young British Sikhs, Dalits and Hindus in order to be able to explore British
11 youngsters’ responses to the caste discrimination legislation, and indeed towards the role, if
12 any, that caste plays in Britain. ~~The research has been collected between 2011- 2015 during~~
13 ~~lobbying events of Parliament, discussions in Sikh gatherings around the caste legislation and~~
14 ~~from individual interviews by using a qualitative methodology for gathering opinions. Semi~~
15 ~~structured questionnaires focussing on the caste discrimination legislation and the demand for~~
16 ~~a Sunset Clause were used. All respondents had no objection to being named, hence~~
17 ~~pseudonyms have not been used. A generous buy-out of teaching hours from the University~~
18 ~~of Wolverhampton from 2014-16 further allowed for individual testimonies to be gathered~~
19 ~~and analysed using thematic and comparative analysis approaches (Denscombe 2010).~~

22
23 **~~The Sunset Clause: Temporary legislation against caste based discrimination in Britain~~**
24 **~~An overview of the concerns of anti caste legislation organisations from within the~~**
25 **~~Hindu and Sikh communities in Britain~~**
26

27 In their rebuttal of the NIESR, and other reports relating to caste based discrimination in
28 Britain (as highlighted above), the Sikh Council UK takes the view that a comprehensive
29 study should have used the evidence provided by case studies to demonstrate how attitudes
30 and discrimination associated with caste have changed over time. Hence their conviction is
31 that the younger generation of British Sikhs have diminishing regard for caste based
32 identities. ~~This is important since~~ ~~Paradoxically, a number of many~~ testimonies gathered in
33 the various ~~pro-legislation~~ reports have alleged that victims have been discriminated ~~against~~
34 on the basis of their caste by non-Dalit Sikhs, particularly those from the Jat caste (also see
35 Ghuman 2011).

36
37 ~~The concerns of the Hindu community, post legislation, are highlighted in a report~~
38 ~~from the Oxford Centre for Hindu Studies (OCHS), University of Oxford.~~ Two of the key
39 concerns highlighted in the report ~~from the Oxford Centre for Hindu Studies~~ are
40 methodological issues with the NIESR report (i.e. interviewing individuals from only Dalit
41 communities) and the definition of caste itself for legal purposes. The OCHS report also
42 draws attention to a statement by Jonathan Portes, the Director of NIESR, that the NIESR
43 report was “not designed to establish reliable and robust evidence on the prevalence and
44 severity of such discrimination”. Mr Portes has since reaffirmed that the NIESR report
45 concluded that there was caste discrimination, and that the ~~statement of the~~ Alliance of Hindu
46 Organisations–~~statement~~ to the contrary was incorrect. The report by Professor Flood also
47 makes it clear that one of the limitations of the NIESR report is that the majority of cases of
48 caste discrimination involved Sikh rather than Hindu agency. In response to such NIESR
49 claims, the Sikh Council UK also put forward a number of recommendations for
50 consideration to Helen Grant MP. The five point recommendation, ~~available on the Sikh~~
51 ~~Council UK’s website~~, highlights the following key concerns:
52
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54

- 55 1. Any definitions of caste, for the purposes of the legislation, must ensure that
56 references to the Sikh faith, founded on the principle of egalitarianism, must be
57 excluded.
58
59
60

2. The word ‘descent’ be used to replace the term ‘caste’, as this will effectively cover ‘all discrimination based on hereditary principles, including caste, tribe and clan affiliations.
3. Equality monitoring should not legitimise ‘caste’ by asking individuals to record their ‘caste’ when applying for jobs or accessing public services.
4. Inclusion of a Sunset Clause which would limit the legislation to a period of ten years.
5. The implementation of the legislation should be preceded by a 2-3 year period which would allow for wider consultation and an educational programme to ‘inform and facilitate community initiatives’ when addressing prejudice and discrimination.⁵

The rationale behind the five point recommendation is summarized in the following **personal correspondence statement** from the Sikh Council UK:

In essence our position is that identities based upon essentially historical family professions are becoming increasingly irrelevant due to mobility, increased opportunities and socio economic convergence. Therefore we would be opposed to any measures that potentially entrench these labels in UK society. We should not make the same mistake as Indian legislators who through well intentioned but poorly thought through legislation have had the unintended consequence of the varna system entrenchment and increased polarisation of society on a scale that is now probably irreversible.⁶

Disagreement over how ‘caste’ is to be defined in the legislation is thus a major factor in the delay in implementation. The Equality and Human Rights Commission appointed a team of academics to work on this very issue of providing guidance to how the term ‘caste’ should be defined in view of the concerns from anti legislation organisations.⁷ A clearer definition of caste would equip employers and those working in the public sector to understand the issue within a human rights context, as opposed to traditional Indian notions of the opposition between ritual purity and ritual pollution associated with the hierarchical structure of class (*varna*) and caste (*jati*). Detailed discussions around definitions of caste can be found in Jodhka 2012; Flood 1996; Dirks 2002. Although caste discrimination in Britain is not primarily an economic issue, it is the social stigmatisation associated with caste that continues to influence behaviour by some within the Hindu and Sikh communities (Ballard 1999).

