

# **Apartheid Obscured: Addressing Caste- Based Discrimination in California Workplaces**

**A Policy Brief**

Daniel Sunkari

Master of Public Policy & Administration  
California State University, Sacramento

Culminating Project  
Spring 2022

# Abstract

Caste, a South Asian system of apartheid, is reemerging in California workplaces. Hundreds of Dalits, the oppressed members of this hierarchy, have come forth to allege caste-based discrimination at their Silicon Valley companies—which contain large South Asian populations. One 2016 survey found 2 in 3 Dalits in the U.S. reported being treated unfairly at their workplace. Caste is a pervasive, potent social force that subtly influences labor migration and culture to create unjust and unequal conditions for Dalits living in the U.S. This policy analysis traces caste and caste-based discrimination through history, migration, law, politics, and society, contextualizing the issue for possible interventions by the state of California.

While caste is not native to the U.S., legal precedent and a 2020 lawsuit by the California Department of Fair Employment and Housing alleging caste-based discrimination clearly demonstrate that U.S. civil rights objectives and laws are opposed to the operation of caste. Responding to a growing effort to expressly include "caste" as a protected category in nondiscrimination policies, this policy analysis considers the potential state policy interventions of updating civil rights legislation, expanding existing civil rights enforcement, and/or issuing a research effort into this issue. Considering policy effectiveness, equity, and administrability, this analysis finds the adoption of "caste" into civil rights law is the surest way to protect California workers from caste-based discrimination.

© 2022

Daniel Sunkari

ALL RIGHTS RESERVED

# Table of Contents

|   |    |
|---|----|
| Introduction  | 4  |
| Part One: The Problem of Caste-Based Discrimination   | 5  |
| Caste and Its Contents  | 5  |
| The Influence of Caste on South Asian Migration   | 10 |
| Caste-Based Discrimination in the US  | 13 |
| The Legal History and Interpretations of Caste  | 17 |
| The Politics of Caste in California   | 19 |
| Summary   | 22 |
| Part Two: Policy Analysis   | 23 |
| Criteria  | 23 |
| Effectiveness   | 23 |
| Equity  | 23 |
| Administrability  | 24 |
| Alternatives & Analysis   | 25 |
| Alternative #1: Pass legislation to incorporate ‘caste’ into California civil rights law                    | 25 |
| Alternative #2: Issue guidance to expanding enforcement of existing civil rights protections to caste       | 29 |
| Alternative #3: Establish an independent commission or research project to study caste-based discrimination | 31 |
| Recommendations   | 33 |

# Introduction

On June 30, 2020, the California Department of Fair Employment and Housing sued Cisco Systems, Inc., a multinational technology conglomerate based in California, for unlawful employment practices based on caste against a Dalit Indian employee.<sup>1</sup> Their case exposes a possible gap in civil rights protections for South Asian American immigrants: *caste-based discrimination*.

Caste is a 3,000-year-old social hierarchy native to South Asia, in which Dalits occupy the lowest position. A 2016 survey among South Asians in the United States found that 1 in 3 Dalits report being discriminated against during their education, and 2 in 3 Dalits report being treated unfairly at their workplace.<sup>2</sup> Since DFEH's case was filed, hundreds of Dalit employees—primarily from large technology firms—have come forward to allege caste-based discrimination and harassment at their U.S. workplaces.<sup>3</sup>

Amidst lawsuits like this one, a statewide movement to add caste to employment law and workplace anti-discrimination policy has emerged. The California State University system has adopted caste protections into their anti-discrimination policies, along with U.C. Davis and the California Democratic Party. With California-based technology companies like Cisco, Apple, Google, and others absorbing the highest numbers of H-1B visa workers each year<sup>4</sup>—of which, nearly three-fourths are Indian—the state has become a primary site of contention over this millennia-old form of South Asian apartheid.<sup>5</sup>

Faced with this ill-understood intra-group problem, how can the California state government protect its employees from caste-based discrimination? This policy brief addresses this emergent problem by evaluating the available literature and evidence, proposing policy interventions, and recommending next steps to policymakers using a criterion-based analysis.

---

<sup>1</sup> DFEH v. Cisco Systems, Inc. (2020, Jun. 13). U.S. District Court Northern District of California. <https://www.bloomberglaw.com/public/desktop/document/vCiscoSystemsIncetalDocketNo520cv04374NDCalJun302020CourtDocket/1?1605147459>

<sup>2</sup> Zwick-Maitreyi, M. Soundararajan, T., Dar, N., Bheel R.F. & Balakrishnan, P. (2018). *Caste in the United States: A survey of caste among South Asian Americans*. Equality Labs, USA. <https://www.equalitylabs.org/castesurvey>

<sup>3</sup> Tiku, N. (2020, Oct. 27). *India's engineers have thrived in Silicon Valley. So has its caste system*. The Washington Post. <https://www.washingtonpost.com/technology/2020/10/27/indian-caste-bias-silicon-valley/>

<sup>4</sup> Hurtarte, J. (2020, Feb. 4). *Deloitte top participant in H-1B foreign worker program—by far*. Bloomberg Law. <https://news.bloomberglaw.com/daily-labor-report/deloitte-top-participant-in-h-1b-foreign-worker-program-by-far>

<sup>5</sup> U.S. Citizenship and Immigration Services. (2020, Mar. 5). *Characteristics of H-1B specialty occupation workers*. Fiscal Year 2019 Annual Report to Congress. [https://www.uscis.gov/sites/default/files/document/reports/Characteristics\\_of\\_Specialty\\_Occupation\\_Workers\\_H-1B\\_Fiscal\\_Year\\_2019.pdf](https://www.uscis.gov/sites/default/files/document/reports/Characteristics_of_Specialty_Occupation_Workers_H-1B_Fiscal_Year_2019.pdf)

# Part One: The Problem of Caste-Based Discrimination

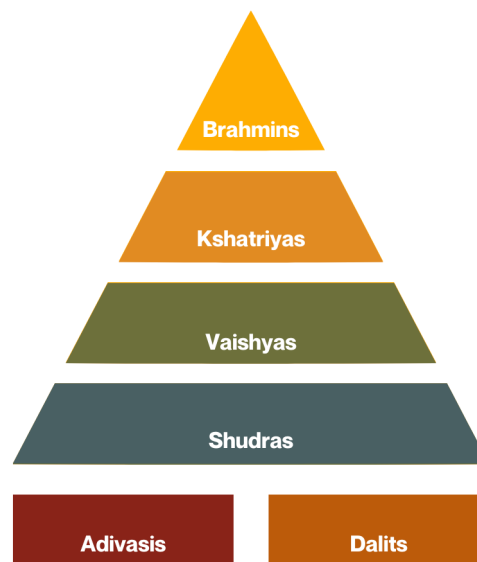
This literature review details the broad problem of caste-based discrimination in the U.S. with focus on the characteristics of “caste” as a social hierarchy, its influence on transnational labor migration, the issue of caste-based discrimination in the U.S., the legal history and interpretations relevant to caste, and the politics of caste in California.

## Caste and Its Contents

Caste is a system of social stratification originating in Hindu scripture and enacted throughout South Asian society as early as 1500 BCE.<sup>1</sup> Oriented as a hierarchy of ritual status, purity, and occupation, caste is a hereditary category that dictates outcomes in virtually every aspect of life.<sup>2</sup> The four main caste groupings are *Brahmins* (priests), *Kshatriyas* (warriors), *Vaishyas* (merchants), and *Shudras* (peasants).<sup>3</sup> These caste groupings are further divided into about 3,000 castes and 25,000 sub-castes, each tied to specific occupations.<sup>4</sup> Each level is rigid, preventing social mobility or mingling between castes and organizing occupations and social networks within them.

Caste has adopted various manifestations across historical periods, but the four-tiered hierarchy has largely remained the same—along with its distribution of power and prejudice.<sup>5</sup> While “caste” as described here is unique to South Asia, caste can also broadly refer to intra-group or inter-group social hierarchies that result in discrimination based on descent; examples include the racial caste system in the U.S.<sup>6</sup>, the Osu caste system among Igbo of Nigeria,<sup>7</sup> and the Tokugawa caste system imposed on Burakumin people of Japan<sup>8</sup>—among others. For the purpose of this analysis, caste can be understood as a hierarchical distribution of power, status, and access among social groups—namely, South Asians—which results in discrimination and violence towards its lower-placed groups. The United Nations and other human rights groups have also called caste-based discrimination “discrimination by work and descent.”<sup>9</sup>

*Dalits* and *Adivasis*, indigenous peoples, are situated beneath this four-tiered hierarchy, as they



Caste is a rigid, four-tiered caste hierarchy of occupation, access, and power, which excludes and oppresses Dalits and Adivasis

Source: “Caste in the United States,” Equality Labs, 2018.

were believed to be impure and subhuman.<sup>10</sup> The term “Dalit” means oppressed or broken, and is prominently self-applied as a term of dignity and self-assertion for this group.<sup>11</sup> Under Indian law, Dalits are also called Scheduled Castes (SC), Adivasis are called Scheduled Tribes (ST), Shudras and other socioeconomically disadvantaged non-Dalit communities are called Other Backward Classes (OBC), and upper-caste communities are called General Category castes.<sup>12</sup> These labels are used frequently in Indian communities, but for conventional understanding in the U.S., Brahmins, Kshatriyas, and Vaishyas can be referred to as upper-caste or dominant caste, and Shudras, Dalits, and Adivasis can be referred to as lower-caste or caste-oppressed—with Brahmins and Dalits representing opposite poles of the caste hierarchy.<sup>13</sup>

For the purpose of this analysis, Dalits and caste-oppressed groups can be considered primary stakeholders; they incur the most harm and wield the least influence by caste, relative to other stakeholders like Brahmins and dominant caste communities. While discrimination does occur between subcastes in the four caste categories, this analysis will primarily address discrimination between upper-castes and lower-castes. This is an appropriate framework for caste concerns in the U.S. The more particular the instance of caste-based discrimination, the more challenging it is to adjudicate—especially, absent a broader analysis of caste.

