



23 May 2016

Dear Madam/Sir,

Re: Your liability regarding legal claims of caste discrimination

You may be aware that the Equality Act 2010 opens up businesses, business owners, and employers to claims for caste discrimination (as part of race discrimination). This was confirmed by the Employment Appeal Tribunal in 2014 in the case of *Chandhok & Anor v Turkey* (UKEAT/0190/14/KN). By expanding the meaning of race to cover caste, the case law also opens up the possibility of prosecutions under the criminal law.

The risks your business faces because of caste include:

- If your concern is a family business it is open to allegations of caste discrimination on grounds that an unlawful preference is being given to members of the same caste.
- If you are not aware of the caste group to which your employees or customers belong, you could be held liable for caste discrimination for offending them, even if done inadvertently.
- Not keeping records of the caste status of your employees or customers could also result in a greater risk of a claim of caste discrimination against you or your business.
- Because membership of a caste group survives conversion to another religion, non-Hindus – e.g. Christians or Muslims - could make claims against you or your business on grounds of discrimination against them because of their antecedent caste.
- You, your business, or your employees could be subject to prosecution on grounds of offenses aggravated by a caste factor, which entails a higher add-on sentence to the primary crime.
- If you belong to a business or professional association which is constituted around your caste group, you (and that association and its members) risk legal action for caste discrimination.
- You may want to ensure that your insurance covers risks of legal claims of caste discrimination or criminal liability. This may result in a higher premium for Indian businesses because of the presumptions as to which groups discriminate, harass or criminally aggravate on grounds of caste.
- Being found liable for caste-based discrimination or aggravation could result in a person's ability to be a director of a company, a trustee or hold public or political office being called into question.

This letter is meant to be for guidance only and is not to be construed as legal advice for any purpose whatsoever. We merely wish to draw your attention to the potential risks posed by claims of caste discrimination and criminal aggravation. Should you require accurate and reliable legal advice in confidence, you are well advised to consult your legal representatives directly.

Dharmic Ideas Policy Foundation

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DHARMIC
IDEAS & POLICY
FOUNDATION

Should you be interested in the background and content to how caste is covered in the Equality Act and how to inform your MP about your concerns, please feel free to contact us at director@dipf.org.uk.

Yours sincerely,

Prakash Shah

Dr. Prakash Shah
Director, Dharmic Ideas and Policy Foundation (DIPF).

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