



## **Feedback, Five Cities Workshops Project: EOC for India, learning from the UK experience**

### **Introduction:**

This report is by way of a feedback on the Five Cities Workshops Project, conducted in Mumbai, Delhi, Bangalore, Hyderabad and Lucknow between October 28 and November 11, 2007. Conducted by Prof. Kay Hampton, last chair, Commission for Racial Equality (CRE), UK it was proposed and co-ordinated by Muslims for Secular Democracy, India.

(On October 1, 2007, CRE ceased to exist as an independent entity. Along with similar other equality agencies in the UK it was merged into a new body, Commission for Equality and Human Rights. Prof. Hampton is Transition Commissioner of the new commission. While this process has just begun, our invitation to Prof Hampton was to share with us her experience as deputy chair and later chair, CRE).

### **Background:**

That civil society actors can and do play a useful role in the law-making or policy-making process is a welcome aspect of a democratic polity. The UPA government's draft bills on Communal Violence (Prevention) are a good example. The demand, originating from civil society actors for a law on mass/hate crimes following the Gujarat genocide in 2002, was incorporated in the Common Minimum Programme of the UPA as an electoral promise in 2004. But in the three years that it has been in power at the Centre, all that we have on offer so far are drafts of a Bill that will be of little use in the prevention or the punishment of perpetrators of a future pogrom or genocide. It is only because of the continuing intervention of well-informed civil society actors that the Union government has so far been unable to push through this ineffective piece of legislation.

Women's groups have similarly had some role to play, for example, in the law on domestic violence. MSD believes that social activists campaigning for the implementation of the recommendations of the Sachar Committee should actively engage themselves with any enactment or policy initiative in this regard.

The appointment of an Equal Opportunities Commission (EOC) in India is considered by many to be among the most important recommendations of the Sachar Committee. Since the Committee had indicated that the Commission for Racial Equality (CRE), UK could be a model for us, MSD conceived of the 5 cities workshops project to provide an opportunity to civil society actors across the country to familiarize themselves with the workings of CRE and UK's Race Relations Act 1976, amended in 2000. If as civil society actors we found something useful in the conception, organizing and working of CRE, we could use it to more effectively engage with and intervene in the process of formation of an EOC in India.

## Objective of the workshops:

To learn about the Race Relations Act 1976 as amended in 2000 and about the key features of the CRE created under the Act as a regulatory, enforcement machinery to enable us to have a better understanding of what is needed if the proposed EOC for India is to be an effective instrument in checking discrimination and promoting equal opportunities.

Our objective of the five cities workshops and other interactions would have been served if we are able to use what we have learnt from the workshops to collectively intervene in the process of formation of an EOC in India.

## The 5-city workshops and other interactions:

Prof. Hampton arrived in Mumbai on October 27, 2007. We got to work on Sunday, October 28 and wound up with a dinner meeting in Lucknow on the night of October 9, 2007. We returned to Mumbai on October 10 and Prof Hampton left for UK the next day. Please see Annexure below for details of the same.

## Participants:

The participants at the workshops and other meetings in different cities included political leaders, lawyers and judges, academics, educationists, writers, poets and artists, journalists, business/corporate leaders, community activists, religious leaders and NGOs actively involved in grass roots work. In a number of places, a number of serving and retired senior civil servants and police officers, as also sitting and former members of existing national and state commissions for minorities also participated in the workshops or other meetings.

Across the five cities, around 1,000 actively engaged people had the opportunity to interact with Prof Hampton. In Delhi, the deputy chairperson of the Rajya Sabha, Mr. K Rahman Khan, facilitated a meeting with senior parliamentarians from different political parties who were quick to catch on to the key features that make the CRE, UK, an effective commission. In Hyderabad, Mr. Javed Alam and Ms. Kalpana Kannabiran, both members of the 7-member committee appointed by the Union government to produce a route map for an EOC in India, participated in the workshop and then held a separate meeting with Prof. Hampton.

## Key Features of UK's Race Relations Act/CRE:

**1. Acknowledging the problem:** The first thing that strikes one even on a cursory reading of the Act or other literature published by the CRE is an honest, candid admission that there is a real problem – **CONTINUING, INSTITUTIONALISED DISCRIMINATION** – that exists in UK society which should be unacceptable in any democracy and the Legislature and the Executive are committing themselves to addressing it in all earnestness.