Dalits were known formerly as *untouchables* due to the millennia-old caste-practice of *untouchability*, an apartheid-like practice that deemed them polluted and pollutants themselves. They were relegated to “impure” jobs—like cleaning toilets, disposing of carcasses, or slave labor—forced into segregated neighborhoods, and restricted from basic resources and amenities.<sup>14</sup> Though untouchability was legally abolished in 1950 by the Indian Constitution, written by famed Dalit reformer Dr. Bhimrao Ramji Ambedkar, 27% of Indians recently admitted to openly practicing it—a likely underestimate.<sup>15</sup> The 200 million Dalits of India comprise 90% of all poor Indians and 95% of all illiterate Indians.<sup>16</sup> Dalits are routinely subjected to human rights abuses and atrocities. Annual statistics from India’s National Crime Records Bureau have been extrapolated as follows: every hour, two Dalits are assaulted; every day, three Dalit women are raped, two Dalits are murdered, and two Dalit homes are burned down.<sup>17</sup> These crimes, which are underreported, have increased over time<sup>18</sup> and only a third won convictions last year;<sup>19</sup> for rapes against Dalit women, the conviction rate is under 2%.<sup>20</sup>

**“... Every day, three Dalit women are raped, two Dalits are murdered, and two Dalit homes are burned down... only a third [of these crimes] won convictions last year; for rapes against Dalit women, the conviction rate is under 2%.”**

Statistics from India National Crime Records Bureau; International Dalit Solidarity Network

In contrast, Brahmins hold more than 70% of government posts, 78% of judicial positions,<sup>21</sup> and approximately half of India’s parliamentary seats.<sup>22</sup> A 2012 study found that among board members of India’s top 1000 businesses, 90% were of dominant

castes.<sup>23</sup> A 2019 study of 4,005 leading Indian firms found that only 3 out of 35,000 directorships belonged to Dalits and other marginalized groups.<sup>24</sup>

After thousands of years, caste has become entrenched in South Asian society, dictating marriage, land ownership, wealth, housing, diet, occupation, education, religion, and much more. While originating and sustained largely by Hindu culture and traditions, caste is not exclusive to Hindus; evidence of caste-based discrimination is present in all faith communities present in South Asia.<sup>25</sup> Virtually all nontribal Hindus and many members of other faiths adhere to membership in one of these hereditary castes.<sup>26</sup> Even today, inter-caste marriages are frequently forbidden to preserve caste norms. For many, caste is considered a normal, neutral aspect of life for many South Asians. It forms preliminary delineations for relationships, marriage, and occupation—simplifying life in a densely populated context. For caste-oppressed populations, caste is a human rights crisis that haunts their whole existence with impunity, following them despite religious conversion, economic mobility, or migration abroad.<sup>27</sup>

Aspiring to remedy the effects of caste apartheid in India, Ambedkar's Constitution also inaugurated the world's oldest and largest affirmative action program, known as a *reservations* system.<sup>28</sup> Reservations granted Dalits, Adivasis, and some Shudras quotas in higher education, public sector employment, and legislative representation, based on their caste identities.<sup>29</sup> Through reservations, some Dalits accessed higher educations and skilled professions; a 2013 study found a 51% increase in literacy among Dalits over a decade.<sup>30</sup> Alongside reservations, various religious interventions and missionary investments also initiated educational progress in Dalit areas.<sup>31</sup> Despite progress, Dalits still encounter discrimination in the labor market; one 2009 study found that on average, lower-caste applicants need to send 20 percent more resumes than upper-caste applicants to get the same callback.<sup>32</sup> This difference was particularly large when hiring was done by Hindu recruiters.

Like the affirmative action politics of the U.S., the reservations system remains highly contentious and is considered by some as “reverse-discrimination.”<sup>33</sup> Several Dalit employees in the U.S. have reported workplace caste-based harassment stemming from dominant caste employees' distaste for reservations.<sup>34</sup>

---

<sup>1</sup> Raj, E. (1985). The origins of the caste system. *Transformation*, 2(2) 10-14. <http://www.jstor.org/stable/43052102>

<sup>2</sup> Zwick-Maitreyi, et al. *Caste in the United States*.

<sup>3</sup> Britannica. (n.d.). *Caste*. <https://www.britannica.com/place/India/Caste>

<sup>4</sup> BBC News. (2019, Jun. 19). *What is India's caste system?* <https://www.bbc.com/news/world-asia-india-35650616>

<sup>5</sup> Basham, A. (1954). *The wonder that was India: A survey of the culture of the Indian sub-continent before the coming of the Muslims*. Grove Press.

<sup>6</sup> Wilkerson, I. (2020). *Caste: The origins of our discontents*. Random House.

<sup>7</sup> Obinna, E. (2012, Jan. 3). Contesting identity: the Osu caste system among Igbo of Nigeria. *African Identities*, 10(1), 111-121. <https://doi.org/10.1080/14725843.2011.614412>

- 
- <sup>8</sup> Hiroshi & Vos. (1966). The ecology of special Buraku. In Hiroshi & Wagatsuma, Eds. *Japan's invisible race: Caste in culture and personality*. pp. 13-28. University of California Press.
- <sup>9</sup> International Dalit Solidarity Network. (n.d.) *The Ambedkar Principles*. [https://idsn.org/wp-content/uploads/user\\_folder/pdf/New\\_files/IDSN/Ambedkar\\_Principles\\_brochure.pdf](https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/IDSN/Ambedkar_Principles_brochure.pdf)
- <sup>10</sup> Sagar & Bhargava (2017). Dalit women in India: crafting narratives of success. In Chaudhary, et al., Eds. *Resistance in Everyday Life: Constructing Cultural Experiences*. Springer.
- <sup>11</sup> Zelliot, E. (2010). India's Dalits: Racism and contemporary change. *Global Dialogue*, 12(2). <https://web.archive.org/web/20130430015723/http://www.worlddialogue.org/content.php?id=490>
- <sup>12</sup> Gopinath, V. (2018, Jun. 12). *Who are the Scheduled Castes, Scheduled Tribes, OBCs and EBCs?* The Quint. <https://www.thequint.com/explainers/scheduled-caste-scheduled-tribe-obc-ebc-sc-st-prevention-of-atrocities-act-explainer>
- <sup>13</sup> Zwick-Maitreyi, et al. *Caste in the United States*.
- <sup>14</sup> Human Rights Watch. (2001). "Untouchability" and segregation. [https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P133\\_16342](https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P133_16342)
- <sup>15</sup> Desphande, A. (2017, Dec. 11). *The ugly reality of caste violence and discrimination in urban India*. The Wire. <https://thewire.in/caste/ugly-reality-caste-violence-discrimination-urban-india>
- <sup>16</sup> Mayell, H. (2003, Jun. 2). India's "untouchables" face violence, discrimination. National Geographic. <https://www.nationalgeographic.com/pages/article/indias-untouchables-face-violence-discrimination>
- <sup>17</sup> Rani, J. (2020, Jul. 30). *Tamil Nadu: Blanket of silence over caste-based atrocities during COVID-19 lockdown*. The Wire. <https://thewire.in/caste/tamil-nadu-dalit-tribal-violence-atrocities-covid-19-lockdown-silence>
- <sup>18</sup> The Hindu. (2020, Sep. 12). Crimes against Dalits increased by 6 percent between 2009 and 2018: report. <https://www.thehindu.com/news/national/report-flags-increase-in-crimes-against-dalits/article32584803.ece>
- <sup>19</sup> The Times of India. (2020, Oct. 2). Nine states have 54% of Dalits, see 84% of crimes against SCs. <https://timesofindia.indiatimes.com/india/nine-states-have-54-of-dalits-see-84-of-crime-against-scs/articleshow/78439021.cms>
- <sup>20</sup> International Dalit Solidarity Network. (2019). *Dalit women*. <https://idsn.org/key-issues/dalit-women/>
- <sup>21</sup> Brown, K., Waughray, A., Khandare, L. & Dau-Schmid, K. (2022). Bostock v Clayton County game changer: US federal employment law now covers caste discrimination based on untouchability. *N.Y.U. Review of Law & Social Change*. Advance online publication.
- <sup>22</sup> Brown & Sitapati. (2008). Lessons learned from comparing the application of constitutional law and anti-discrimination law to African Americans in the U.S. and Dalits in India in the context of higher education. *Articles by Maurer Faculty*, 44. <https://www.repository.law.indiana.edu/facpub/44>
- <sup>23</sup> Ajit, et al. (2012). *Corporate boards in India blocked by caste*. Semantic Scholar. <https://www.semanticscholar.org/paper/Corporate-Boards-in-India-Blocked-by-Caste-Ajit-Donker/5c85bcaa2ac6dc4a9f1da74947c0e60cd0069c11>
- <sup>24</sup> Kannampilly, A. (2020, Nov. 5). *Caste discrimination taints corporate India*. Yahoo Money. <https://money.yahoo.com/caste-discrimination-taints-corporate-india-035606381.html>
- <sup>25</sup> Zwick-Maitreyi, et al. *Caste in the United States*.
- <sup>26</sup> Britannica. (n.d.). *Caste*.
- <sup>27</sup> Martin, P. *Suraj's shadow: Wherever he goes, his caste follows — even in America*. WGBH News. <https://pulitzercenter.org/stories/surajs-shadow-wherever-he-goes-his-caste-follows-even-america>
- <sup>28</sup> BBC. (2015, Aug. 29). *Why India needs a new debate on caste quotas*. <https://www.bbc.com/news/world-asia-india-34082770>
- <sup>29</sup> Daniyal, S. (2018, Aug. 21). *Explainer: Why is caste-based reservation in India capped at 50%?* Scroll.in. <https://scroll.in/article/890512/explainer-why-is-caste-based-reservation-in-india-capped-at-50>
- <sup>30</sup> Jaffrelot & Nair. (2018, Feb. 4). *Educated Dalits are mobilising against upper caste antagonism, rise of Hindutva forces*. Carnegie Endowment for International Peace. <https://carnegieendowment.org/2018/02/04/educated-dalits-are-mobilising-against-upper-caste-antagonism-rise-of-hindutva-forces-pub-75457>



---

<sup>31</sup> Zwick-Maitreyi, et al. *Caste in the United States*.