Despite the lack of a definition of caste which is accepted by both pro and anti legislation organisations, there are a number of salient features associated with caste that apply to most South Asian communities – particularly endogamy. Endogamy is one area in which caste becomes important amongst the British Sikh, and indeed British Hindu community also. Caste identities amongst Hindus in Britain are particularly influential when it comes to marriage (Zavos 2012). The practice of endogamy was raised by a number of British Sikh individuals who were interviewed **by the author** for their views towards the legislation:

It is important for me to marry someone of the same caste as me since this is the expectation that my parents and grandparents, and extended family have from me.
(Davinder, Jat, Sikh).

1
2
3 *I want my children to be aware of what caste they belong to because this ties them in*
4 *with their cultural heritage. I would be upset if they married out of caste.* (Harinder,
5 Ramgharia, Sikh).
6

7 When asked, **by the author**, whether caste has been an important aspect in her life, **another**
8 **informant** Sunita (Khumar, Sikh) replied: “*Not for me personally, but my mom has always*
9 *mentioned getting married in caste.*” Importantly, however, the views of other British Sikhs
10 gain credence from their interpretation of Sikhi as being **one a religion** which has no regard
11 for caste based distinctions, as one interviewee states:
12

13
14 *Sikhi is a caste less religion. Our Gurus taught that everyone is equal. The*
15 *expectation from my parents is that I marry a Sikh, her caste does not even come into*
16 *the equation.* (Sandeep, Jat, Sikh).
17

18 The conviction that the Sikh faith is ‘caste free’ is one that is often quoted, and indeed, one
19 that is hugely problematic when addressing caste identities as cultural heritage and in many
20 cases, a positive aspect of belonging and identifying with the ingroup (Ballard 1989).
21 Although based on conjecture, the traditional life accounts of the Sikh Gurus imply that they
22 and their offspring also married endogamously. The social comment of the Sikh Gurus is one
23 that practically applied the concept of the immanence of the Divine to extol an egalitarian
24 ideal. Repeatedly the Guru Granth Sahib rejects caste based notions of purity, and conversely
25 pollution (AG 349; AG 747). However, there is no **indication** of eradicating the caste system
26 *per se* in the teachings of the Gurus. This is one possible indication as to why the discussion
27 of caste amongst Sikhs becomes a controversial topic. Nevertheless, Sandeep’s statement
28 above was echoed by a number of other British Sikh youngsters too.
29

30 Endogamy is also important to youngsters from the Punjabi Dalit community, as
31 highlighted in the following testimony **from an interview conducted by the author**:
32

33
34 *It is a personal wish, but best to stick to tradition and marry someone within your*
35 *caste, because then no one will say you’re from a certain caste etc. It’s a decision you*
36 *should think not for yourself but family members too, and their honour. However, you*
37 *take that decision to think about your future, and what life would be like after you are*
38 *married.* (Raj, Chamar, Ravidassia).
39

40 Therefore, the importance of maintaining family honour, *izzat*, is strongly attached to how
41 caste identities manifest themselves in contemporary British society amongst South Asians
42 (Ballard 1989; Takhar 2005). The cultural aspect of caste amongst some Sikhs, particularly
43 when it comes to marriage, is a contentious and sensitive issue. I reiterate that discussing
44 caste amongst Sikhs is a complex issue which has arisen from attempts to try and simplify the
45 structure of Indian society which in turn has added confusion in subsequent understandings of
46 how caste works on the ground. Sikhs are indeed divided over caste. Some view endogamy
47 as essential in maintaining the family’s *izzat*, whereas others translate Sikh teachings as
48 totally rejecting caste identities. On this point, the Sikh Council UK’s justification for the
49 Sunset Clause gains strength **from their Press Release around the legislation which states**
50 **their belief** that:
51

52
53
54 *Increasingly 2nd, 3rd and 4th generation British Sikhs neither recognise nor accept*
55 *‘caste’ identities. This is perhaps best illustrated by the ever increasing rate of*
56 *marriage between couples descended from different backgrounds - it is clear to*
57 *SCUK that evolutionary change is happening.*⁸
58

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4 In the same ~~'Position Statement'~~ Press Release the Sikh Council UK also make it clear that
5 caste based discrimination is 'evil' and has no place in British society:
6

7
8 *SCUK welcomes the recognition by parliamentarians of the evil of caste*
9 *discrimination and fully supports and commends attempts to eliminate it. We*
10 *recognise that whether any such system is pursued according to religious doctrine or*
11 *is practised to conform to cultural or social norms the end result is the same and has*
12 *no place within UK society or within the Sikh lifestyle.*
13

