

Institution: University of Wolverhampton		
Unit of Assessment: 25 Area Studies		
Title of case study: Tackling Caste Discrimination in the Diaspora		
Period when the underpinning research was undertaken: 2006 - 2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Professor Meena Dhanda	Reader in Philosophy and Cultural Politics	1992 - Present
Period when the claimed impact occurred: September 2013 - August 2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact <p>Dhanda's analysis of hitherto little understood problems regarding the persistence of caste prejudice and occurrence of caste discrimination in the UK has benefitted anti-caste campaigners in the UK and abroad. It also influenced UK Government agencies driving policy change through equality law. The research has:</p> <ul style="list-style-type: none"> • changed dominant perceptions of the 'caste problem', leading to better understanding of divisions between stakeholder views, shaping and informing public attitudes through keeping a focus on caste in public debate; • kept UK Government accountable, by influencing policy decisions, informing changes to legislation, and • contributed to the development of case law, by direct assistance to a claimant's case via their legal counsel by offering expert advice in the process of case hearing. <p>The significance of the impact has been on both the degree of public understanding of, and on the lives of those affected by, caste discrimination.</p>		
2. Underpinning research <p>Research conducted at the University of Wolverhampton pioneered new knowledge of the manifestation of caste in the diaspora and the preferred means for tackling caste discrimination, contributing key findings [F1-4], which interacted strongly and productively with the policy milieu as it developed. The context of this research is divided public opinion, and active hostility from some quarters to the inclusion of 'caste' in UK Equality Act 2010 (EA 2010).</p> <p>In 2013, The Equality and Human Rights Commission (EHRC) was instructed by Government in pursuance of the direction of Parliament to commission research on how caste may be added to the EA 2010. Dhanda won the competitive tender to conduct an unprecedented project 'Caste in Britain', lead a consortium of researchers and conducted the widest ever engagement of academics and stakeholders in caste research in the UK.</p> <p><u>F1.</u> Dhanda's pilot empirical studies comparing Wolverhampton and the Punjab conclusively showed how caste continued to mark interpersonal relations in the UK. The finding was presented to stakeholders in the CasteWatch UK conference (Aston, 2008) and publicised through her widely cited journal article [R1] with pioneering primary research on caste prejudice experienced by Punjabi Dalit youth in the diaspora.</p> <p><u>F2.</u> Dhanda's Leverhulme Research Fellowship project: '<i>Caste Aside: Dalit Punjabi Identity and Experience</i>' captured and portrayed the experience of being Dalit both in the urban Punjab and in</p>		

Britain's West Midlands region. It formed part of a narrative highlighting the complexity of experience of caste in the diaspora including divisions between Dalits [R2] and the generational difference in salience of caste. It was clear that caste was not dying in the UK, leading to subsequent research.

F3. A detailed review of socio-legal research [R3] (with Co-I input from Waughray) was produced including recommendations for the definition of caste and exceptions in its use in the EA 2010. In related findings from the EHRC project, R4 (with Co-I input from Mosse) synthesised cross-disciplinary academic opinion on caste for the first time from a national seminar with 18 experts, including academics and lawyers from UK and Europe. R4 presented an examination of the depth of divided positions, from the widest ever stakeholder engagement on caste and caste discrimination covering 60 national organisations (London, 9 Nov 2013) and suggested means for evolving consensus points.

F4. Dhanda demonstrated how caste can intelligibly be seen 'as an aspect of race' arguing against opposition to inclusion of caste in the EA 2010 [R5] and (with Waughray) developed the argument for extension of EA 2010 to include caste, by establishing the limits of reliance on case law. Thus, the research analysed both possible routes: i) the precedent setting *Tirkey* with proven caste discrimination using the 'ethnic origin' interpretation of 'race' in the EA 2010 and ii) accountability of Government to act on the duty explicitly to add 'caste' to the definition of 'race' in EA 2010 [R6].

3. References to the research

The following publications have been through a rigorous peer-review process. R3 and R4 are EHRC reports from a competitively funded project with Dhanda as PI; these were reviewed by Dame Onora O'Neill (then Chair) of EHRC, have been cited in academic and Government publications, and are points of reference for research beyond the University.

R1. Dhanda, M. (2009) 'Punjabi *dalit* youth: Social dynamics of transitions in identity', *Contemporary South Asia*, 17(1), March, pp. 47-63. ISSN: 0958-4935 (<https://doi.org/10.1080/09584930802624661>).

R2. Dhanda, M. (2014) 'Certain Allegiances, Uncertain Identities: The Fraught Struggles of Dalits in Britain'. In *Tracing the New Indian Diaspora*. Ed. by Om Prakash Dwivedi. New York: Editions Rodopi. pp. 99-119. ISBN 978-90-420-3888-2 (https://doi.org/10.1163/9789401211710_007) (REF 2 Output).