<sup>32</sup> Siddique, Z. (2009). Caste Based Discrimination: Evidence and Policy. <http://dx.doi.org/10.2139/ssrn.1550883>.

<sup>33</sup> Sarkar, S. *Cisco, caste discrimination and the endurance of denial in overseas Indians*. The Wire. <https://thewire.in/caste/cisco-caste-discrimination-usa>

<sup>34</sup> Tikku, N. *India's engineers have thrived in Silicon Valley*.

# The Influence of Caste on South Asian Migration

The South Asian American population of 5.4 million is a significant fixture among Asian Americans—having grown by 40 percent from 2010 to 2017.<sup>1</sup> The largest South Asian populations are situated in California, New York, New Jersey, and Texas.<sup>2</sup> South Asians are a diverse community by geography, religion, language, etc., but Indians comprise 80% of the total U.S. South Asian population.<sup>3</sup>

In 2019 alone, the U.S. awarded 71.7% of all H-1B visas to Indian applicants.<sup>4</sup> H-1B visas are nonimmigrant visas granted to graduate-level, high-skilled workers.<sup>5</sup> Most Indian migrants to the U.S. arrived via H-1B visas or along with others that did, and now work in specialty professions like information technology, medicine, and scientific research.<sup>6</sup> Today, close to 70% of H-1B visa-holders work in the technology industry.<sup>7</sup> Including the claimant John Doe of Cisco, the recent flurry of caste-based discrimination allegations arises from within this industry—likely, due to its dense Indian workforce.

South Asian immigration to the U.S. took place at various points throughout history, but ballooned after the Immigration and Nationality Act of 1965, which prioritized immigrants with high-skilled work potential.<sup>8</sup> As one might expect, most educated, specialty, white-collar professionals were of dominant castes, so work-based migration inevitably funneled dominant caste individuals to the U.S.<sup>9</sup>

A 2017 ethnographic study by anthropologist Sanam Roohi found that some aspirational and topographical migration pathways are created and sustained through caste networks.<sup>10</sup> Roohi found that the Coastal Andhra region of South India—which sends the most engineers to U.S.<sup>11</sup>—tended to experience “clustered” geographical patterns by caste. As members of the region’s *Kamma* (Kshatriya sub-caste) community began to migrate out, they would return to seek marriage alliances in their home region—which was socially organized by their Kamma caste—and brought their spouses to the U.S. on dependent visas. Furthermore, Kamma students with strong caste networks in the U.S. enjoyed easier access to technology firms led by Kammas or software companies where recruitment managers were Kammas. Roohi concluded that high-skilled migrants from India do not rely purely on economic choice but social capital—in this case, “caste capital”—to fulfill their education and employment aspirations in the U.S. In the historical-anthropological account *The Caste of Merit*, Harvard University scholar Ajantha Subramanian similarly traces the influence of caste capital in the elite Indian Institutes of Technology (IIT)—which affects the U.S. technology sector as IIT alumni networks facilitate labor migration into Silicon Valley.<sup>12</sup> Given the migration disparities across caste, caste-oppressed groups do not enjoy access to caste capital—rather, they endure its uglier side through discrimination.<sup>13</sup>

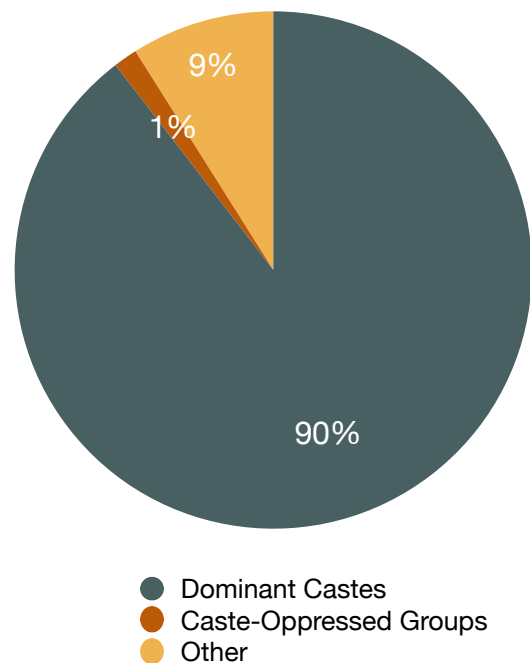
The U.S. South Asian population was surely shaped by these dominant caste pathways for migration. A 2003 study by the University of Pennsylvania found that 90% of the Indian American population are from dominant-castes; Dalits and caste-oppressed individuals comprised only 1.5% of the population.<sup>14</sup> Naturally, this highly selective character of the South Asian American population has created the conditions for dominant-caste cultures, networks, and biases to proliferate across civic, cultural, religious, and political institutions.<sup>15</sup> Dr. B.R. Ambedkar predicted such outcomes as early as 1916, famously stating, “If Hindus migrate to other regions on earth, Indian caste would become a global problem.”<sup>16</sup> Evidence of caste regenerations in the Indian diaspora is also well-documented elsewhere, like the UK<sup>17</sup>

**“If Hindus migrate to other regions on earth, Indian caste would become a global problem.”**

B.R. Ambedkar, Indian Statesman

and Caribbean.<sup>18</sup> But despite wide agreement on the incontrovertible influence of caste on South Asian American migration and life in the U.S., the extent to which U.S. Dalit minorities actually encounter caste-based discrimination remains contested.

**Indian American Population by Caste (2003)**



Source: Center for the Advanced Study of India at the University of Pennsylvania, 2003.

<sup>1</sup> South Asian Americans Leading Together. (2019, May 15). *South Asians by the numbers: Population in the U.S. has grown by 40% since 2010*. <https://saalt.org/south-asians-by-the-numbers-population-in-the-u-s-has-grown-by-40-since-2010/>

<sup>2</sup> Migration Policy Institute. (n.d.). U.S. immigrant population by state and county. <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county>

<sup>3</sup> South Asian Americans Leading Together. (2019, April). *Demographic snapshot of South Asians in the United States*. <https://saalt.org/wp-content/uploads/2019/04/SAALT-Demographic-Snapshot-2019.pdf>

<sup>4</sup> U.S. Citizenship and Immigration Services. (2020, March 5). Characteristics of H-1B specialty occupation workers. [https://www.uscis.gov/sites/default/files/document/reports/Characteristics\\_of\\_Specialty\\_Occupation\\_Workers\\_H-1B\\_Fiscal\\_Year\\_2019.pdf](https://www.uscis.gov/sites/default/files/document/reports/Characteristics_of_Specialty_Occupation_Workers_H-1B_Fiscal_Year_2019.pdf)

<sup>5</sup> Gogol, F. (2022, April 27). *H1B visa holders in USA: An overview*. Stilt. <https://www.stilt.com/blog/2019/04/h1b-visa-holders-in-usa/#>

<sup>6</sup> U.S.- India Political Action Committee. (2010, July 4). *Indian-Americans: Professions*. <http://www.usinpac.com/indian-americans/census-2010/professions/>

<sup>7</sup> Tikun, N. *India's engineers have thrived in Silicon Valley*.

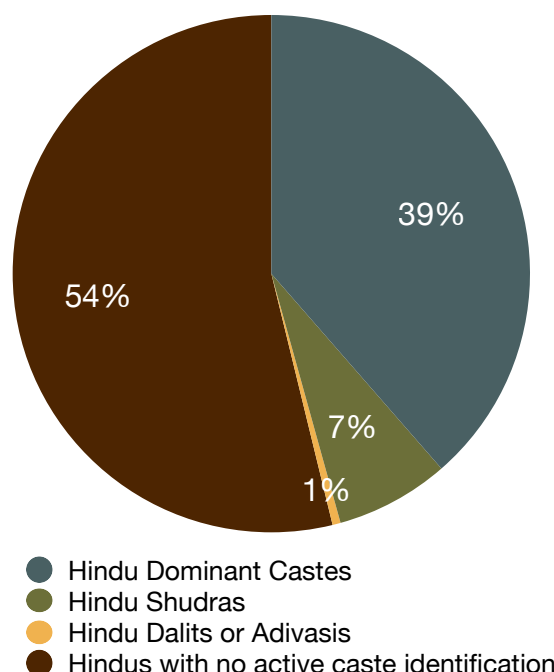
- 
- <sup>8</sup> South Asian Digital Archive. (n.d.). *An introduction to South Asian American history*. <https://www.saada.org/resources/introduction>
- <sup>9</sup> Subramanian, A. (2019). *The caste of merit: Engineering education in India*. Harvard University Press.
- <sup>10</sup> Roohi, S. (2017, July 7). Caste, kinship and the realization of 'American Dream': high-skilled Telugu migrants in the U.S.A. *Journal of Ethnic and Migration Studies*, 43(16), 2756-2770. <https://doi.org/10.1080/1369183X.2017.1314598>
- <sup>11</sup> Bhattacharya, A. (2018, Sep. 24). *America's fastest growing foreign language is from south India*. Quartz India. <https://qz.com/india/1399825/telugu-is-uss-fastest-growing-foreign-language/>
- <sup>12</sup> Subramanian, A. *The caste of merit: Engineering education in India*.
- <sup>13</sup> Tikku, N. *India's engineers have thrived in Silicon Valley*.
- <sup>14</sup> Ray, T. (2019, March 8). *The US isn't safe from the trauma of caste bias*. The World. <https://theworld.org/stories/2019-03-08/us-isn-t-safe-trauma-caste-bias>
- <sup>15</sup> Chopra, R. & Subramanian, A. (2020, March 11). *Caste discrimination exists in the U.S., too – but a movement to outlaw it is growing*. Time. <https://time.com/6146141/caste-discrimination-us-opposition-grows/>
- <sup>16</sup> Ambedkar, B. (1916, May 9). Castes in India: Their mechanisms, genesis, and development. *Indian Antiquary*, 46. [http://www.columbia.edu/itc/mealc/pritchett/00ambedkar/txt\\_ambedkar\\_castes.html](http://www.columbia.edu/itc/mealc/pritchett/00ambedkar/txt_ambedkar_castes.html)
- <sup>17</sup> Dalit Solidarity Network. (n.d.). *Caste in the UK*. <https://dsnuk.org/caste-in-the-uk/>
- <sup>18</sup> Grieco, E. (1998, Sep. 1). The effects of migration on the establishment of networks: Caste disintegration and reformation among the Indians of Fiji. *International Migration Review*, 32(3), 704-736. <https://doi.org/10.1177/019791839803200306>