**(Example:** When Jack Straw, the former Home Secretary, published the *Stephen Lawrence Inquiry Report* (on the police bias evident in handling the racial murder of a black man) in February 1999, he said: "I want this report to serve as a watershed in our attitudes to racism. I want it to act as a catalyst for permanent and irrevocable change, not just across our public services but across the whole of

society.”

In short, it was an official, public acknowledgement of institutionalized discrimination. What followed was a thorough overhaul of the entire police system in UK.

This is best illustrated through a perusal of the 'Hate Crime Manual' of UK's Association of Chief Police Officers (ACPO), sending out an unambiguous, strong message to every police person in the country:

“Hate crime is a most repugnant form of crime... it is essential that members of the police service recognise that they stereotype members of minority communities (as do many other people). By recognising stereotyping, we can overcome bias... The police service must make its stance against racism, homophobia and other group hatred a reality, incident by incident, crime by crime and in every aspect of the performance of its duty... **There is no place in the police service for those who will not uphold and protect the human rights of others).**

**2. Its illegal, an offence, to discriminate:** UK's race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, **outlaws (declares illegal) discrimination, whether direct and indirect**, in employment, training, education, housing, policing, criminal justice, public appointments and the provision of goods, facilities and services. **Harassment and victimization**, too, are unlawful. In practice, **discrimination on the basis of ethnic, religious, linguistic or national background is all considered 'racial' discrimination.**

**3. All citizens are protected:** The Act is not meant to protect this or that section of citizenry. Discrimination against any citizen is unlawful or illegal. In other words, **all citizens are offered protection against discrimination.**

Given the reality of reservations in India, appropriate provision will need to be made in our context to keep reservations (positive discrimination) out of the purview of the non-discrimination Act.

**4. Duty to Promote Race Equality:** The Act places a **general duty** on a wide range of “public authorities” legally committing them to promote race equality. The general duty means that in all their policies and practices the authorities must have due regard to:

- i. Eliminating unlawful racial discrimination;
- ii. Promoting equality of opportunity;
- iii. Promoting good relations between people of different racial groups.

The over 43,000 institutions listed under the act as public authorities include employers, schools, colleges and universities, landlords and other housing providers, large and small businesses, local authorities, health service providers, government departments, local government, the police and other law enforcement agencies.

**It is obligatory for all of them to make race equality a central part of their functions** such as planning, policy making, service delivery, regulation, inspection, enforcement and employment. The authorities are also required to treat the three requirements specified above as 'complementary'. This means they must consider and deal with **all** the three components of the general duty.

**4. Means to an end:** In addition to the general duty, the Act gives powers to the Home Secretary to issue special orders placing [specific duties](#) on all or some of the authorities. The specific duties are a means to attain the end: meeting the general duty obligations. Included among the specific duties is the requirement for each public authority to prepare and make public a race equality scheme and do "ethnic monitoring" ("without it an organisation will never know whether its race equality scheme or policy is working").

A race equality scheme must:

list those functions that are likely to affect people differently, depending on their ethnic group;

say how the authority will assess any new policies it is proposing to introduce, and how it will consult people, including staff, about them;

say how the authority plans to monitor all its policies, and make sure they are not putting people from some ethnic groups at a disadvantage;

publish the results of its consultations, assessments, and monitoring;

make sure everyone can obtain information about its activities and services;

train its staff in their responsibilities under the duties; and

review the scheme, at least every three years.

In other words, an institutional approach to ending institutionalised discrimination. "The RRA 1976 protects people from racial discrimination in those areas where they are most vulnerable: for example, the operations of the police and the criminal justice system."

The Sachar Committee's recommendation for creating a National Data Bank on the socio-economic, educational status of different socio-religious communities would necessitate regular "ethnic monitoring."

To quote from the CRE annual report for 2005: "The best weapon we have to tackle institutional failure or systemic inequality is the statutory duty to promote race equality. It compels over 43,000 public authorities to think about their policies, and the way they provide services, affect people from different racial groups. This means putting racial equality at the heart of everything they do, whether this involves providing council housing, closing a hospital, opening a school, deciding who shares prison cells, or proposing a new law in parliament".