14 The practice of caste based divisions amongst the Sikhs is markedly different to the practice
15 of caste amongst other South Asian communities, as highlighted by Jodhka:
16

17
18 "... Sikh caste differs from its more classical antecedents...Nor is there any specific caste
19 group comparable to the kind of division that the textbook view of caste suggests." (2014,
20 p. 583).
21

22 In February 2015, Lord Avebury (a supporter of the caste discrimination legislation)
23 probed the Government to provide a clearer indication of when the Amendment to the
24 Equality Act 2010 would be implemented. Baroness Garden's response made it clear that
25 Government, which at that time was the Conservative and Liberal Democrat Coalition, had
26 "...no immediate plans to incorporate caste into legislation" (Cranmer 2015). The delay in
27 the implementation has resulted in further lobbying of Parliament by the pro legislation
28 organisations. Ms Santosh Dass, MBE, Anti Caste Discrimination Alliance (ACDA), has
29 voiced her concerns over the delay:
30

31
32 *"Like many people in this country I am frustrated at Government's procrastinations*
33 *when it comes to protecting victims of Caste-based discrimination in the UK. The*
34 *existence of caste and Caste-based discrimination in the UK is not in question and*
35 *has been documented in various Government-commissioned and non-Government*
36 *reports. That is why the law was agreed by the UK Parliament and is a*
37 *recommendation of UN Council on the Elimination of Racial Discrimination. In*
38 *December 2014, there was a disturbing report in the Sunday Times that PM Cameron*
39 *had personally blocked the consultation ready to go on Caste law because he had*
40 *been lobbied by the Hindu groups. Right up to this year's Election two reasons were*
41 *given for the delay (i) Government wanted to look into the extent of Caste and Caste*
42 *discrimination in the UK, and (ii) outcome of the Tirkey v Chandhok Employment*
43 *Appeal Tribunal (EAT). The EHRC in late 2013 and NEISR before them in December*
44 *2010, both advised Government that it was not practicable to carry out research into*
45 *the extent of Caste. The Judgement on the Tirkey v Chandhok appeal concluded in*
46 *December 2014 the case could be heard under existing law. However, the judge did*
47 *not say that Caste is covered by the Equality Act 2010 in all circumstances – just in*
48 *this particular case. If anything, the judgement reinforced the fact that Caste*
49 *discrimination is an issue coming before the courts and can no longer be ignored or*
50 *that legislation and the clarity in the law is not required. So Government should stop*
51 *delaying and implement the law".⁹*
52
53
54

55 According to Ghuman (2015) non-Dalit Indians in the UK fail to acknowledge that casteism
56 exists in Britain. Indeed this is an observation that I too have gathered through various
57 conversations with British Sikhs, especially the younger generation. So what is happening
58
59

1
2
3 here? Are British Sikhs insensitive in recognising caste based discrimination or is there
4 credibility in the demand for a Sunset Clause? And what about the cases of caste based
5 discrimination reported by the victims? The production of the Sikh Manifesto¹⁰ (officially
6 launched in January 2015), by the UK based Sikh Network, may shed some possible light on
7 the many contradictions in the qualitative data collected from both individuals and
8 organisations. The Sikh Manifesto, for 2015 – 2020, was produced after extensive
9 consultations with the British Sikh community, ahead of the 2015 UK General Election. Ten
10 key areas of concern to the British Sikh community were highlighted as a result of the
11 consultations. The issue of caste discrimination, and indeed legislation against such
12 discrimination, is not one of the ten key areas. The simple reason for this being that Sikhs
13 who attended the nationwide consultations are of the opinion that such discrimination is not
14 an issue within the community.¹¹ This does not mean that all British Sikhs outrightly reject
15 that caste has a place within the community. Indeed, the majority of Gurdwaras in Britain are
16 caste based (Singh, Gurharpal 2012) and members of a particular caste are nominated to the
17 management committee board (Sato 2012). Informants, particularly from the Punjabi Dalit
18 communities, have repeatedly remarked that the Gurdwaras they visit are explicitly formed
19 around their caste identities as Chamars/Ravidassias and Chuharas/Valmikis. Two
20 interviewees shared their experiences when questioned by the author about whether they have
21 a preference for the Gurdwara they attend:
22
23

24
25 *“Shri Guru Ravidass Temple, Walsall and Birmingham. We attend these Gurdwaras*
26 *only because if you go to other Gurdwaras they discriminate you saying you’re from a*
27 *different caste: Chamar coming here, having free Langar, and you listen to the Bani*
28 *but you have no turban or beard”.* (Raj, Chamar, Ravidassia).
29

30
31 *I have been to many [Gurdwaras] where I have felt excluded or belittled. I have had*
32 *people look down on me and ask me my surname.* (Jyoti, Dalit, Ravidassia).
33