# Caste-Based Discrimination in the US

Relative to its virulent counterpart in India, caste in the U.S. is comparably obscure—though nonetheless concerning. A 2020 survey by the Carnegie Endowment for International Peace found that roughly half of all Hindu Indian Americans identify with a caste group, and more than eight in ten Hindus with a caste identity self-identify as belonging to the category of upper-caste.<sup>1</sup> Within this high number, 53% of foreign-born Hindu Indian Americans affiliate with a caste group, while 34% of U.S.-born Hindu Indian Americans do the same.

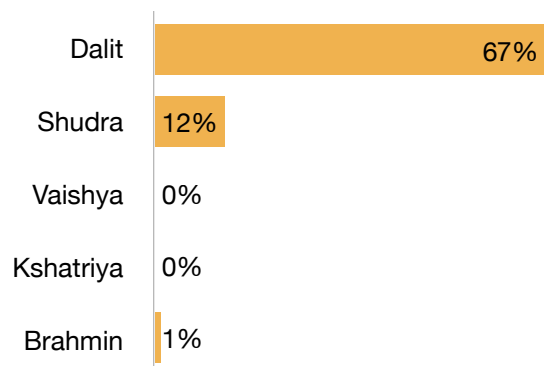
This 2020 Carnegie “Indian American Attitudes Survey” is one of only two U.S.-focused inquiries on this issue, and found that only 5 percent of all respondents reported having encountered discrimination due to caste identity, and that Indian American social networks were more homogenous in terms of religion or region than caste. This small percentage is nonetheless interesting, considering that caste-oppressed individuals make up roughly 1.5% of the U.S. Indian population. Authors also suggest caution with these findings, noting that data on caste identification was restricted to Hindu respondents, so caste-oppressed members of other faiths were not considered. This is a crucial variable, as nearly 75% of Christian converts<sup>2</sup> and Muslim converts<sup>3</sup> belong to caste-oppressed groups.

**Hindu Indian Americans Caste Identifications**



Source: “Indian American Attitudes Survey,” Carnegie Endowment for International Peace, 2020.

**Reported Caste Discrimination in the Workplace**

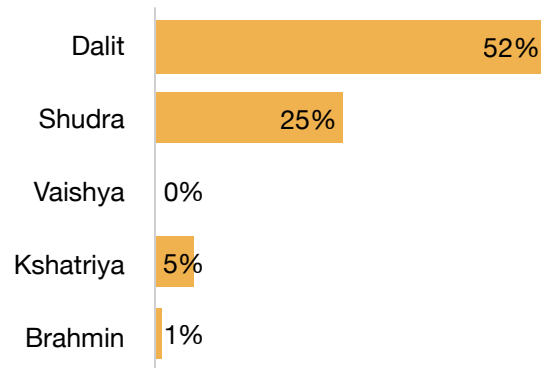


Source: “Caste in the United States,” Equality Labs, 2018.

The other prominent U.S.-based inquiry is a 2016 survey “Caste in the United States” by Dalit civil rights organization Equality Labs, which found that 52% of Dalits in the U.S. feared being “outed” for their caste and 67% reported experiencing caste-based discrimination at their workplaces.<sup>4</sup> Also, 40% of Dalits reported facing discrimination in educational institutions, 42% of Dalits reported prejudice at religious institutions, and 26% of Dalits reported experiencing physical assault based on their caste. These startling findings also should be considered with caution, as the survey used a ‘snowball

sampling' technique—a non-representative method where survey respondents recruit other survey respondents—and did not include respondents who failed to disclose a caste identity, possibly skewing in favor of those with strong views on caste.<sup>5</sup> Due to this potential for sampling error, groups like the Hindu American Foundation (HAF) have blamed the survey and subsequent advocacy efforts for inflating the prevalence of caste in the U.S.<sup>6</sup> These concerns are addressed in later sections. In any case, these findings paint a grim picture of the Dalit experience in the U.S. The following are examples of individual Dalit comments about discrimination from the Equality Labs survey and other sources.

#### Worried About One's Caste Being "Outed"



Source: "Caste in the United States," Equality Labs, 2018.

One survey respondent said, "It becomes difficult to disclose your caste as a Dalit and still manage to keep friends or business networks".<sup>7</sup> Another said, "I'm afraid to put in my resume that I have experience working in the field of Dalit and Adivasi rights because I think recruiters may deny me employment."

**"It becomes difficult to disclose your caste as a Dalit and still manage to keep friends or business networks."**

Survey Respondent

In interviews conducted by VICE News, one Dalit employee said, "Caste discrimination is in every U.S. company where Indians are working."<sup>8</sup> Another Dalit employee said, "I've seen IBM contractors on the same floor that I work openly talking about caste, openly talking down to the lower castes, saying these people don't deserve to be here and just really chest-thumping their casteist ideology."

The Washington Post published a statement from 30 Dalit women engineers in the Silicon Valley, where they describe casteist insults, caste locator questions, and even caste-based sexual harassment.<sup>9</sup> They write, "We have seen casteist bias dominate the hiring, referrals, and peer review processes in our respective workplaces," and "We did

**"We have seen casteist bias dominate the hiring, referrals, and peer review processes in our respective workplaces."**

Statement from 30 Dalit Women Engineers

not have a lot of options to report these incidents to our respective HR departments because caste was not a protected category." Another Dalit employee said, "They don't bring up caste, but they can easily identify us," and went on to describe questions in interviews designed to suss out caste.

As the above comments from Dalit employees suggest, a great challenge in unmasking caste is its obscurity. Rather than being explicitly discussed,

caste is often covertly sussed out with social location questions like: “What is your family’s last name?”; “Do you eat meat?”; “What religion do you practice?”.<sup>10</sup> Last name, diet, skin complexion, or religion may indicate one’s caste, but not always. To non-South Asians, Dalits are often indistinguishable from other South Asians, so these caste identifiers mean little to them; within the coethnic community though, negotiations and power dynamics are multilayered and complex.<sup>11</sup>

Endogamous marriages may propagate caste, but under the label of familial traditions.<sup>12</sup> Cultural associations and organizations may conceal caste networks. Religious artifacts, like clothing, diet, or traditions, can signal caste—considering, especially, the larger percentages of caste-oppressed groups in non-Hindu South Asian faiths. This is not to suggest that all or even most South Asian American cultural institutions are expressly based on caste, but like the analogous problem of race and racism in the U.S., caste is a “total social fact”<sup>13</sup> that remains a legitimate sociopolitical influence on all elements of South Asian life. While being culturally invisible to non-South Asians in the U.S., caste can involve intense power dynamics that privilege some while disenfranchising others.<sup>14</sup> Its beneficiaries may have a vested interest in obfuscating it. And those who suffer beneath it may fear to express their discontent—at times, due to fragile, work-based immigration statuses.<sup>15</sup>

On May 11, 2021, a class action lawsuit was filed in New Jersey alleging that influential Hindu sect BAPS was engaged in the human trafficking of 200 stonemasons to build a temple; many were Dalits.<sup>16</sup> The multimillion-dollar enterprise brought workers to the U.S. on R-1 visas as religious volunteers, but the lawsuit alleges that workers were brought against their will, forced to work grueling 13-hour shifts for weeks with no time off, and paid \$1 an hour. One laborer even died from an apparent illness during the project.<sup>17</sup> The FBI raided the temple after the lawsuit was filed and is currently investigating the case alongside the Department of Labor and Department of Homeland Security.

The above mentioned case bears similarities to a 1999 incident in Berkeley, California, where prominent landlord Lakireddy Bali Reddy was found to have sex trafficked Dalit girls to work in his hotels and restaurants.<sup>18</sup> This case motivated the 2005 passage of Assembly Bill 22 to set higher criminal penalties for human trafficking. Whether in board rooms of Silicon Valley or construction sites, caste can be a causal or semi-causal factor in discrimination and abuse against workers. For this reason, the political fight over caste has largely focused on worker protections and nondiscrimination policy.