Should the EOC Act and the Commission under it not think of placing a similar statutory general duty and specific duty on all public authorities in India? The NHRC may deal with cases of human rights violations following complaints or suo motu. But in the absence of statutory requirements to promote equality and accountability placed on public authorities it can at best deal with isolated cases. Also, NHRC deals with human rights violations per se, it does not address the issue of discrimination.

**5. CRE a statutory body:** Created as a statutory body under the same Act, the Commission for Racial Equality (CRE) is the agency with [enforcement powers](#). CRE also has the powers to issue [statutory and non-statutory codes of practice](#) containing practical guidelines on how public authorities can meet the general duty and specific duties. Significantly, the CRE functions under UK's Home Secretary (it means Home Minister in our case) but independently of the government. CRE reviews the working of the Race Relations Act.

(It may be recalled that initially, the National Commission for Minorities in India also functioned under the Union Home Ministry and only later moved out to a less important ministry).

**6. Professional appointments:** [Selection of highly qualified professionals](#) through a rigorous and transparent recruitment process as against [political appointments](#) to top positions in the commissions in India to ensure efficient and [fully independent](#) functioning.

(Even from a cursory glance at the resumes of the chair, deputy chair and commissioners of CRE, available in the annual reports, it is evident that only highly qualified individuals from diverse professional backgrounds get selected to head the commission. Merit, professionally assessed ability to deliver, is the sole criteria for selection).

**7. Independent investigation machinery:** Putting [adequate resources](#), human and financial and a [totally independent investigation machinery](#) at the commission's disposal to probe cases impartially and professionally.

**8. CRE required to act, not just recommend:** The CRE has the mandate to take [Direct Action](#), issue [compliance notices](#) whenever necessary, including to the [police and prison authorities](#). In India the power of most Commissions is limited to making [recommendations](#) to the government.

**9. Accountability and transparency:** Systems, procedures and processes in place to ensure [accountability and transparency](#) and the CRE is itself subject to regular social audit.

**10. The duties of the CRE:**

- i. To work towards the elimination of discrimination.
- ii. To promote equality of opportunity, and good relations, between persons of different racial groups generally; and
- iii. To keep under review the working of this Act and, when they are so required or otherwise think it necessary, draw up and submit to the Secretary of State proposals for amending it.

The importance of the last point cannot be overstated. The Act not only creates a commission but also empowers it to keep a constant watch and periodically review whether the objects of the Act are being well served or whether amendments are needed. The imperative for change whenever needed is built into the RRA legislation itself.

Also important to note that its task is not limited to wielding the stick: investigating institutions which discriminate, issuing compliance notices, hauling wrong-doers before the courts. Dangling the carrot is part of its job, a lot of its time and effort is

spent on promotional work. This being an integral part of its duty, the CRE is obliged to see its role also as a catalyst, constantly engaging, interacting, collaborating with different segments of society – government departments, police authorities, educational authorities, social activists, religious leaders etc. Given the accountability and transparency criteria to which it too is subject, CRE functions as a people friendly institution, not an aloof one with an ivory tower approach.

### **Response:**

Not surprisingly, Hampton's presentations everywhere evoked a range of emotions – incredulity, incomprehension, cognition, comprehension, dismay.

"Different planets!" was the spontaneous remark of writer and social activist Rajni Bakshi, at a working dinner in Mumbai where Prof Hampton interacted with a small group of corporate leaders. "Now we know why your commission is effective while ours are toothless paper tigers", commented a lawyer in Hyderabad.

"Madam, you people are civilised, our situation is different", blurted out a Muslim woman participant at the Mumbai workshop. High praise for the 'West' from a devout, draped in a head-to-toe burqa, follower of Islam? A senior lawyer chairing the session intervened to say we are actually talking about legislators and governments, not people.

Mr. Zahiruddin Ali Khan, managing editor of Siasat, an influential Urdu daily published from Hyderabad, summed up his assessment of the workshop in his city in the following words: "I have never before in my life sat through a day-long workshop. But Madam's (Prof Hampton) presentation yesterday was so educative and engaging, there was so much to learn, that I sat riveted the whole day".