34
35 Youngsters from Dalit communities also regularly make the point that their ancestors
36 either established links with their own caste Gurdwaras or set up caste based Gurdwaras
37 because of the discrimination that the elders faced in Gurdwaras, which tended to be
38 dominated by non-Dalit Sikhs, during the 1960’s and 1970’s. In recent years, Gurdwaras of
39 the Ravidassia and Valmiki communities increasingly prefer to be recognised as Sabhas and
40 Bhawans, rather than as ‘Gurdwaras’. This has led to a strengthening of their religious
41 identity as non-Sikhs (see Takhar 2014a). However, caste based institutions amongst the
42 British Sikh community are not solely based on assertions of a distinct religious identity, the
43 vast numbers of Ramgharia Gurdwaras and Bhatra Gurdwaras are established by caste groups
44 who identify with the ‘mainstream’ Sikh community, these Gurdwaras are run by the specific
45 caste members for a specific caste based *sangat* (Singh, Gurharpal 2012). Hence,
46 strengthening caste based identities amongst British Sikhs. It is important to note however,
47 that the legislation does not cover religious institutions; currently the legislation covers caste
48 based discrimination in the workplace, public services (for example cases of neglect of
49 elderly Dalit patients in care homes or those receiving care in their own homes) and
50 educational institutions. The overall response of the British Sikh community is that the
51 legislation is unnecessary and that any problems associated with caste should be addressed
52 through education.¹² The ‘Talk for Change’ programme was subsequently funded by British
53 Government in an attempt to finding community based solutions to caste based prejudice and
54 discrimination. The educational programme however failed to reach any conclusive
55 objectives.
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3 A major concern from anti legislation organisations is that the legislation would
4 entrench caste in Britain as a means of social identification. The Sunset Clause therefore,
5 according to the Sikh Council UK, would ensure that the legislation is a temporary solution
6 for a form of discrimination ‘on its way out’. The Anti Caste Discrimination Alliance has
7 been persistent in its efforts towards the implementation of the legislation, as highlighted in
8 the following **personal correspondence**: ~~statement~~:

9
10
11 *“The sunset clause is unprecedented. Simple as that. There is no such measure for*
12 *any of the existing protected characteristics in the Equality Act 2010. Equality of*
13 *treatment certainly appears to be going amiss when it comes to Caste discrimination.*
14 *It's good that academics who undertook EHRC commissioned study ‘Caste in Britain:*
15 *Socio-legal Review 2014` support this view too”.*¹³
16

17 Concerns over the delay in the implementation of the legislation have also been
18 voiced by another British pro legislation organisation, CasteWatch UK, who make it clear
19 that further lobbying of British Government is inevitable if the delays continue. The General
20 Secretary of CasteWatch UK, Davinder Prasad makes it clear that:
21

22
23 *CasteWatchUK is now getting ready to take part in the process of implementation of*
24 *caste legislation by the newly elected Government and we are hoping that this will*
25 *happen soon. We are also getting ready to lobby Parliament with the help of our*
26 *supporting organisations in order to remind Government of its duty to implement the*
27 *decision of British Parliament and implement caste legislation. CasteWatchUK is*
28 *fully aware of the Sunset clause which we believe will come into effect from the date*
29 *the Government announces the implementation of caste legislation. We are still*
30 *handling caste related incidents, one recently was denied justice only because there*
31 *are no clear guidelines on caste based discrimination.*¹⁴
32
33

34 CasteWatch UK have also been involved in reviewing educational textbooks for teaching
35 about the Hindu faith in British schools. They are of the opinion that teaching about the caste
36 system has no relevance at all for British school children.¹⁵ Contrary to this view however, is
37 that teachers and pupils alike should have some knowledge of recognising cases of caste
38 based discrimination and bullying, especially in schools. This opinion was also voiced by
39 Ravinder who, although in support of the legislation, also believes that schools in Britain
40 should teach pupils about the caste system:
41

42
43 *I believe that caste and religion should be taught more in depth within primary and*
44 *secondary schools, for children to understand what multi cultural society we have,*
45 *and more for personal development for themselves. It will give them an insight to*
46 *respect and behave in a manner to one another.* (Ravinder, Chamar, Ravidassia).
47

48 Another respondent however, made the point that she had no knowledge of her caste until she
49 was discriminated against at school. This in turn affected her friendship groups:
50

51
52 *I have been discriminated during school, affected what friends I had. Higher caste*
53 *didn't want to be around me. Today people treat you different just because of a ‘caste*
54 *name’. The real ideology behind the caste system ie jobs have nothing to do with*
55 *society today. [The legislation] needs to be implemented ASAP”.* (Alisha, Chamar,
56 Ravidassia).
57
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3 British Organisations who have been campaigning for the legislation look to British
4 laws around equality and human rights. Their lobbying in Britain takes momentum from the
5 process of liberal democracy in India as set up by the British during the Raj (Ram 2013).
6 Important to note here is that, not all supporters of caste discrimination legislation are against
7 the Sunset Clause. The Chair of the All Party Parliamentary Group (APPG) for British Sikhs,
8 Rob Marris MP, has made his position towards the legislation clear:
9

