

Fighting caste prejudice among British Asians

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“Even if somebody of a Dalit background makes progress, they are regularly reminded that their caste is inferior. It’s a form of mind control,” says Santosh Dass, a leading figure in the campaign to outlaw caste-based discrimination in the UK.

Santosh Dass is a busy woman. The human rights and equality campaigner who lives in London has been at the forefront of the fight against discrimination for years. An ex-civil servant, she previously held roles at the department of health, including leading on better regulations, governance and risk management.

Dass is among the leading figures in the campaign to outlaw caste-based discrimination in the UK. Towards that end, she has taken up the issue of the rising number of atrocities against Dalits in India at the United Nations Committee for the Elimination of Racial Discrimination. An Ambedkarite, Dass is the vice chair of the Anti-Caste Discrimination Alliance and president of Federation of Ambedkarite and Buddhist Organisations, UK. Excerpts from an interview:

What was your reaction to the Bharat Bandh organised by various Dalit organisations on April 2 against the attempt to dilute the SC/ST (Prevention of Atrocities) Act?

Total admiration! The solidarity and unity of the hundreds of thousands of men and women that day was breathtaking. It takes a lot of courage to come out on the streets and protest. People took to the streets knowing they would face repercussions afterwards – including physical violence and threats to life and limb and livelihoods. Those who died are true martyrs in the cause and challenging the shackles of caste. That’s how they’ll be remembered.

The April 2 protest was a culmination of the years and years of discrimination, social exclusion, human rights abuses and the erosion of basic rights to an education, healthcare, and employment. And, never forget the frightening abuse of Dalit women and girls. As far as crimes against Dalits are concerned, we have the latest data from the National Crime Records Bureau. Between 2006 and 2016, the crime rate against Dalits rose more than eightfold. In 2006, there were 2.4 crimes per 100,000 Dalits. By 2016 it had soared to 20.3.

The judgment by the Supreme Court is an arrogant, brazen and outrageous attempt by the Indian government to dilute the legislation. Protests like this one and that of Prakash Ambedkar’s Maharashtra Bandh in January following the violence against Dalits at Bhima Koregaon help to highlight the burning issues that the SC/STs face day-in, day-out.

Looking to the future from this protest and the ones before that, I’m reminded of Babasaheb Ambedkar’s powerful words:

“We must stand on our own feet and fight as best as we can for our rights. So carry on your agitation

and organise your forces. Power and prestige will come to you through struggle.”

What do you think about the Indian media's coverage of the issue?

I have access to a few of the Indian television channels in the UK. Most appear to be little else but mouthpieces for the Indian government spouting the party line. The sight of braying ‘experts’ vying for the camera and shouting each other down is a total switch-off. Discussion and debate goes out the window.

I was appalled at the TV channels’ coverage. Many stations repeated the same ‘bad news’ footage of, say, some car set on fire. It created the impression of hooligan behaviour rather than covering what was, overall, a very peaceful protest on 2 April. Nothing I saw broadcast dwelt on the nine Dalits killed during the protests. What did we see of the sheer numbers of people protesting across India or – and this really got to me – the absence of police protection for those marching in an orderly fashion. Since the protest, there’s been no reporting of police brutalities against Dalits. There’s footage circulating of police officers shamelessly knocking over motorbikes and auto rickshaws in attempts to pin the damage on the protestors – and worse including ‘slapping’ with their hands and long wooden batons. It’s all very disturbing and distressing to watch. I hope people are cataloguing these incidents and police provocations.

On April 9, NDTV saw fit to run the ‘*Bhatoora* fiasco’ instead of reporting on incidents of Dalits being targeted in Uttar Pradesh or Rajasthan or the gang rape of an eight-year-old girl in Jammu and Kashmir. Even the UP government’s and the police authorities’ insensitive attitude towards the Unnao gangrape survivor was ‘buried’ for many months. The poor girl had to resort to the extreme step of trying to commit suicide outside the UP Chief Minister Yogi Adityanath’s residence this April to demand that the police at least *register* the crime. It had taken place back in June 2017! It was only when her father died in custody that the media took an interest. They’ve since been broadcasting images of the MLA implicated in the gang-rape strutting around cockily whilst the poor survivor and her family are under what is essentially house arrest. Where is the ‘Beti Bachao’ campaign now?