---

<sup>1</sup> Badrinathan, S., Kapur, D., Kay, J. & Vaishnav, M. (2021, June 9). *Social realities of Indian Americans: Results from the 2020 Indian American attitudes survey*. Carnegie Endowment for International Peace. <https://carnegieendowment.org/2021/06/09/social-realities-of-indian-americans-results-from-2020-indian-american-attitudes-survey-pub-84667>

<sup>2</sup> Salzar, A.M. (2021, July 12). *8 key findings about Christians in India*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/07/12/8-key-findings-about-christians-in-india/>

- 
- <sup>3</sup> Biswas, S. (2016, May 10). *Why are many Indian Muslims seen as untouchable?* BBC. <https://www.bbc.com/news/world-asia-india-36220329>
- <sup>4</sup> Zwick-Maitreyi, M. Soundararajan, T., Dar, N., Bheel R.F. & Balakrishnan, P. (2018). *Caste in the United States: A survey of caste among South Asian Americans*. Equality Labs, USA. <https://www.equalitylabs.org/castesurvey>
- <sup>5</sup> Badrinathan, S. *Social realities of Indian Americans: Results from the 2020 Indian American attitudes survey*.
- <sup>6</sup> Hindu American Foundation. (2022, January). *Faculty and staff petition to oppose addition of "caste" to faculty contract*. <https://www.hinduamerican.org/wp-content/uploads/2022/01/Faculty-Staff-Petition-Oppose-Addition-Caste-Faculty-Contract-PUBLIC.pdf>
- <sup>7</sup> Zwick-Maitreyi, et al. *Caste in the United States*.
- <sup>8</sup> Gilbert, D. (2020, Aug. 5). *Silicon Valley has a caste discrimination problem*. Vice. <https://www.vice.com/en/article/3azjp5/silicon-valley-has-a-caste-discrimination-problem>
- <sup>9</sup> Tiku, N. *India's engineers have thrived in Silicon Valley*.
- <sup>10</sup> Soundararajan, V. & Varatharajah, S. (2015, Feb. 10). *Caste privilege 101: A primer for the privileged*. The Aerogram. <https://theaerogram.com/caste-privilege-101-primer-privileged/>
- <sup>11</sup> Adur, S. & Narayan, A. (2017). Stories of Dalit diaspora: Migration, life narratives, and caste in the US. *Biography*, 40(1), 244-264. <https://www.jstor.org/stable/26405019>
- <sup>12</sup> Muthukumar, A. (2020, Sep. 30). *Casteism camouflaged as culture*. Harvard Political Review. <https://harvardpolitics.com/casteism-camouflaged-as-culture/>
- <sup>13</sup> Chakravarti, A. (2019, June 30). *Caste wasn't a British construct—and anyone who studies history should know that*. The Wire. <https://thewire.in/caste/caste-history-postcolonial-studies>
- <sup>14</sup> Muthukumar, A. *Casteism camouflaged as culture*.
- <sup>15</sup> Tiku, N. *India's engineers have thrived in Silicon Valley*.
- <sup>16</sup> Mogul, F. (2021, June 3). *Human trafficking allegations thrust caste into spotlight for American Hindus*. NPR. <https://www.npr.org/2021/06/03/1002547517/human-trafficking-allegations-thrust-caste-into-spotlight-for-american-hindus>
- <sup>17</sup> Correal, A. (2021, Nov. 10). *Hindu sect accused of using forced labor at more temples across U.S.* The New York Times. <https://www.nytimes.com/2021/11/10/nyregion/baps-hindu-forced-labor.html>
- <sup>18</sup> Sundaram, V. (2012, Feb. 16). *How an infamous Berkeley human trafficking case fueled reform*. San Francisco Public Press. <https://www.sfpublicpress.org/how-an-infamous-berkeley-human-trafficking-case-fueled-reform/>



# The Legal History and Interpretations of Caste

While the present political controversy over caste in the U.S. has emerged only recently, the nation has historically acted on international and federal levels to address caste in several ways. U.S. legal context and precedent should be considered when deciding on state interventions.

In 1994, the United States ratified the United Nations (UN) International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits caste-based discrimination among other forms of racial, ethnic, and descent-based discrimination, as clarified by the UN Committee on the Elimination of Racial Discrimination.<sup>1</sup> The UN has since urged signatories like the US to issue appropriate legal penalties and sanctions for discrimination based on work and descent.<sup>2</sup> On an international level, caste-based discrimination is implicitly prohibited by antidiscrimination law, but the specific language used is generally more neutral and Eurocentric, and therefore ambiguous. The Indian government has seized upon this ambiguity to oppose extending anti-discrimination efforts to caste.<sup>3</sup>

Despite the absence of caste in U.S. civil rights legislation, the principle of caste was repeatedly invoked in antidiscrimination efforts. In the early 1830s, abolitionists like Frederick Douglass, Thomas Dalton, William Lloyd Garrison, Harriet Beecher Stowe, and Charles Sumner compared the treatment of African Americans to the Hindu caste system to demonstrate that slavery was contrary to American principles of equality.<sup>4</sup> Sumner specifically analogized caste to the segregation of African Americans in the 1849 case of *Roberts v. Boston*, the first school segregation case of U.S. history. During congressional debates surrounding the Civil Rights Act of 1866, several congressmen declared the law necessary to prevent the operation of the caste system on American soil—and Sumner made his caste-race analogy again. In 2007, the 110th U.S. Congress passed House Resolution 139, which expressed that “the United States is committed to eliminating [caste discrimination], ensuring that qualified Dalits are not discouraged from working with the U.S. government.”<sup>5</sup>

Through these instances and more, legal scholars Brown, et al.<sup>6</sup> argue that there is sufficient legal reference to caste to confirm the U.S. is diametrically opposed to it. Additionally, technical analysis of civil rights legislation also implicates caste.

**“... the United States is committed to eliminating [caste discrimination], ensuring that qualified Dalits are not discouraged from working with the U.S. government.”**

U.S. Congress, House Resolution 139

Legal scholars Krishnamurthi and Krishnaswami<sup>7</sup> argue that caste discrimination is cognizable and prohibited under Title VII of the Civil Rights Act of 1964. They employ the “but-for” causation test to observe if a caste discrimination would not occur “but for” an existing protected class—like national origin, religion, or race—and find that caste can be linked to or understood as a qualification of any of these categories.

Legal scholars Brown, et al.<sup>8</sup> further conclude that caste-based discrimination qualifies as racial discrimination by analyzing the 2020 Supreme Court case of *Bostock v. Clayton County*, in which the Supreme Court concluded that discrimination against gay or transgender individuals can be considered discrimination—not on the basis of sexual orientation or gender identity, but on the basis of sex, as their identity status as a gay or transgender person is inextricably intertwined with their sex. Analogously, caste can be understood as inextricably intertwined with race—in that there are no Dalits or Brahmins of African, European, or Native American descent—so while caste identity is not a protected class, people experiencing harm based on caste can file a complaint on the basis of their race. This is even truer of California’s Fair Employment and Housing Act (FEHA), which includes “ancestry” as a protected category.

While identifying the implied prohibition of caste-based discrimination in Title VII, Krishnamurthi and Krishnaswami argue that the surest way to ensure workers are protected from caste-based discrimination is to explicitly enshrine “caste” in the text of Title VII and/or have explicit guidance issued to clarify that antidiscrimination on the basis of race, rational origin, and religion forbids discrimination on caste as well.<sup>9</sup> The prospect of changing civil rights legislation to explicitly reflect caste has become a recent focus of controversy in California, and a real option for state actors adjudicating this problem.

---

<sup>1</sup> Pinto, A. (2002, Oct. 4). Caste discrimination and UN. *Economic and Political Weekly*, 37(39), 3988-3990. <http://www.jstor.com/stable/4412656>

<sup>2</sup> United Nations. (2000, Nov. 23). *Discrimination based on work and descent*. United Nations Digital Library. <https://digitallibrary.un.org/record/420895?ln=en>

<sup>3</sup> Pinto, A. Caste discrimination and UN.

<sup>4</sup> Brown, et al. *Bostock v Clayton County game changer: US federal employment law now covers caste discrimination based on untouchability*.

<sup>5</sup> 110th Congress. H.Con.Res.139 - Expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India. <https://www.congress.gov/bill/110th-congress/house-concurrent-resolution/139>

<sup>6</sup> Brown, et al. *Bostock v Clayton County game changer: US federal employment law now covers caste discrimination based on untouchability*.

<sup>7</sup> Krishnaswami, C. & Krishnamurthi, G. (2021, June 20). *Title VII and caste discrimination*. Harvard Law Review. <https://harvardlawreview.org/2021/06/title-vii-and-caste-discrimination/>

<sup>8</sup> Brown, K., et al. *Bostock v Clayton County game changer: US federal employment law now covers caste discrimination based on untouchability*.

<sup>9</sup> Krishnaswami & Krishnamurthi. *Title VII and caste discrimination*.

# The Politics of Caste in California

In its strategic plan, the California Department of Fair Employment and Housing (DFEH) writes, “Because discrimination can cross every economic, social, cultural and geographic barrier, it also means developing a scope to our efforts that serves the diverse needs of the public.”<sup>1</sup> When DFEH sued Cisco Systems, Inc. on June 30, 2020, a national conversation swelled about whether caste should be explicitly included in U.S. civil rights law.<sup>2</sup>

In *DFEH v. Cisco*, Cisco employee John Doe alleged he received less pay, fewer opportunities, inferior terms and conditions of employment, and endured a hostile work environment—all due to his caste. When he opposed the unlawful practices, his co-workers retaliated against him and Cisco refused to acknowledge the unlawful practices. Cisco’s workforce is predominantly South Asian Indian and employs the third-highest number of H-1B visa-holders. Following this case, Equality Labs received almost 260 complaints of caste-based discrimination from U.S.-based technology workers in a three-week period; the largest numbers were from workers at Facebook (33), Cisco (24), Google, (20), Microsoft (18), IBM (17), and Amazon (14).<sup>3</sup> Similar concerns were raised in the state’s academic institutions.