10
11 *I support outlawing caste-based discrimination in employment. I support outlawing*
12 *caste-based discrimination in the commercial provision of goods and services. I do*
13 *not support outlawing caste-based discrimination in private/family matters, because*
14 *that would be an unjustified intrusion by the state. I am content for there to be a*
15 *sunset clause. In Parliament I moved an amendment to the then Equalities Bill in*
16 *2009, to outlaw caste-based discrimination in employment and in the commercial*
17 *provision of goods and services. That amendment was not passed.*¹⁶
18

19
20 Support for the legislation has also been recognised internationally through the efforts
21 of Navi Pillay, the United Nations' High Commissioner for Human Rights. For Pillay, the
22 caste discrimination legislation must be implemented by the British Government in order 'to
23 win a seat on the UN human rights council'.¹⁷ For her, the implementation of the legislation
24 can be *easily addressed* and is urgently needed to 'wipe out the "insidious stain" of caste-
25 based discrimination and protect the tens of thousands of people in the UK from traditionally
26 lower status Asian backgrounds'. However, the discussion in the paper thus far, makes it
27 clear that the implementation is hardly a straightforward issue due to opposition, in its current
28 form, from a number of British based Organisations. In the following section, I refer to
29 opinions gathered from young British Sikhs and Dalits in relation to whether caste based
30 identities acquire salience in their everyday lives and social interactions in order to analyse
31 the rationale behind the Sunset Clause.
32

33 34 **Social Representations of caste among young British Sikhs and Punjabi Dalits**

35
36 Generally speaking, there is agreement amongst the majority of the British Sikh and Hindu
37 communities that the legislation should not be implemented, since caste based discrimination
38 does not take place in Britain. Dalit individuals and organisations on the other hand are
39 adamant that caste based discrimination continues to affect the lives of British victims and
40 hence legislation is the only means to bring the perpetrators to account. So how do we make
41 sense of the paradoxical claims from both the supporters of the legislation, ~~in its current form,~~
42 as well as its opponents? If Sikhi is taken as the litmus test then supporting the legislation
43 against caste based discrimination would surely be strengthening the Gurus teachings in the
44 contemporary age. However, the case is far from being black and white since caste divisions
45 are far from being straightforward amongst the Sikhs. The point is succinctly stated by
46 Jodhka who implies that "Caste has been a difficult and complicated subject for the Sikh
47 Panth...caste-based divisions continue to mark the social and political life of the Sikhs
48 everywhere." (2014, p. 583). Nevertheless, although accepting Jodhka's point of view, the
49 majority of Sikhs would out-rightly reject the legislation supporters' notion that retaining
50 caste based divisions is synonymous with caste based discrimination. Lord Indarjit Singh's
51 recommendations in favour of the legislation were largely ignored by those who denied that
52 caste discrimination was an issue at all in Britain.¹⁸
53

54
55 A young Dalit interviewee, who in his own words defines himself as Ravidassi Sikh
56 has never experienced caste discrimination himself but believes the legislation should go
57 ahead to protect victims of such discrimination:
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4 *I believe it will help to stamp out on caste discrimination amongst Indians in UK as*
5 *this form of discrimination still happens. (Hans-Raj, Chamar/Ravidassia).¹⁹*
6

7 A respondent from the Jat caste also believed the legislation should go ahead since it would

8
9
10 *“...stop the discrimination amongst castes/Sikhs...many people will look down on*
11 *people from a lower caste to them and encourage children not to mix with them...*
12 *caste shouldn't be mentioned, and caste doesn't really bother me” (Kulwinder, Jat,*
13 *Sikh).*
14

15 When questioned about whether caste identity is stronger amongst the younger generation, a
16 number of respondents replied that it would be important to them for their children to identify
17 with their caste:
18

19
20 *“Not particularly for my friends. They see their caste as an identification of*
21 *themselves and family heritage, nothing more... it would be important for my children*
22 *to understand their parent's caste but I would not push it onto them”. (Hans-Raj,*
23 *Chamar/Ravidassia).*
24

25 *“...their parents who are from the Punjab are very into caste especially some of my*
26 *cousins.”(Kulwinder, Jat, Sikh).*
27

28 *“... I have taught my children and grand-children what caste we are and what our*
29 *religious identity is. It is important to educate the children whilst they are young.”*
30 *(Raj, Chamar, Ravidassia).*
31

32
33 The responses above echo Gurharpal Singh's (2012) observation that Sikhs in Britain are
34 differentiated on the basis of their caste. Roger Ballard (1989 &1994) has also highlighted,
35 through extensive fieldwork, that caste identities are indeed important to South Asians –
36 whether living in the Indian Subcontinent or elsewhere. Alisha's point about caste being
37 influential within the extended families attitudes also strengthens the fact that caste very often
38 determines one's social interaction and plays a significant role in marriage:
39