Millions of people in India and around world are sharing news stories about the atrocities and hate crimes faced by Dalits and minorities in India. National and regional government authorities are failing to respond to, or act against corruption and abuses. People are able to see and read about it in real time and form opinions like never before.

What are the reasons for the continuous cycles of violence against Dalits?

Caste divisions and caste prejudice are social evils that have existed for thousands of years. It’s a fact that untouchability was abolished in the 50s. It’s also fact that people continue to practise the medieval ways of untouchability as if nothing ever changed and minds never moved on. This was confirmed in recent phone survey by *Social Attitude Research India* of 8,065 people. 50% of respondents in urban Rajasthan admitted to practising Untouchability; as did 48% cent of respondents in urban UP and even 39% of the Delhi respondents. Even if somebody of a Dalit background makes progress, they are regularly reminded that their caste and descent is inferior. It’s a form of mind control. Huge progress needs to be made on a number of fronts.

Sadly, successive Indian governments and authorities have failed to implement laws or take swift action when atrocities against Dalits have occurred. The current Government is successfully creating divisions. What is required is robust action against the dominant Caste perpetrators violating the human rights of Dalits and minorities. There must be no watering down of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. There needs to be an immediate and transparent

investigation under the legislation to prosecute any Government and police officials who are found to have aided and abetted criminals. There needs to be robust implementation of the Special Courts and Exclusive Special Courts mandated in the SC/ST Act, 2015, for speedy trials. Government needs to take swift action to deal with the unacceptable shortage of judges that is impacting negatively on access to justice. And of course, media have a big role to play in highlighting the shortfalls.

What is your opinion on the Supreme Court's order on the SC/ST Act?

Very alarming. For someone who's worked on the need for clarity of laws that are implementable and enforceable on the ground, I believe the hurdles created by the Supreme Court judgement for the victims are totally unacceptable. Let's be clear, the ruling is essentially leaving the fate of a victim in the hands of someone in authority – likely to be so-called upper caste – who will decide whether the case can even be *registered*.

Dr Anand Teletumbdeji recently summed up the mess beautifully:

“What are the chances of a poor Dalit landless labourer taking recourse to this law? About 75% of the population, especially women and the marginalised, avoid reporting a crime as they feel frustrated and unhappy with the way cops behave with complainants. It is only following pressure from activists that complaints of atrocities get into the police register. Even after the registration of a complaint, it has to pass through prejudicial barriers – police investigation, the indulgence of the prosecution, and the judicial verdict.”

The crux of the matter is that in most of the cases the government officials can easily dismiss the case as false resulting in the penalisation of individuals who file a case. It will further discourage the individual from filing the case for the fear of retribution or backlash. Look at the Unnao UP gang rape survivor's experience of trying to file an FIR with the police. And this is before the recent SC judgement. Imagine what it would be like in practice now! It beggars belief!

The Bandh was a spontaneous response to a campaign on social media.

Yes. That's what I heard. Brilliant!

All the laws in India deal with the issue of violation of human rights at the individual level even when we see that the issue of the Dalits and Adivasis are not merely individual relationship but a social disorder which discriminates against them. Is it time to call it a hate crime, as suggested by noted author Sujatha Gidla? Would bringing out a specific law on the lines of hate crimes be effective ?

I fully agree with Sujatha Gidla. In England, Wales, and Scotland we've got the Crime and Disorder Act 1998. It makes hateful behaviour towards a victim based on the victim's membership or presumed membership in a racial group or a religious group an aggravation in sentencing for specified crimes. If there were the political will in India, this law could be replicated for caste-related 'aggravated crimes'.

What about caste discrimination in the Britain?

It's an incontestable fact that when somebody steps off the plane in Manchester or Montreal they don't leave their caste back in Mumbai. I borrowed that gem from Lord Eric Avebury, a great champion of social reform, in the House of Lords. Britain's South Asian population exceeds four million. In the UK, we saw very early on that if left unchecked, the profound caste prejudices keep on continuing to get transplanted and take root here. Meaning, discrimination will be perpetuated.