"It would be really useful if some members of the 7-member committee appointed by the government visited the UK and gathered as much as possible from the CRE experience", felt Basheeruddin Babubhai Khan, a former minister in the Andhra Pradesh government a key participant at the Hyderabad workshop.

There was ready recognition on the part of most participants in all the cities that the proposed commission must address the problem of discrimination of all sections of society and not Muslims alone.

Following Prof Hampton's hour-long interaction with some senior parliamentarians in the Parliament annexe in New Delhi, CPM politburo member Sitaram Yechuri promptly made two suggestions to the deputy chairperson, Rajya Sabha K Rahman Khan: a cross party Parliamentary group to be involved in the setting up of an effective EOC in India and a Parliamentary group to visit UK soon to learn more about the CRE.

In short, except for a handful of sceptics, it can be said without exaggeration that nearly 1,000 people -- representing more than 100 NGOs, senior parliamentarians, lawyers, educationists, intellectuals, journalists and community and religious leaders -- were convinced after the workshops and other meetings that if the proposed EOC in India is to be effective, it must in some way incorporate the key features of CRE as outlined above.

At times enthusiasm tended to give way to dismay when it came to the question of whether the Indian political class would ever allow a commission such as the CRE to come into existence here. A few said part of the difficulty in India was that we are a democracy without a liberal culture. The other area of difficulty was how an Equal Opportunities Commission would work in the Indian context given that we have existing policies of affirmative action in the form of reservations for Scheduled Castes and Scheduled Tribes, as also for Other Backward Castes. Then there was also the question of what happens to existing commissions, such as the National Human Rights Commission, National Commission for Minorities etc. Do we amalgamate all of them into one as is now happening in the UK or do we create an EOC in addition to the existing ones? What then would be the mandates of the different commissions?

The answer to the first of the questions raised above was not difficult. As the same question ("Will our legislators also give us a commission like CRE?") kept surfacing in city after city, Prof Hampton explained that things were not very different in UK either until the early '70s. The coming into existence of the Race Relations Act, 1976, and all that followed, was the result of sustained pressure and protest from those discriminated against. Those denied equal opportunity might need to build similar pressure from below in India as well.

This very point was also highlighted by the deputy chairman of the Rajya Sabha, K Rahman Khan, in his inaugural address itself at the Delhi workshop. "Unless educated people like us become active and vocal nothing will happen", he said. "But that's our problem", quipped Zahiruddin Ali Khan quoted earlier at a meeting with religious leaders and prominent citizens at his newspaper office in Hyderabad: "After the Gujarat genocide, while secular activists and the media kept the issue of justice alive Muslims here remained content eating their Biryani!"

### **Personal Reflections:**

When proposing the idea of the workshops to Prof Hampton and the British High Commission in February 2007, I had not the least idea as to what CRE was all about. I was only following my instinct. Since the Sachar Committee has recommended it, there must be something we can learn from the CRE experience. In retrospect I have no hesitation in saying that the workshop far exceeded my expectations in more ways than one.

What was then an instinctive feeling on my part is now a matter of conviction, I believe, for a large number of civil society actors spread across several states: for a commission that delivers India must incorporate some of the critical components of the CRE into the proposed EOC.

As to some of the unanswered questions, while it is a good thing that they were raised at the meetings, the workshops "Learning from the UK Experience" were not meant to answer them. The limited purpose of the workshops was to expose civil society actors in India to an example of a commission (CRE) that works and that purpose has been more than served. Addressing some of the questions raised at the workshop is for the next stage of our joint exercise.

That Prof Hampton was able to interact in Delhi with senior parliamentarians and in Hyderabad with two of the members of the 7-member committee appointed by the Centre for a route map to the CRE and the fact that they all liked what they heard was in my view a big bonus.



The blatantly partisan role of the Indian police vis-à-vis the minorities – Mumbai, Gujarat, totally illegal detention and torture of young Muslims in Hyderabad after the bomb blasts in August kept cropping up everywhere during the questions and answers sessions. If it took time for many participants to digest the fact that legislators in the UK could give their country a commission as powerful and effective as the CRE, Prof Hampton had difficulty in understanding how a pogrom such as in Mumbai 92-93, or the genocidal violence such as in Gujarat 2002, was possible in a democracy.