40
41 *“I feel that living in Birmingham, if you belong to a certain caste it defines which*
42 *Gurdwara/Temple you go to. My family have spoken about not being treated right for*
43 *attending another Gurdwara. I do feel that caste has caused problems in making*
44 *friendships and marriage. I think my family would expect that I rather marry inside*
45 *my community rather than out. When asked why the reply was 'say if the family do*
46 *not accept you, this will cause problems. Do you really want that. Also they may treat*
47 *you different, no matter how much time moves on, the subject of caste will still in*
48 *some ways or another remain a issue. Especially in big families and with the elders.*
49 *(Alisha, Chamar, Ravidassia).*
50

51
52 Respondents highlighted a number of positive aspects associated with caste, most
53 prominent of which was a sense of belonging and identification with their caste ingroup. An
54 identification which also extended to ingroup affiliation through bollywood:
55

56 *“Yes, it unites people of the same caste. For instance, contemporary Punjabi music is*
57 *dominated by superiority of Jatts. Jatt people tend to idolise other Jatt people, as we*
58
59
60

1
2
3 *regard ourselves as united through this shared identity. For instance, I love Sunny*
4 *Deol because he is a Jat*". (Ravi, Jat, Sikh).
5

6 *"It keeps discipline for generations. Reminds people that communities are*
7 *judgemental about appearance and the way we act."* (Harminder, Jat, Sikh).
8

9
10 *"It gives you an individual identity, different to other people of diverse religions"*.
11 Ravinder, Chamar, Ravidassia).
12

13 *"Yes, because it gives you your identity awareness, you should not hide your caste, be*
14 *proud of your heritage and history."* (Raj, Chamar, Ravidassia).
15

16 Ravi goes on to state that is important for her children to identify with her caste. Harminder's
17 response suggests that social conduct is relative to the caste one belongs to (see Ballard
18 1999). A number of respondents viewed the Sunset Clause as superfluous since they believe
19 that caste distinctions will remain a dominant feature of identity for the unforeseeable future:
20

21 *"... because the caste system has lasted for many years and there are many people who*
22 *have been discriminated in jobs, education, friendship and marriages. So yes definitely*
23 *Caste will be an ongoing problem for the generations to come.* (Raj, Chamar,
24 Ravidassia).
25

26
27 *"Yes the community will keep it alive"*. (Harminder, Jat, Sikh).
28

29 *"Yes because these views and prejudice are infiltrated through the generations. When*
30 *you grow up to believe you are superior or inferior to others that sticks.* (Jyoti, Dalit,
31 Ravidassia).
32
33

34 Raj also made the point that he was very happy when the Amendment was passed since it
35 gives "people more fairer and equal opportunities to work in society". He is equally proud of
36 his caste identity and that it should be taken with pride amongst his children and future
37 generations too: "we are proud to be Ravidassia and say that it strengthens our caste
38 identity". Raj's comments can be compared to those of Indians, as observed by Gupta (2005)
39 in his discussions around the rise in caste identities in India as an assertion of 'pride and
40 status claims' (p. 417). **Anantdeep Singh's research (2014) of Sikhs in Southern California**
41 **has highlighted that "Dalits are likely to believe in the caste system to a greater degree than**
42 **other Sikhs" (p. 394).**
43

44 Bhangra lyrics remain influential in strengthening Jat caste identity with the land in
45 Punjab/India, despite the fact that Jats living in India too are becoming urbanised. The Jat's
46 nostalgic relationship with the Punjab and one's ancestral village (*pind*) continues to infiltrate
47 through to the younger generation through the ever increasing popularity of bhangra amongst
48 British Punjabi youth. This is a means of positive identification with the ingroup and one that
49 strengthens caste identity as being autochthonous, especially for Jat Sikh youth. Nicola
50 Mooney (2011) observes that:
51

52
53 *"Jats reclaim their identities through the construction and assertion of a rural*
54 *imaginary, a symbolic and discursive project in which urban and diasporic Jats*
55 *variously create, deploy, and commemorate a romanticized rural identity as a*
56 *means of negotiating the impacts of development, modernity, and*
57 *transnationalism"* (174).
58
59
60

Caste pride/nostalgia was certainly echoed by respondents who were interviewed, by the author, for the current research:

Yes because for me it is part of my heritage. Being a Jatt shows that my ancestors were farmers and land-owners and this tradition was passed down through the generations after. In essence, the caste system has created a culture. (Ravi, Jat, Sikh).

The people who belong to other castes are jealous and have pride of what other people have achieved e.g. of how far the Ravidassia religion has come. We do not tolerate discrimination, we believe in equality for all. (Raj, Chamar, Ravidassia).