For nearly 20 years now I've been involved with the campaign to outlaw Caste discrimination in the UK with such organisations as the Anti Caste Discrimination Alliance (ACDA), CasteWatchUK, Dalit Solidarity Network, Federation of Ambedkarite and Buddhist Organisations UK (FABOUK) and Voice of Dalit International.

The UK has robust equality of treatment and equality of opportunity laws. Laws we can be justifiably proud of. They are laws that have benefited and protected people in their place of employment and education or when they use public services like health and social care. There are protections on grounds of the colour of someone's skin whether they're originally from India, Jamaica, Nigeria, Manchester or Glasgow. There are protections for people on grounds of disability, sexuality and others. Yet if someone is discriminated against or harassed because of their caste there's no legislation in place to protect them.

When we invited people to tell us about their experiences of discrimination in the UK, the findings of which we published in our, the ACDA's 2009 report *A hidden Apartheid*, two cases out of the many stand out for me in particular. The first was the case of a vulnerable elderly Indian woman in the East Midlands. She had faced discrimination and, as a result, neglect at the hands of her carer. The second had been a young personal secretary in the office of a radio station broadcasting mainly to the Punjabi diaspora. The discrimination in both cases had one feature in common the Caste divide of the people concerned.

The ACDA report was instrumental in securing Section 9(5) a of the Equality Act 2010 inserted at the late stage in the law by the then Labour government. This gave the relevant Minister a power to outlaw caste discrimination if a government-commissioned study found evidence of caste discrimination. The evidence was there. The National Institute of Economic and Social Research's 2010 report confirmed caste discrimination is no different to discrimination on grounds of disability, gender, colour, age or sexuality in the UK. But the Government did nothing but stonewall.

Parliament agreed Government *must* legislate to outlaw caste discrimination in April 2013. This didn't come about just like that. It followed an inspired amendment to the Enterprise and Regulatory Reform Bill (ERR Bill) following an ACDA meeting in November 2012 calling on the government to act. This meeting was chaired by Lord Eric Avebury. A number of members of both house of Parliament including Baroness Thornton – the Labour government minister who had paved the way for legislative power in the 2010 Equality Act attended the meeting. Straight after the meeting Baroness Thornton tabled a very important and inspired amendment to the ERR Bill that was progressing through parliament at the time. Since April 2013, the government did all it can to delay implementation of the law.

What's the latest on the UK parliament's direction to outlaw caste discrimination?

Last year, the government finally launched the long-awaited public consultation. Given how parliament expressed direction to legislate in 2013, the consultation should have been about how best to legislate. Instead, we got a significant lack of argument in favour of implementation of the law and a consultation skewed towards a case law option. This was supported with significant omissions and rhetoric – some of which had been peddled by the anti-caste law Hindu lobby. One red herring in the consultation was mentioning the *Tirkey v Chandhok* Employment Tribunal (ET) case as a way of getting legal justice. This case law offers no potential protection for victims of 'everyday' discrimination based on caste.

Furthermore, the government contradicted itself and acknowledged that that judgment was *not* a definitive assessment because each claim would need to show discrimination based on the claimant's descent. That's a legal minefield. Many features of caste aren't covered by descent. An ET hardly

offers redress to a patient whose carer neglects them on caste grounds. Furthermore, discrimination laws are not just about providing legal justice. They're about prevention and changing behaviours too. The recent ET hasn't changed the behaviours in the case of woman being abused on the factory floor on caste grounds. Only when we have the clarity of law, will we have structures for redress that have preventative effects and educational benefits people of all castes. The law would work in both directions. In the longer term this will help improve community cohesion. Continuing the status quo can only reinforce existing caste consciousness and bias, and act as propaganda for the perpetuation of caste and its heinous traditional prejudices.

The consultation closed in September 2017. They've had over 16,000 responses. The government's own independent Equality and Human Rights Commission has called for implementation of the law in response to the consultation that they recently shared with me. The government said it would provide a response to the consultation in early 2018. We're not holding our breath they'll do the right thing. If they don't, the campaign will continue!

Has the UK government surrendered to the Hindu right wing on the caste law? does it have anything to do with business interests in India?