On January 1, 2022, the California State University (CSU) adopted “caste” into its anti-discrimination policy.<sup>4</sup> This followed a system-wide student organizing effort and adoption of caste protections by U.C. Davis,<sup>5</sup> Brandeis University, Harvard Graduate Student Union, and more.<sup>6</sup> The California Faculty Association also adopted caste into all anti-discrimination clauses in its collective bargaining agreement.<sup>7</sup> Cal State East Bay alumni and Dalit Prem Pariyar was a core student organizer behind the CSU’s policy change; he shared with the *San Francisco Chronicle*: “Repeatedly, I witnessed caste-oppressed students face discrimination in the classroom, in dining and in housing, where dominant caste students openly refused to share apartments and dorms with us.”<sup>8</sup>

Hindu advocacy group the Hindu American Foundation (HAF) opposed DFEH’s lawsuit and the CSU’s policy change.<sup>9</sup> HAF claimed that DFEH unconstitutionally defines Hindu religious doctrine, perpetuates false and racist stereotypes equating caste-based discrimination with Hinduism and Hindus, and fails to provide any definition or workable method to determine caste. In the CSU’s case, HAF complained alongside 90 faculty members that this move would unintentionally cause discrimination against Hindus as members of a suspect class, and that existing, facially neutral categories are sufficient for protecting against caste-based discrimination.<sup>10</sup> While many of these claims are highly controversial, HAF represents the usual range of objections against policymaking to forbid caste-based

**“Repeatedly, I witnessed caste-oppressed students face discrimination in the classroom, in dining and in housing, where dominant caste students openly refused to share apartments and dorms with us.”**

Prem Pariyar, CSUEB Dalit Student

discrimination.

HAF's allegations that caste is untethered to Hinduism are in contradiction with historical consensus. While interpretations of scripture vary, key Hindu texts like the *Rig Veda*<sup>11</sup>, *Bhagavad Gita*, *Dharmasatras* and *Dharmasutras*,<sup>12</sup> and *Manusmriti*<sup>13</sup> contain detailed accounts of the caste system. Anthropological records as early as 300 BCE by Greek historian Megasthenes and 1030 CE by Muslim ethnographer al-Biruni detail the existence of caste in India's Vedic social structure—long before British rule.<sup>14</sup> Though the time-origins of *untouchability* have been disputed, conservative estimates identify it between 400 and 1200 BCE.<sup>15</sup> Numerous genetic studies also find the impact of caste endogamy up to 1,900 years ago, coinciding with the advent of the *Manusmriti*—a religious text sanctioning caste discrimination.<sup>16</sup> Protesting the religious underpinnings of caste, B.R. Ambedkar<sup>17</sup> famously burned the *Manusmriti*,<sup>18</sup> extensively critiqued Hindu society for its instantiation of caste, and led mass conversations away from Hinduism.<sup>19</sup> It is widely accepted that caste finds religious sanction in Hinduism and is endemic to Hindu society, though it has also outgrown Hinduism, been manipulated by historic and colonial forces, and presently exists as a broad, ubiquitous feature of South Asian society.<sup>20</sup>

HAF's concerns about the constitutionality of adding caste to nondiscrimination policies echo the tension between implied and expressed prohibition described in the previous section. The primary question facing California, today, is whether an implied, ambiguous, and quiet judicial interpretation has the desired effect of protecting workers from caste-based discrimination—or whether caste should be expressly legislated into civil rights law.

As these problem and policy streams emerge in California's political environment, the state is being called to respond. The California Legislature has issued explicit prohibitions against discrimination for its many harms, and charges DFEH to “protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, etc.”<sup>21</sup> The state also inherits a national commitment to human rights and anti-discrimination.

With its commitments to civil rights, equity, and fairness in view, and considering California's significant South Asian population and both current and incoming workforce, the state is a primary laboratory for understanding the impacts of caste and related forms of discrimination. Any further inquiries, policymaking, or programming will update civil rights information, interpretations, services, and enforcement for an increasingly globalized age.

---

<sup>1</sup> California Department of Fair Employment and Housing. (2017, July). *Department of fair employment and housing strategic plan*. <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/08/StrategicPlanFinal2017July.pdf>

<sup>2</sup> DFEH v. Cisco Systems, Inc. (U.S. District Court Northern District of California).

- 
- <sup>3</sup> Tiku, N. *India's engineers have thrived in Silicon Valley*.
- <sup>4</sup> Walker, N. (2022, Jan. 20). *Cal State system adds caste to anti-discrimination policy in groundbreaking decision*. Los Angeles Times. <https://www.latimes.com/california/story/2022-01-20/csu-adds-caste-to-its-anti-discrimination-policy>
- <sup>5</sup> Narayan, S. (2021, Nov. 22). *UC Davis quietly added caste to its antidiscrimination policy. Will it cause others to do the same?* San Francisco Chronicle. <https://www.sfchronicle.com/california/article/UC-Davis-quietly-added-caste-to-its-16626845.php>
- <sup>6</sup> Venkatraman, S. (2021, Dec. 2). *Harvard adds caste bias protection for graduate student workers*. NBC. <https://www.nbcnews.com/news/asian-america/harvard-adds-caste-bias-protections-graduate-student-workers-rcna7279>
- <sup>7</sup> Equality Labs. (2022, Feb. 4). *Equality labs congratulates California Faculty Association for ratifying its new contract and deepening its commitment to racial and caste equity*. <https://www.equalitylabs.org/press-releases/2022/2/4/equality-labs-congratulates-california-faculty-association-for-ratifying-its-new-contract-and-deepening-its-commitment-to-racial-and-caste-equity>
- <sup>8</sup> Narayan, S. *UC Davis quietly added caste to its antidiscrimination policy. Will it cause others to do the same?*
- <sup>9</sup> Hindu American Foundation. (2021, Jan. 9). *Why California's lawsuit against Cisco uniquely endangers Hindus and Indians*. <https://www.hinduamerican.org/blog/california-cisco-lawsuit-endangers-hindus>
- <sup>10</sup> Hindu American Foundation. *Faculty and staff petition to oppose addition of "caste" to faculty contract*.
- <sup>11</sup> Griffith, R. (1973). *The hymns of the Rigveda* (R. Griffith, Trans.) J.L. Shastri (Ed.). Motilal Banarsidass.
- <sup>12</sup> Olivelle, P. (2000, Jan. 1). *Dharmasutras: The law codes of Apastamba, Gautama, Baudhayana, and Vasistha*. (P. Olivelle, Trans.). Motilal Banarsidass.
- <sup>13</sup> Karunakaran, V. (2016, July 13). *The Dalit-Bahujan guide to understanding caste in Hindu scripture*. Medium. [https://medium.com/@Bahujan\\_Power/the-dalit-bahujan-guide-to-understanding-caste-in-hindu-scripture-417db027fce6](https://medium.com/@Bahujan_Power/the-dalit-bahujan-guide-to-understanding-caste-in-hindu-scripture-417db027fce6)
- <sup>14</sup> Khan, R. (2021, Oct. 1). *The character of caste*. Substack. <https://razib.substack.com/p/the-character-of-caste?s=r>
- <sup>15</sup> Jaiswal, S. (1978). *Some recent theories of the origin of untouchability: A historiographical assessment*. *Proceedings of the Indian History Congress*, 39, 218–229. <http://www.jstor.org/stable/44139355>
- <sup>16</sup> Kedmey, D. (2013, Aug. 27). *What DNA testing reveals about India's caste system*. Time. <https://world.time.com/2013/08/27/what-dna-testing-reveals-about-indias-caste-system/>
- <sup>17</sup> Ambedkar, B.R., 1891-1956. (1990). *Annihilation of caste: an undelivered speech*. Arnold Publishers.
- <sup>18</sup> Gore, M.S. (1993). *The social context of an ideology: Ambedkar's political and social thought*. SAGE Publications.
- <sup>19</sup> Kumar, S. (2019, Oct. 31). *Ambedkar's journey of conversion to Buddhism*. *Contemporary Voice of Dalit*, 11(2), 107-118. <https://doi.org/10.1177/2455328X19825959>
- <sup>20</sup> Brown, K., et al. *Bostock v Clayton County game changer: US federal employment law now covers caste discrimination based on untouchability*.
- <sup>21</sup> California Government Code § 2258 (1980). [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=12930](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=12930)

# Summary

Caste is an ancient and pervasive South Asian social hierarchy that imposes significant harm on its oppressed Dalit class, including within the U.S. diaspora. Some recent studies have discovered reliable evidence of caste alliances and discrimination persisting through the large influxes of South Asian migration into U.S.-based technology companies, and hundreds of Dalits have personally testified to caste-based discrimination at their California workplaces. Here, caste manifests in ways invisible to many in the U.S. context, but several public institutions like the California State University system have taken efforts to adopt caste protections into their nondiscrimination policies. The state Department of Fair Employment and Housing has also sued technology company Cisco on allegations of caste-based discrimination, invoking the state's civil rights laws and objectives against this problem. **The emergent challenge for the California state government is to protect its employees from caste-based discrimination.**

Following this literature review, I will employ a criteria-based policy analysis to evaluate possible solutions to address caste-based discrimination in California workplaces.

# Part Two: Policy Analysis

## Criteria

This policy analysis will employ three generic criteria outlined by Meltzer and Schwarz —effectiveness, equity, and administrability—to determine the viability of policy interventions to address the problem of caste-based discrimination in California.<sup>1</sup> Criteria like cost or political feasibility have less significance to these policy interventions, but they are noted when applicable. Along with the application of these criteria, this issue has significant legal and ethical implications, so policy alternatives should be additionally evaluated on legal and ethical grounds.