### **Follow-up:**

Participants in all the cities agreed that the workshops must not be an end in themselves but the beginning of our joint effort to ensure that the lessons we have learnt find their way into the proposed EOC for India. The first step in this direction is a Delhi trip in December, with some 5 prominent participants from each of the cities to present a joint memorandum (in person) to the 7-member committee, the Prime Minister of India, the Minister for Minority Affairs and leaders of different political parties.

In January/February 2008, we propose a 2-day consultation to attempt a citizens' blueprint/Draft Bill for the creation of an EOC in India.

### **Many Thanks:**

MSD would like to place on record its grateful thanks to all the local co-hosts, who so readily and generously responded to MSD's request to co-host, organise and bear the local expenses for the workshops and other interactions in Mumbai, Delhi, Bangalore, Hyderabad, Lucknow:

#### **MUMBAI:**

-- Maharashtra Cosmopolitan Education Society, Pune, in particular, its chief inspiration, Mr. P. A. Inamdar, Mr. Mushtaq Mukadam and Mr. Habeeb Faqih for hosting and help with the Mumbai workshop.

-- MSD's Convenor, Mr. Gulam Peshimam, for hosting the working dinner with film-makers, writers, artists, intellectuals.

-- Maharashtra State Minorities Commission, for hosting the interaction with political leaders and activists.

-- Mr. Yusuf Muchchala, senior advocate, for hosting a meeting with lawyers concerned with human rights issues.

-- Mr. Nandan Maluste and Mr. Arvind Krishnaswami, for hosting a dinner meet with corporate leaders.

#### **DELHI:**

-- Confederation of Muslim Educational Institutions, India, in particular, its general secretary Mr. Kamal Faruqui, for hosting the workshop and press conference and organising the school visit of Prof Hampton.



-- Mr. K. Rahman Khan, deputy chairperson, Rajya Sabha, for organising the interaction with senior parliamentarians.

#### **BANGALORE:**

-- Al Ameen Education Society, Bangalore, in particular, its vice-chairperson, Mr. Roshan Baig for hosting the workshop.

-- Centre for Community Development, Bangalore, in particular, Mr. Sultan Agha, for hosting meeting with prominent citizens.

#### **HYDERABAD:**

-- Equal Opportunities Facilitation Centre (EOFC), Hyderabad, in particular, its Managing Trustee, Dr. M. Mandal, for hosting the workshop.

-- Confederation of Voluntary Agencies (COVA), Hyderabad, for hosting the press conference and the lunch meeting with corporate leaders.

-- Siasat Daily group, in particular, editor-in-chief Mr. Zahid Ali Khan and managing editor, Mr. Zahiruddin Ali Khan, for hosting a meeting with ulema and other prominent citizens of Hyderabad.

-- Bashiruddin Babubhai Khan, senior leader and former minister in AP government, for hosting an interaction with political leaders.

#### **LUCKNOW:**

-- *Saajhi Duniya*, in particular, Ms. Rooprekha Verma (former vice-chancellor, Lucknow University) and Mr. Vibhuti Narain Rai (additional DGP, UP police), for hosting the workshop.

-- *Jadeed Markaz*, in particular its proprietor and editor, Mr. Hisamul Islam Siddiqui and Mrs. Saheba Hisam Siddiqui, for hosting a dinner meeting with religious leaders, lawyers and journalists.



**Javed Anand**  
General Secretary, MSD

**November, 28, 2007**

#### **Annexure:**

#### **MUMBAI:**

### October 29, 2007:

#### **1. Day-long workshop:**

2. **Dinner meeting:** Interaction with around a dozen documentary and feature film makers, TV programme makers, lyricists, creative writers.

### October 30, 2007:

**1. Interaction with the political class:** Organised by the Maharashtra State Minorities Commission, it was a two-hour interaction with political leaders and activists followed by lunch at Sahyadri, the State Guest House.

#### **2. Press Conference:**

**3. Interaction with lawyers:** A two-hour interaction with a select group of over a dozen senior lawyers, all of whom have been engaged with legal cases concerning rights violations for the last 10-15 years.