When attending my induction week at Wolverhampton Uni, I was asked by two separate individuals about whether I was Jatt. They noticed because of my last name and now we are friends. Another girl who is not Jatt, did not feel comfortable talking to me. In my family and friendship groups, we mostly listen to music that uses the words Jatt, such as Diljit Dosanjh. (Harminder, Jat, Sikh).

The responses clearly indicate that caste identity amongst Punjabi youth, especially the Jat Sikh caste identity, is reinforced through bhangra lyrics (Kalra 2000). The ever increasing rise in popularity of bhangra amongst British Sikh youth is also contributing to positive aspects of being associated with the caste ingroup. It is incorrect to synonymously link such affiliation with notions around the subordination of outgroups. And here the Sunset Clause is merited in its rationale that caste identities do not equate caste based discrimination. Harminder's response (cited above) illustrates that friendship groups amongst South Asians tend to be constructed around the ingroup (Ghuman 2015).

Ravinder is of the opinion that that inter-caste marriages may see caste identities as having diminishing currency with future generations:

“As far as I'm aware I don't think it will be a big impact, because I know people who have inter-caste marriages. However, there are people who are strongly against it, so it depends on personal beliefs.” (Ravinder, Chamar, Ravidassia).

The reasoning behind the demand for the Sunset Clause was predominantly supported by youngsters from non-Dalit castes. These respondents also viewed the legislation as unnecessary:

“Education is more important than legislation if we are to change the mindset of the older generation. Most of them are illiterate so don't understand what the legislation is. The Gurdwaras need to have meetings about caste discrimination being wrong, only the older generation have caste-ist attitudes.” (Balwant, Jat, Sikh).

“First of all, we do not need legislation against caste based discrimination here in Britain, that is just ridiculous. I have never seen or heard anyone being discriminated against because of their caste. This happens in India, not here. But if the Government says it is needed, then of course the Sunset Clause is important otherwise people will bring out the 'caste card' whenever it suits them”. (Nacchater, Saini, Sikh).

“As a faith, Sikhi and the Khalsa does not recognise any caste, one must before becoming Amritdhari be freed from all social hierarchies and become part of the Khalsa

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3 family. *Until then we struggle with social labels based on historical occupations.*
4 *Although it is around, I feel this will disappear with future generations, and when people*
5 *stop calling and identifying themselves publically or in the Gurdwaras. I don't believe*
6 *this is something the UK Gov should get involved with". (Jaswinder Singh, Sikh*
7 *Network).*
8

9
10 In order to make sense of what role, if any, caste plays amongst Sikhs, ***** explored
11 the reactions of British Sikh youngsters to questions about identity in relation to one's caste
12 or ingroup (forthcoming, *Sikh Formations*, 2016). Although generally, there is an implicit
13 representation of caste as a negative aspect of South Asian culture and religion, and of caste
14 identification as a means of oppressing vulnerable outgroups, the study taps into the social
15 representations held by young British Sikhs. ***** (2016) indicate that identifying with a
16 caste does not necessarily become synonymous with notions of hierarchy and subordination.
17 Using the identity process theory in their data analysis has indicated that people monitor their
18 identity in relation to their environment and how they sense control of this environment.
19 What the research shows is that endogamy enforces group membership. People are
20 concerned about their children marrying into their own ethnicity and religion (as also
21 highlighted by respondents above). Caste also works well in this case for them by reinforcing
22 a sense of continuity and group. Despite the emphasis on the irrelevance of caste based
23 distinctions in Sikhi, it would be naive to dismiss that caste based discrimination takes place
24 amongst the British Sikh community, this is a cultural issue and not one that has any
25 justification whatsoever from Sikh teachings. ***** have indicated that:
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29 "there is evidence that caste remains a phenomenologically important identity among
30 many Sikhs and that, despite theological attempts to distance Sikhism from the
31 institution of caste, many Sikhs continue to view this as an important cultural
32 component of identity" (forthcoming 2016).
33
34

35 Conclusion

36
37 The testimonies gathered from both opponents and supporters of the caste legislation in the
38 present article highlight important considerations as to the role that caste plays amongst
39 Punjabi Dalits and Sikhs within contemporary British society. Whilst supporters of the
40 legislation argue that amendments to the law will play an important role in ensuring equality
41 of opportunity, and therefore equality of access, anti legislation organisations adamantly
42 affirm that individuals will be compelled to self define on the basis of their caste and this will
43 in turn strengthen caste based discrimination. Sociologists, for example, have argued that
44 such legislation in law creates "new kinds of persons for individuals to become" (Brubaker *et*
45 *al*, 2004: 34). Jenkins (1996) further argues that such a relationship between law and identity
46 is distant from the multiplicity and variety of ways in which people self define. The debate
47 around whether caste based discrimination should be legislated against under British law
48 continues to remain-remains a topic of heated debate within the South Asian community in
49 Britain.
50