## Effectiveness

The *effectiveness* criterion determines how well each policy alternative addresses the central problem. If a policy is effective in protecting workers from caste-based discrimination, it will (1) enable relevant state actors to lawfully administer anti-discrimination protections for workers experiencing caste-based discrimination, (2) empower workers experiencing caste-based discrimination, and (3) reduce the prevalence of caste-based discrimination in the workplace. Any of these outcomes would indicate improvements from the status quo, which is detailed at length in the literature review section. Beside the mentioned surveys and testimonials, data on caste-based discrimination in the U.S. is limited, making clear indications of success difficult to discern absent further data collection.

## Equity

The *equity* criterion, or fairness, determines the distribution of costs and benefits pursuant to moral and social justice obligations. Equitable policies should be equitable in both process and outcome—applying fairly to all stakeholders, but when correcting inequities, disproportionately favoring the most impacted stakeholders. Caste-based discrimination is an issue of inequity by definition, as it disproportionately harms members of a marginalized group due to the behavior and beliefs of others. As Dalits and caste-oppressed individuals have the least influence and experience the direst impacts of caste-based discrimination relative to other stakeholders, a fair outcome would progressively benefit them over others. This favoring of Dalit concerns would indicate a policy is *vertically equitable*. The same policy, however, may not be *horizontally equitable* if it applies only to select populations like South Asians or Hindus. The best way to discern equity is to observe the full range of stakeholders who experience benefits or incur costs from the policy, against obligations for fairness and social justice. As caste comprises *specific* harm to Dalits, however, it warrants specific corrective action; thus, vertical equity is the primary criterion of importance.

## Administrability

The criterion of administrability determines how successfully a given policy can be implemented as intended. A policy that has high administrability can overcome barriers to implementation to achieve its aims. This criterion considers the technical and organizational capacities of the entities that administer the policy, the complexity of the proposed policy, and the sources of control, accountability, and leadership over the administration of the policy. For the purpose of this analysis, the Department of Fair Employment and Housing (DFEH) would likely enforce and administer any of the mentioned alternatives, unless otherwise noted.

## About DFEH

Tasked with “protecting Californians from unlawful discrimination in employment, housing, and businesses,” DFEH is the primary enforcer of civil rights protections in California. DFEH engages in public outreach, provides training to employers and employees, investigates complaints of discrimination, facilitates dispute resolutions involving civil rights, and enforce laws by prosecuting violations. The Fair Employment and Housing Council (FEH Council), a body housed by DFEH, issues regulations to ensure laws are fairly interpreted and implemented to protect the public. DFEH’s current lawsuit against Cisco aims to prosecute charges of caste-based discrimination under existing civil rights law.

---

<sup>1</sup> Meltzer, R. & Schwartz, A. (2019). *Policy analysis as problem solving: A flexible and evidence-based framework*. Routledge.



# Alternatives & Analysis

The policy alternatives this analysis considers are: (1) Pass legislation to incorporate ‘caste’ into California civil rights law, (2) Issue guidance to expanding enforcement of existing civil rights protections to caste, and (3) Establish an independent commission or research project to study caste-based discrimination. Following are summaries of these alternatives, along with a brief criteria-based analysis for each.

## Alternative #1: Pass legislation to incorporate ‘caste’ into California civil rights law

### Description

The most direct and popular policy intervention proposed to address caste-based discrimination in the U.S. is the legislative inclusion of “caste” into civil rights laws like the Fair Employment and Housing Act (FEHA), Unruh Civil Right Act, or Ralph Civil Rights Act. For example, an amended FEHA may read, “The Fair Employment and Housing Act prohibits discrimination on the basis of race, color, religion, ancestry (including caste), national origin, disability...” This intervention effectively enshrines caste in civil rights protections, which is then enforced by DFEH. Rather than only interpreting caste under existing categories, the legislative intervention specifies caste as a protected class.

### Analysis

The adoption of “caste” into civil rights law leverages legal, societal, and institutional value to effectively advance worker protections. Even if existing civil rights law can be invoked against caste, explicit legislation about caste is the most reliable way of protecting individuals from caste-based discrimination.<sup>1</sup> The legislative intervention protects against variance in judicial interpretations and overcomes any ambiguity about whether civil rights extend to caste. Through this legislation, DFEH would also be able

**“Since we did not have caste as a protected category, many of us were not open about sharing...”**

Dalit CSU Professor

to prosecute violations with the full clarity and force of the law, furthering their goal “to eliminate discrimination in California.”<sup>2</sup> Legislation like FEHA mandates accountability for DFEH plans and program changes, like required trainings for caste competency, Diversity, Equity, and Inclusion (DEI) programs and performance evaluations, and contextualized public outreach efforts.<sup>3</sup>

In an interview with VICE World News, a Dalit professor from the CSU indicated that registering complaints of caste-based discrimination was not possible before the recent inclusion of “caste” in the CSU’s nondiscrimination policy: “Since we did not have caste as a protected category, many of us were not open about sharing, [even] though organizers worked very hard to connect Dalit students to the university [authorities] to provide some testimony.”<sup>4</sup> Dalit engineers in the Silicon Valley

expressed similar reluctance due to caste not being a protected category.<sup>5</sup> The explicit mention of caste in civil rights law demonstrates a deontological credence and accountability for the harms experienced by Dalit employees. This grants them a clear right to recourse, whereas they may be otherwise doubtful or reluctant to present their case. By visibilizing caste, this legislation may also overcome reporting and data gaps on the extent of caste-based harm.

The actual effect of legislation on reducing caste-based discrimination has not been empirically tested, but based on analogous examples, may be estimated as somewhat effective. A series of 2013 studies found that antidiscrimination laws decreased discrimination based on sexual orientation; the researchers claimed that civil rights laws are successful not because people fear punishment, but because such laws authoritatively set the morals and social norms of a community.<sup>6</sup> While legislative change is no panacea, it has the important signaling effect of visibilizing caste-based discrimination and enabling the state to respond.<sup>7</sup>

The legislative approach allows the state to arbitrate concerns of equity with a clear commitment and mandate. In line with criteria for vertical equity, this intervention clearly favors the primary stakeholders—Dalits and other caste-oppressed individuals—by extending the inherent and ancillary benefits of civil rights inclusion to them. This intervention is horizontally equitable, in a sense, as all members of the caste hierarchy would benefit from this policy if they were to experience caste-based discrimination. However, caste can be regarded as a specific or semi-specific category, clouding consensus on whether it is facially neutral.

The Hindu American Foundation (HAF) claims the legislative approach is not facially neutral, as it applies only to South Asians.<sup>8</sup> Though this legislation would not expressly refer only to South Asians, ‘caste’ is a prevalent social reality mainly among South Asians, so some bias may be implied. Still, caste can also broadly characterize other, non-South Asian forms of intra-group or descent-based discrimination. Caste is an objectively meaningful category—not merely a cultural artifact—and it is precisely the inadequacy of ambiguous, “neutral” language that may beget a need for more explicit legislation. If caste-based discrimination is not prevalent, as HAF suggests, then declaring it unlawful should do little harm.<sup>9</sup>

Here, it is worth noting FEHA already includes several specific or semi-specific qualifications to otherwise broad protected classes, like: gender identity, gender expression, and sexual orientation.<sup>10</sup> While *Bostock v. Clayton County*<sup>11</sup> demonstrates that these classes are technically covered by the protected category of “sex,” the state of California finds it important to specify them. This intervention relies on the same logic.

The DFEH strategic plan includes the following passage:

“It is critical that members of the public understand their rights and know where to turn when they experience discrimination or hate violence. Given the diversity of the State, this will require that we expand our suite of education and outreach materials and

efforts to meet a broader array of needs and to reach more audiences, especially in those areas where we have found a lack of knowledge and with populations who are most vulnerable.”<sup>12</sup>

The legislative intervention has the effect of raising awareness among the California public about caste and caste-based discrimination, and improves DFEH’s capacity to broaden the scope and diversity of its civil rights education, training, and outreach materials. The complexity of administration depends on the extent of education and outreach on this issue, as there are barriers of competency, data, and knowledge on this issue. Without existing state protocols for enforcing civil rights on the basis of caste, DFEH would need to conduct significant research and consultation before administering this policy.

Aspects of administration may involve: adding key words like “Dalit” or “caste” to existing materials, translating materials into all South Asian languages, developing training for employers and employees to build competency regarding caste, confirming a process for adjudicating cases of caste-based discrimination, and researching the issue statewide. Such processes may involve increased funding or the opening of new roles, grant programs, or consultation opportunities.

**“Because discrimination can cross every economic, social, cultural and geographic barrier, it also means developing a scope to our efforts that serves the diverse needs of the public.”**

DFEH Strategic Plan

Opponents of the legislative approach speculate that enforcement would entail bias against Hindus or targeting by caste, but this is unlikely. In cases *Employment Division v. Smith*<sup>13</sup> and *Church of Lukumi Babalu Aye v. City of Hialeah*,<sup>14</sup> the Supreme Court has expressed that while religious practice cannot be singled out for adverse treatment, formally neutral laws of general applicability can regulate religious conduct—regardless of the adverse effects on a religious exercise.<sup>15</sup> Prosecution of discrimination involves discerning the motive or cause of discrimination, and it is amidst this process that one’s caste identity or religion would be called into question—not at any point before.<sup>16</sup> Just as one need not disclose their religion at any point prior to prosecution of religious discrimination, one need not disclose their caste either.

Existing protocols to address caste-based discrimination already exist, like the “Ambedkar Principles”<sup>17</sup> or “Dalit Discrimination Check”<sup>18</sup> created and popularized by the International Dalit Solidarity Network (IDSN). IDSN has also compiled a list of international corporate responsibility and human rights standards that enable antidiscrimination efforts. Analogous protocol found in existing DEI programs can also be useful in implementing any changes. The FEH Council would issue regulations as to how this legislation would be administered.