Without a doubt, they're lobbying hard to halt the outlawing of caste discrimination in this country. They've voiced their opposition via their MPs in Parliament in private and public. They've peddled lots of misinformation about the impact of the law. They've created smokescreens. They've scare-mongered. They've denied that there could even be such a thing as caste discrimination! Well, they would say that, wouldn't they? And, no surprise, those opposing the law have seen fit to stoop to personal vilification and insults. It's what social media was invented for, right?

A lot of it is down to catching or guaranteeing votes and post-Brexit business deals with India. Successive governments since 2010 including Theresa May's have shown they're influenced by religious factions on both those counts. Indeed, caste law featured heavily as an issue in both of the last two General Elections. For example, the body representing Hindu temples openly directed their communities to vote for the Conservative Party. Why? Because it believed that party wouldn't legislate against caste discrimination. By listening to the opposition to the caste struggle is tantamount to saying, 'Let's not introduce legislation against race, disability or gender discrimination. Some faction might get huffy about it if they can't perpetuate their old ways.'

What role do you see for the Indian diaspora in the Western World, particularly UK, USA and Canada towards the issues of the Dalits and marginalised in India. A such, the Hindu Council in UK and USA have been opposed to anything that 'defames' India.

I can speak for the UK position. I'm a member of the second-generation Indian diaspora living in the UK. My family still has links with family in India. Through my work on equality and Dalit issues here in the UK I have interacted with activists and NGOs working in this country, in India and around the world. We have a duty to highlight and raise issues in the media and other forums that are not in keeping with the values of equality and human rights. There must be no compromise in this regard. This does not make us anti-National! Caste should be recognised as a root cause of the misery of millions of Dalits. It's the root cause of trafficking, of modern day slavery and poverty. Unless we raise the profile of the oppressed Dalits, nothing will change.

You have been very active with the Human Rights groups, anti-caste discrimination organisations apart from Ambedkarite organisations. Do you think they can work together on a common agenda?

Absolutely. We have more in common than what divides us. There is a common platform from which

we can all make a difference and have made a difference. This includes the many joint statements we have submitted on issues including about atrocities against Dalits and the need to outlaw Caste discrimination in the UK. We have stood shoulder to shoulder in public protests.

How do you find the issue of women being addressed in such organisational structures?

I live in a patriarchal community. We have a generation of leaders in the religious institutions who do not surrender their executive positions to women – no matter how exceptional they are. They are quick to use women to do the work and take the credit. The same can be said of some NGOs. That said I have been able to make huge difference as the President of FABOUK and as a Vice Chair of ACDA. Women have so much to offer. Sometimes raising this issue falls on deaf ears but we must persist!

You have participated in the meetings of UN Committee for Elimination of Racial Discrimination (UN CERD) in and presented reports. Do you think that UN platform can be effective in dealing with the Caste discrimination issue?

Yes, I did in 2016 and 2017. And my colleagues at the ACDA also did so in 2011 to push for the implementation of the 2010 law on Caste. UN CERD is a very useful platform because it helps internationalise issues and the Committee makes recommendations. For example I was able to highlight at a UN meeting the erosion of fundamental rights of freedom of speech and expression guaranteed in India's constitution; the plight of those who speak up for human rights and justice and call the Government to account on the social evils of Caste related atrocities and discrimination persecution, incarceration, and being labelled anti-National. I was able to use Mr Chandrasekhar Ravan, Soni Suri, Professor Siababa, Professor Kancha Illaiah Shepherd and Gauri Lankesh as examples. I was able to highlight incidents of Caste-related violence and social exclusion that includes the Saharanpur UP violence against Dalits. I was able raise the impact of open coal mining in Chhattisgarh India that's causing mass relocation of tribal and Adivasi people that has to be seen as nothing short of ethnic cleansing.

One area I have continued to highlight is the violence against women in India and the experience of Dalit girls and women seeking justice in cases of rape. I was able to highlight recently the Human Rights Watch's 2017 report "[*Everyone Blames Me – Barriers to justice and support for sexual assault survivors in India*](#)". We have chilling examples of local village councils deterring women and girls from reporting cases of rape by a higher caste men or gang rapes; and of police delaying, or not even registering the FIR. Some girls and women are further subjected to the humiliating two finger intimate examination by doctors. No civilised society should allow this abhorrent practice.