**4. Interaction with the corporate leaders over dinner:** Working dinner with a dozen corporate bosses and senior executives. More than one person present expressed the wish that this was the beginning of a long-term engagement and not just a one evening affair.

### October 31, 2007:

**Interaction with ulema:** MSD had organised an interaction with a group of *ulema* (religious leaders) and the venue was the largest madrassa in Mumbai. But given the punishing schedule of the previous two days and also because we had to travel to Delhi early afternoon the same day, MSD made an apology to the maulanas and requested a cancellation.

**Afternoon: Travel to Delhi.**

### **DELHI:**

#### **November 1, 2007:**

1. **Day-long workshop:** Around 60 persons.
2. **Lunch hosted by the British High Commissioner.**

#### **November 2, 2007:**

**1. Interaction with students:** Prof Hampton had an hour-long interaction with students of the Golden Era school run by Kamal Faruqui.

**2. Interaction with Parliamentarians:** A select group of Parliamentarians – Sitaram Yechuri (CPM politburo member), RK Dhawan (Congress), Tariq Anwar (NCP), Trilochan Singh (BJP, member, National Minorities Commission during NDA rule), Anwara Taimur (former chief minister, Assam), were invited by K. Rahman Khan, Dy. Chairman, Rajya Sabha, for an hour-long interaction with Prof Hampton.

**3. Press Conference:**

4. **Tea-meeting with Justice Sachar:** Justice Rajinder Sachar invited Prof Hampton for an informal meeting at which Satish Deshpande, Professor Delhi University was also present. He is one of the members of the 7-member committee appointed by the Union government to advise it on a route-map to the EOC.

**BANGALORE**

**November 3, 2007:**

**Day-long workshop:** Around 150 persons. Participants at the workshop included several persons from the neighbouring states of Kerala and Tamilnadu and also from different districts of Karnataka.

**November 4, 2007:**

**Interaction with prominent Bangaloreans:** Around 40 persons. It was a select gathering of persons that included representatives of prominent NGOs, a few serving and retired civil servants and police officers and social and political activists.

**(Travel from Bangalore to Hyderabad).**

**HYDERABAD:**

**November 4, 2007:**

**Dinner meeting:** An informal interaction over dinner with a small group of well-known writers, academics and social activists from Hyderabad.

**November 5, 2007:**

**Day-Long Workshop:** Over 150 participants, including Javeed Alam and Kalpana Kannabiran, both members of the 7-member team appointed by the government for advice on EOC. Both stayed for the entire day of the workshop and asked the most pertinent questions.

**November 6, 2007:**

1. **Breakfast meeting** with Javeed Alam and Kalpana Kannabiran.
2. **Press conference.**
3. **Working Lunch:** Interaction with corporate executives from the IT industry.
4. **Interaction with ulema:** An interaction with a group of ulema and other prominent citizens, around 40 persons in all, was organized by Mr. Zahid Ali Khan and Mr. Zahiruddin Ali Khan at the Siasat office.
5. **Interaction with political leaders:** Around a dozen persons from different

parties were present at the interaction.

**November 7:** Travel from Hyderabad to Lucknow.

## **LUCKNOW:**

**November 8, 2007:**

**Half-day workshop:** Around 60 persons.

MSD is particularly grateful to the co-hosts and the participants of the Lucknow workshop. November 8 and 9 were Diwali days. We were unfortunately left with the difficult choice of winding up two days earlier or make do with the limited time at our disposal. The fact that despite this, Sajhi Duniya took it upon itself to organize a half-day programme in Lucknow speaks volumes of their interest in the issue.

**November 9, 2009:**

1. **Press meet:** Extensive interview of Prof Hampton, Tehelka magazine.
2. **Dinner meet with religious leaders, senior lawyers and journalists:**  
About 40 persons were present.

**November 10, 2007:** Return to Mumbai.

**November 11, 2007:** Prof. Hampton departs for UK.

The travel and hotel bills of Prof Hampton were paid by the British High Commission, Delhi/UK's Foreign and Commonwealth Office. Local hosts in the different cities took care of all the expenses incurred on the workshop and other meetings.