R3. Dhanda, M., Waughray, A., Keane, D., Mosse, D., Green, R. and Whittle, S. (2014) *Caste in Britain: Socio-legal Review*. Equality and Human Rights Commission Research Report no. 91. Manchester: Equality and Human Rights Commission. ISBN 978-1-8426-8. (<https://www.equalityhumanrights.com/sites/default/files/research-report-91-caste-in-britain-socio-legal-review.pdf>) (REF 2 Output).

R4. Dhanda, M., Mosse, D., Waughray, A., Keane, D., Green, R., lafrati, S. and Mundy, J.K. (2014) *Caste in Britain: Experts' Seminar and Stakeholders' Workshop*. Equality and Human Rights Commission Research Report no. 92. Manchester: Equality and Human Rights Commission. ISBN 978-1-84206-496-2 (<https://www.equalityhumanrights.com/sites/default/files/research-report-92-caste-in-britain-experts-seminar-and-stakeholders-workshop.pdf>).

R5. Dhanda, M. (2015) 'Anti-Castism and Misplaced Nativism: Mapping caste as an aspect of race' *Radical Philosophy*, 192, July-August, pp33-43, ISSN: 0300-211X (<https://www.radicalphilosophy.com/article/anti-castism-and-misplaced-nativism>) (REF 2 Output).

R6. Waughray, A and Dhanda, M. (2016) 'Ensuring Protection against Caste Discrimination in Britain: Should the Equality Act 2010 be extended?' *International Journal of Discrimination and The Law*, (16) pp. 177-196, ISSN: 1358-2291 (<https://doi.org/10.1177/1358229116655654>) (REF 2 Output).

Funding:

Dhanda, M. (PI, of consortium) 'Caste in Britain', EHRC (2013-14, GBP33,646), (R3 and R4 are outcomes of this research).

Dhanda, M. (PI) 'Caste Aside: Dalit Punjabi Identity and Experience', The Leverhulme Trust Research Fellowship (2010-2012, GBP44,942) (R2 is outcome of this research)

4. Details of the impact

Dhanda's contribution has been to raise public consciousness about the depth of the caste problem and to support solutions for tackling caste discrimination. The passage of the Enterprise and Regulatory Reform Act 2013 provided the occasion for the addition of a duty that ministers 'must' introduce a statutory prohibition of caste discrimination by making caste an aspect of the protected characteristic of 'race' in the Equality Act 2010. The duty to add caste came about as a result of the contribution of F1 & F2 deployed by campaigners [C1, C2]. The success of the claimant in *Tirkey*, followed by the outcome of a mandatory public consultation in 2017, led the Government to announce its intention to repeal the duty to add caste to the Equality Act 2010 on the arguable grounds that case law route alone may be a sufficient safeguard. Dhanda's achievement has been to empower stakeholders through advice to the key UK stakeholder group of anti-caste discrimination organisations, convened by the Dalit Solidarity Network UK, and Parliamentarians who are campaigning to prevent the repeal of duty from happening. Further, the research "strongly influenced EHRC's policy perspective on caste" [C3] and directly informed the Government Equalities Office (GEO) provision of guidance on caste to public bodies, which will be necessary whether or not the repeal happens. Her research [F4] has helped to keep caste on the public policy agenda and to ensure protection for victims of discrimination.

I1. Changing dominant perceptions of the 'caste problem', leading to better understanding of divisions between stakeholder views, shaping and informing public attitudes through keeping focus on caste in public debate

The main change resulting from F1 and F2 has been to enable focus on caste in public debate. The EHRC project [F3] was central in informing the Government about caste discrimination, collating stakeholder opinion and moving the public debate forward. F3 changed the way the public thinks about caste from a cultural residue to a present reality, albeit manifesting in different ways for the privileged compared to the under-privileged. Several stakeholders have been involved in this process, ranging from campaigning groups to Parliament's All-Party Parliamentary Group (APPG) for Dalits. Her ongoing participation with the media includes a BBC1 documentary on the 'caste problem', on which Dhanda was the sole credited academic consultant [C4].

Engagement with campaigning groups from 2013 onwards through public events, panels, documentaries has been extensive. Examples include: CasteWatch UK, Dalit Solidarity Network, International Dalit Solidarity Network, Federation of Ambedkar and Buddhist Organisations, and the Ambedkar International Mission. The Chair of CasteWatch UK, noted that Dhanda's EHRC project [F3] had "proved to be an asset and continues to be valuable reference for social activists and academia engaged in the field to tackle caste discrimination", and that:

"CasteWatch UK has benefited enormously by the academic impetus Meena provided over the years and continues to provide to the present day. Meena has been a great asset to the cause" [C1].