The recent gang-rapes of the eight year-old in J&K and the minor in UP are a fraction of what's really happening to some girls and women in India. It breaks my heart that they and their families are not getting the justice they deserve.

You did a lot of work in making the Ambedkar memorial a reality in London. It is historical and we are proud of the initiative taken by you in FABO. What is the status of it today ? How satisfied are you with the things happening there ?

Thank you. To be honest it's a dream come true. Everything I wanted for the house and more has been delivered with thanks to Mr Badoleji at the Government of Maharashtra. I also thank Mr R K Gaikwadji, Mr Ramesh Katkeji in Mumbai, Mr Arun Kumarji, Mr Gautamji, Mr Ken Hunt in the UK, and Mr Sunil Kumarji at the India High Commission in the UK for their unflinching support. Of course there were others who lobbied for the House once I had submitted my proposal to GOM.

Dr Ambedkar's short biography in the *Oxford Dictionary of National Biography* lists him as one of the men and women who have shaped British history and culture. This demonstrates his standing in the UK. 10 King Henry's Road is highly important for followers of Dr Ambedkar and anyone who is interested in equality and human rights because it marks an important period in his life.

The Ambedkar House London has now been fully refurbished. It already has a *The Blue Plaque* on the outside of it. At the time of purchase in September 2015, the house was in total disrepair. Since then it's been developed and refurbished. For example, the basement flat rooms have been merged into one; it's had external repairs including repointing of bricks and making safe the front garden; it's been rewired for electricity, re-decorated retaining the original features including fireplaces, ceiling roses and coving, wood staircase. A conservatory has been installed and the garden's been landscaped.

We also now have a lovely library. Babasaheb left a huge body of writings spanning forty years and covering a variety of subjects, amongst them history, economics, anthropology, politics philosophy and law. These writings are proof-positive of his prowess, his intellectual rigour and his clarity of thought. He got to the root of the problems that his community and the new nation were facing. In a culture that is largely oral, leaving so much written work – speeches, journals, books – are his gift not only to subsequent generations of Indians but also to anyone anywhere with an interest in human rights, the theory and practice of equal treatment issues and civil rights movements. We hope to have hard copies of Dr Ambedkar's works sitting on the shelves soon!

I've been honoured to be a member of the *Ambedkar Memorial Advisory Committee* Mr Badoleji set up. It's allowed me shape the house as I set out in my proposal to the Government of Maharashtra in 2014. I've been very hands-on with selecting the furniture and fittings and the redevelopment.

The house is a wonderful memorial to Dr Ambedkar and his remarkable legacy to the cause of social justice and social reform. I look forward to many people taking the opportunity to visit it – especially UK school children – and learning about the Father of the nation and his extraordinary achievements.

What is the future of India ? Do you think there is political will here to deal with the issue of caste discrimination and untouchability?

It's not enough to admire Babasaheb Ambedkar, say Jai Bhim or garland his statues around the globe. Dr Ambedkar was one of the finest academics of his generation, a prolific writer, a social reformer, an outstanding economist, an empowerer of women in India, and a nation builder. His initiatives as India's Labour minister led to eight-hour working days – down from 14 hours a day. He was instrumental in the introduction of the Minimum Wages Act. Those are policies that the Trade Unions here in the UK would have been proud of. Those who value justice and equality must have the will and courage to follow his example and fight for the things he gave his life for.

I say to those in positions of power or able to influence, if you admire Dr Ambedkar, then deliver the constitution in full and annihilate caste. Implement and enforce the laws and funds designed to protect and uplift those who have been violated and marginalised for thousands of years. Provide swift and robust action against the dominant caste perpetrators violating the human rights of Dalits and minorities. Don't water down Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Take swift action to deal with the unacceptable shortage of judges that is impacting negatively on access to justice. Provide good education and healthcare and jobs.

The SC/ST legislation that is being watered down is helping social boycott victims challenge community corrupt and corrupting practices. The medial justice system, the local Panchayats must

go!

Finally, don't just share or chant slogans like *Beti Bachao*. Save, educate, protect, and empower all girls and women in India. They have a lot offer.

Vidya Bhushan Rawat

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P.S.

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