51
52 This paper has attempted to present an unbiased approach which has taken into
53 account the views of both the organisations supporting the legislation, as well as
54 organisations which oppose the legislation in its current form. For the time being however,
55 we are going around in circles until the present British Government makes a decision on the
56 implementation of the legislation. The Dalit community is demanding the implementation as
57 the only way forward for victims of caste based discrimination. ~~according to them of which~~
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3 ~~the majority are from the Dalit community~~ Lobbying for their human and political rights, has
4 become a global response by Dalits to raise awareness of their centuries old oppression and
5 stigmatisation by non-Dalit castes (Mendelsohn and Vicziany, 2000). The British Sikh and
6 Hindu communities are adamant that the implementation be delayed since they assert that
7 there is not enough evidence that caste based discrimination is an issue in Britain. For now,
8 “the political prevarication behind these unhappy compromises continues” (Ford 2015).
9

10 The Sunset Clause ~~is based on the justification~~ ~~has merit if we consider~~ that caste
11 identity ~~is inextricably linked to~~ ~~takes on form as~~ cultural heritage and increasingly cannot be
12 regarded as being synonymous with caste based prejudice ~~and will eventually lose any~~
13 ~~significance it currently has for the younger generation of British Sikhs.~~ However, ~~we also~~
14 ~~must take into consideration~~ the testimonies from victims of caste based discrimination
15 ~~should be taken into account and highlight that where~~ caste identities, especially those within
16 the Dalit community, continue to be overshadowed with social stigmatisation ~~which in turn~~
17 ~~presents itself practically as caste based discrimination.~~ Implicit here then is what has been
18 termed as ‘generational forgetting’ in terms of how much caste matters for the next
19 generation in terms of caste based notions of inferiority or superiority, in relation to the
20 outgroup, may not necessarily diminish at all but resurface again and again with future
21 generations. Indeed, a number of testimonies cited above appear to echo this cyclical pattern.
22

23 ~~However the~~ The very fact that castes overvalue themselves in relation to each other
24 means that there are multiple hierarchies within the caste system (Gupta 2005) and trying to
25 ‘simplify’ the structure of Indian society has added confusion in subsequent understandings
26 of how caste works on the ground. Caste based identities are not necessarily synonymous
27 with discourses on prejudice and discrimination. ~~Mirza et al point to the social divisions that~~
28 ~~the introduction of such laws are alleged to have encouraged (2007).~~ Demonizing caste,
29 moreso, in relation to caste based identities further adds contention and conflict to debates
30 around caste. This is the case particularly in relation to the manifestation of caste within the
31 Sikh community where caste (or *zat*) is not confined to the religious realm: it is social,
32 material and cultural. The easiest solution therefore, tends to be to brush it under the carpet
33 as an issue that does not affect Sikhs. The testimonies above, illustrate otherwise. The
34 lobbying of British Parliament by pro legislation organisations is grounded in the
35 determination that caste based discrimination has no place in British society. Activists
36 repeatedly draw attention to the fact that they left India in order to escape the discrimination
37 they faced on a daily level. The process of acculturation has enabled Dalits to secure social
38 mobilisation in Britain in a culture which is supported by protective laws, particularly the
39 Single Equality Act 2010. Therefore, an Amendment to the Equality Act 2010 was seen as
40 the most relevant since legislation against caste based discrimination under British law would
41 allow acculturation through “spatial relocations involving members of other societies”
42 (Watson, 1963: 356). Pyper (2014) has aptly highlighted that it is the Dalit community who
43 are most affected by caste based discrimination and therefore the legislation is to protect
44 them. ~~The Anti-Caste-Discrimination-Alliance (ACDA) on 17 July 2015 announced that the~~
45 ~~Government “are seriously considering a repeal of the law”.~~²⁰
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² The report is available at: <http://www.ochs.org.uk/sites/ochs.drupalgardens.com/files/201306/OCHS-report-on-caste-legislation-Final-June-2013.pdf>. Also see the Press Release by the Alliance of Hindu Organisations which again highlights British Hindu concerns over the caste discrimination legislation, available at: <http://www.mycasteishindu.org/index.php/component/content/article/20-frontpage/318-press-release-13th-november-2013>

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⁸ ‘Sikh Council UK-Caste Position’ available at <http://sikhcounciluk.org/press-release-scuk-scuk-position-vindicated-on-caste-legislation-14-01-2015/>

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¹⁹ The interviewee's preference to label himself as a Ravidassia/Chamar clearly illustrates that the Chamar caste identity and Ravidassia religious identity are synonymous. This particular individual also refers to himself as Ravidassia Sikh – thus clearly rejecting the notion that all Ravidassias identify as non-Sikh (see Takhar 2005). The fluidity of boundaries of religious identification, especially in the Punjabi context, are also well illustrated amongst many Ravidassias who also identify as Hindus or Sikhs (see Takhar and Jacobs 2011).

²⁰ Email received by the author from ACDA on 17 July 2015.

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