Twice, Dhanda addressed the APPG for Dalits, chaired by Lord Harries of Pentregarth, first on 1st April 2014, presenting F3; second, on 5th November 2018, presenting (with Waughray) on Non-Statutory Guidance for informing public bodies about caste discrimination, followed by written briefing for use by interested Peers and MPs. In his testimonial, Lord Harries, a key campaigner for the legislation, writes:

"Professor Dhanda's in-depth and prolific research on experiences of caste in UK and the roots of anti-caste activism has *directly informed public discussions* including those I have chaired in committee rooms in the House of Lords....The individual contributions of Professors Dhanda and Mosse, and Dr Waughray have *brought expertise* to the debate on caste and law in the UK and *measurably enhanced* the work and effectiveness of the APPG for Dalits" [C2 emphasis added].

Of the many examples of extensive engagement in radio and television (local community and national) used to raise awareness of the issue of caste; the most salient is the documentary: *Hindus: Do we have a caste problem?* (BBC1, 13 October 2019). The film had "1 million viewers" with "very positive feedback" according to the producer, and the director appreciated Dhanda's "invaluable advice" in "making it informative and balanced" [C4]. The film has had a clear and enduring effect in reinforcing the message that the 'caste problem' in the UK is real. Dhanda's

contribution has been achieved against a background of hostility to her research and to the explicit mention of 'caste' in the EA 2010 expressed by caste-privileged groups, catalogued extensively in the media, of which a MailOnline article is a good example [C5].

The research has informed the debate amongst South Asian diaspora overseas too. Dhanda has addressed audiences in India, Germany, Pakistan, Poland, Spain and the USA in events organised by state governments, community groups, and public events by university departments. She gave the opening plenary address 'Bearing Witness to Vulnerability' and ran a workshop for activists at University of Massachusetts (UMASS), Amherst USA at *Reconfiguring Solidarities of Caste and Race* (4-6 May 2018). The international impact is encapsulated in the words of an activist participant:

"I wish you and the University of Wolverhampton the very best in continuing to be *at the forefront of working on this most pressing topic* of the greatest human right(s) violation in the world. As we continue to bring more awareness about this topic in the US, we look forward to your solidarity and guidance" [C6 emphasis added].

A similar advisory intervention was sought by Ambedkar King Study Circle (AKSC), California, addressed by Dhanda (webinar, 8th August 2020, viewed by 500+) in the wake of a high-profile case brought by California Department of Fair Employment and Housing against Cisco Systems, Inc. to remedy workplace discrimination, harassment, and retaliation violations connected with allegations of caste discrimination. Dhanda is signatory to the Amicus Brief submitted on 24 Feb 2021 by Ambedkar International Center Inc.

Thus, dominant perceptions have been challenged and changed by Dhanda's work with activist groups and parliament, and through the media to raise public consciousness in UK and overseas. The reach of this impact has been as thematic as it has been geographical.

12. Keeping UK Government accountable, by influencing policy decisions, informing changes to legislation

Dhanda has been effective in keeping Government accountable and to prevent it from prematurely repealing its duty under the Equality Act 2010. As noted about the EHRC team by Lord Harries:

"On 6 July 2016 I *secured a debate in the Parliament* on 'the steps being taken to combat caste-based discrimination in the United Kingdom', relying on briefs undoubtedly informed by the work of this team. Their work...has continued to inform parliamentarians concerned about caste discrimination in the UK and *enabled the government to be held to account* on a critical issue of justice and human rights" [C2 emphasis added].

The research was used in a GEO funded academic study in which Dhanda was interviewed as a key informant. The study relies on F3: "Our assessment draws on previous research into caste and caste discrimination (particularly, Metcalf and Rolfe, 2010; Dhanda et al., 2014a and 2014b)", which concludes that a quantitative study of caste discrimination in the UK is feasible [C7]. The GEO's public consultation on caste in 2017 relied on citation to F3 in 'Understanding Caste and its relevance in the UK' [C8, p9]. The Government's acknowledgement of the existence of caste discrimination and the commitment to produce guidance on caste were key impacts of Dhanda's research [C2]. Dhanda (with Waughray and Mosse) formally submitted comments on the draft guidance produced by the GEO in April 2019, acknowledged by Steve Porch: "We incorporated, or reflected, a number of those comments into a revised version of the guidance and submitted it to our then Ministers last year" [C9]. Further evidence of Dhanda's impact on the policy milieu can be seen in the extensive citation of Dhanda's F3 findings in the August 2018 House of Commons Briefing Paper on *The Equality Act 2010: caste discrimination*, which are clearly seen by parliamentarians as central to the policy discussion [C10].

Put together with the GEO work, it is clear that Dhanda has been highly influential in policy circles on the ongoing salience of caste as an issue. As an example of the non-linearity of impact, the Government's decision to repeal duty but give guidance has resulted in the inclusion of caste by the Crown Prosecution Service (CPS) in guidance on Race and Religious Hate Crime [C11]. Without Dhanda's 'Caste in Britain' project [R3 & R4] and its findings [F3], the inclusion of caste in the guidance would not have happened.

I3. Contributing to the development of case law, by direct assistance to a claimant's case via their legal counsel by offering expert advice in the process of case hearing.

Dhanda worked closely with legal counsel Chris Milsom on *Tirkey v Chandhok & Anor*, which held that discrimination on grounds of caste, depending on the facts, might be capable of falling within the scope of race as currently defined in the Equality Act [R6]. As Milsom notes:

“At the merits hearing in July 2015 Professors Dhanda and Mosse contributed very significantly to Ms Tirkey's success by advising on matters of anthropological and sociological understanding on crucial points during the hearing” [C12].

Ms Tirkey was awarded around GBP84,000 making the case not only a precedent in UK law but a reference for caste-related cases of discrimination in employment more widely in the diaspora. This has been done by raising the level of public awareness of the 'caste problem' [R1, R2, R5], directly assisting the counsel in *Tirkey* and through advising stakeholder groups lobbying the Government for the most reliable and certain legal means to protect victims of caste discrimination in the UK. Milsom writes:

“the EHRC team, by directly assisting myself as counsel in the landmark *Tirkey* case and through intense engagement with stakeholder groups, has contributed to both possible routes for securing justice for victims of caste discrimination 1) precedent-setting case law, and 2) the addition of caste to the EA 2010” [C12].

Ideally, only in conjunction, do both the routes (1 & 2) provide the best protection. Through her research [F4] Dhanda has argued for this inclusive strategy - against the narrow view of the opposition stressing 1, at the cost of 2 - by insisting that *Tirkey* is significant, but not decisive, and that it remains incumbent on Government to extend the Equality Act 2010 to cover caste. It is clear that, had Dhanda not conducted the research or contributed to the work of the GEO and EHRC, the policy milieu would have been the poorer for it. The success of *Tirkey* has resulted in a change to case law, now usable as precedent, but accountability of the Government extends further, for which caste has been successfully kept on the agenda.

5. Sources to corroborate the impact

- C1. Testimonial from the Chair, CasteWatch UK, 12 July 2020 [Email attachment].
- C2. Testimonial from Chair of the All-Party Parliamentary Group for Dalits, 18 October 2020 [Email attachment].
- C3. Testimonial from EHRC Research Manager, 23 April 2019 [Email attachment].
- C4. Emails from Producer (3 December 2019) and Director (15 October 2019), of the BBC1 documentary, confirming viewing figures and distinct contribution as consultant.
- C5. David Dawkins – ‘Modi's India on Britain's Doorstep?’ Daily Mail, 2 November 2017, (<https://www.dailymail.co.uk/indiahome/indianews/article-5032729/National-Council-Hindu-Temples-working-repeal-caste.html>).
- C6. Email from activist in USA, 11 May 2018.
- C7. Government Equalities Office. *Measuring caste discrimination in Britain – a feasibility study*, 28 March 2017 (<https://www.gov.uk/government/publications/measuring-caste-discrimination-in-britain-a-feasibility-study>), pp, 8, 9, 11, 16.
- C8. Government Equalities Office. *Caste in Great Britain and the Equality Law: A Public Consultation*, March 2017, pp 9 and 10, ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609641/170419 - Caste condoc - Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609641/170419_-_Caste_condoc_-_Final.pdf)).
- C9. Email to Dhanda from Policy Lead, Race and Religion or Belief Legislation, acknowledging her input into guidance on caste submitted to Ministers, 12 February 2020.
- C10. Doug Pyper. *The Equality Act 2010: caste discrimination*, House of Commons Briefing Paper SN 06862, 03 August 2018. See section 7.1, on Dhanda's EHRC research, in (<https://commonslibrary.parliament.uk/research-briefings/sn06862/>)
- C11. CPS Guidance, updated 21 October 2020, (<https://www.cps.gov.uk/legal-guidance/racist-and-religious-hate-crime-prosecution-guidance> and [https://adatabase.ohchr.org/IssueLibrary/CROWN%20PROSECUTION%20SERVICE%20\(UK\)_Prosecution%20guidance.pdf](https://adatabase.ohchr.org/IssueLibrary/CROWN%20PROSECUTION%20SERVICE%20(UK)_Prosecution%20guidance.pdf))
- C12. Testimonial from legal counsel noting Dhanda's contribution to success of *Tirkey* [Attachment with email].