---

<sup>1</sup> Krishnaswami & Krishnamurthi. *Title VII and caste discrimination*.

- 
- <sup>2</sup> California Department of Fair Employment and Housing. *Department of fair employment and housing strategic plan*.
- <sup>3</sup> S.B. 1038, California Legislature. (2018, Feb. 8). [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB1038](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1038)
- <sup>4</sup> Khan, A. (2022, Feb. 3). *Not even Indian students in American colleges can escape caste discrimination*. Vice. <https://www.vice.com/en/article/v7dyg9/csu-caste-indian-students-california-state-university-policy>
- <sup>5</sup> Tiku, N. *India's engineers have thrived in Silicon Valley*.
- <sup>6</sup> Lopez, G. (2016, Aug. 19). *How most states allow discriminations against LGBTQ people*. Vox. <https://www.vox.com/2015/4/22/8465027/lgbt-nondiscrimination-laws>
- <sup>7</sup> Krishnaswami & Krishnamurthi. *Title VII and caste discrimination*.
- <sup>8</sup> Hindu American Foundation. *Faculty and staff petition to oppose addition of "caste" to faculty contract*.
- <sup>9</sup> Krishnaswami & Krishnamurthi. *Title VII and caste discrimination*.
- <sup>10</sup> S.B. 1038, California Legislature.
- <sup>11</sup> Bostock v. Clayton County, Georgia. 590 U.S. (2022). [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf)
- <sup>12</sup> California Department of Fair Employment and Housing. *Department of fair employment and housing strategic plan*.
- <sup>13</sup> Employment Division, Department of Human Resources of Oregon v. Smith. 494 US 872 (1990). <https://www.oyez.org/cases/1989/88-1213>
- <sup>14</sup> Church of Lukumi Babalu Aye, Inc. v. City of Hialeah. 508 US 520 (1993). <https://www.oyez.org/cases/1992/91-948>
- <sup>15</sup> Constitution Annotated. (n.d.). *Facially neutral laws that interfere with religious practice: Current doctrine*. [https://constitution.congress.gov/browse/essay/amdt1\\_1\\_4\\_2\\_1\\_3/](https://constitution.congress.gov/browse/essay/amdt1_1_4_2_1_3/)
- <sup>16</sup> ABA Section of Civil Rights and Social Justice. (2021, May 18). *Invisible apartheid: What you need to know to be an ally in the fight against caste discrimination* [Video]. Youtube. <https://www.youtube.com/watch?v=rW8LIhMN2kQ>
- <sup>17</sup> International Dalit Solidarity Network. (n.d.). *The Ambedkar principles*. [https://idsn.org/wp-content/uploads/user\\_folder/pdf/New\\_files/IDSN/Ambedkar\\_Principles\\_brochure.pdf](https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/IDSN/Ambedkar_Principles_brochure.pdf)
- <sup>18</sup> International Dalit Solidarity Network. (n.d.). *Dalit discrimination check*. <https://idsn.org/key-issues/caste-business/dalit-discrimination-check/>

## Alternative #2: Issue guidance to expanding enforcement of existing civil rights protections to caste

### Description

The issuing guidance alternative formally recognizes caste as a protected category under existing civil rights law, therefore considering caste-based discrimination forbidden *without* adding caste as a unique category. In its 2020 lawsuit against Cisco, DFEH claims that caste is prosecutable as a composite of religion, ancestry, national origin/ethnicity, and race-color—all protected classes under the law.<sup>1</sup> This lawsuit, *Bostock v. Clayton County*, and international legal precedent reveal that caste is, indeed, cognizable under existing anti-discrimination protections. This intervention could take the form of an official statement or guidance from the state of California—or DFEH, specifically—recognizing that caste-based discrimination is forbidden under existing civil rights law, and tasking DFEH with enforcing existing antidiscrimination protections on the issue of caste.

### Analysis

The issuing guidance alternative is closer to the status quo, as DFEH has already filed a lawsuit indicting caste-based discrimination under existing civil rights categories.<sup>2</sup> As detailed in the literature review, legal references to caste in the construction of the Civil Rights Act of 1866 and the legal analysis of *Bostock v. Clayton County* inform a robust legal argument that existing civil rights laws implicitly forbid caste-based discrimination.<sup>3</sup> The primary effect of this intervention is to clarify and amplify this interpretation more broadly.

An official statement enables DFEH to enforce civil rights law against caste-based discrimination, but the absence of a legislative mandate precludes clear accountability, duties, and objectives. While an official statement signals the state's commitment to confronting this issue, any such signal is less salient relative to the power of legislative change. The true effect of any guiding statement on caste-based discrimination is difficult to discern.

The issuing guidance alternative is politically uncontroversial, however, satisfying concerns raised by opponents to caste protections. But while potentially inducing an incremental difference in how DFEH prosecutes civil rights laws, this intervention withholds the benefits of clear civil rights inclusion from caste-oppressed individuals—and members of all castes—failing to resemble an equitable solution.

Finally, the issuing guidance alternative is highly administrable, as it requires little change from DFEH's existing protocol. The FEH Council would be responsible for ensuring this interpretation is adopted across enforcement, and DFEH would decide the extent to which it can be enforced.

---

<sup>1</sup> DFEH v. Cisco Systems, Inc. U.S. District Court Northern District of California.

<sup>2</sup> DFEH v. Cisco Systems, Inc. U.S. District Court Northern District of California.

<sup>3</sup> Brown, K., et al. Bostock v Clayton County game changer: US federal employment law now covers caste discrimination based on untouchability.

## **Alternative #3: Establish an independent commission or research project to study caste-based discrimination**

### **Description**

Given the lack of data and political precedent on this issue, California can establish an independent commission to conduct research on caste and caste-based discrimination in the state, or commission external research on this issue through grants. This effort could include various forms of research and consultation from experts to overcome data gaps and inform policymaking efforts on this issue. Any establishment of a formal commission would require legislation detailing the purpose, findings, duties, membership, powers, and administrative provisions associated with the commission. Any commissioning of external research will also require costs to the General Fund to fund grant programs. The commission or research alternative is not mutually exclusive, and can be added to inform or precede either of the other alternatives described.

### **Analysis**

The commission intervention bypasses the more urgent option of defending employees in favor of conducting further research on caste-based discrimination. As data gaps currently exist due to limited research on the scope, nature, and prevalence of this issue, this is a crucial step. But as this intervention does not attempt to fully mitigate caste-based discrimination through anti-discrimination protections, it does not satisfy the standards of effectiveness. Still, the public establishment of a commission has the salutary effect of promoting awareness of the issue and demonstrating the state's commitment to antidiscrimination—as exemplified by the Commission on Wartime Relocation and Internment of Civilians<sup>1</sup> or the Commission to Study and Develop Reparation Proposals for African-Americans<sup>2</sup>. In establishing any such commission, the state can express strong commitments to interrogating these issues, detail desired objectives in policymaking, and open spaces for public deliberation.

In 2010, the United Kingdom conducted a similar research effort on caste-based discrimination to help inform civil rights legislation.<sup>3</sup> The research revealed key evidence by clarifying definitions of caste, estimating the size of Britain's caste-oppressed population, gathering public opinion and testimony on caste discrimination, and identifying cases where caste discrimination occurred. Despite finding evidence of direct and indirect caste-based discrimination, the UK ultimately decided against expressly prohibiting caste-based discrimination, calling it “difficult to define” and encountering much religious pushback to a ban from Hindu groups and individuals.<sup>4</sup> The research approach can inform either of the aforementioned alternatives, but given the complex political environment and concerns of inequity surrounding this issue, any political action will require ethical analysis and political will.

This policy does not satisfy the equity criteria, as it does little to immediately rectify social injustice stemming from caste-based discrimination.

The commission intervention would be moderately administrable, as similar commissions or studies have been instituted in years past. Given the unique qualities of caste, though—like demographics, language, cultural artifacts, or concealed discrimination—research efforts would have to be tailored accordingly.

---

<sup>1</sup> Densho Encyclopedia. (2020, July 8). *Commission on wartime relocation and internment of civilians*. [https://encyclopedia.densho.org/Commission\\_on\\_Wartime\\_Relocation\\_and\\_Internment\\_of\\_Civilians/](https://encyclopedia.densho.org/Commission_on_Wartime_Relocation_and_Internment_of_Civilians/)

<sup>2</sup> Congress. (2021, April 14). *H.R. 40 – Commission to study and develop reparation proposals for African Americans act*. <https://www.congress.gov/bill/117th-congress/house-bill/40>

<sup>3</sup> Government Equalities Office. (2010). *Caste discrimination and harassment in Great Britain*. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85524/caste-discrimination-summary.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85524/caste-discrimination-summary.pdf)

<sup>4</sup> Purohit, K. (2018, July 27). *Caving to pressure from Hindu groups, UK back down on law against caste discrimination*. The Wire. <https://thewire.in/caste/caving-to-pressure-from-hindu-groups-uk-backs-down-on-law-against-caste-discrimination>



# Recommendations

All the alternatives described represent improvements from the status quo—from incremental progress in enforcement, to expressed acknowledgement and commitments, to highly consequential policy change. Responding to the challenge of protecting California employees from caste-based discrimination, **this policy analysis finds *Alternative #1: Pass legislation to incorporate ‘caste’ into California civil rights law to be the strongest of these three alternatives***, on the basis of effectiveness, equity, and administrability. The expressed inclusion of ‘caste’ into civil rights law will immediately address Dalits concerns, enable DFEH to respond, and affect change on the issue of caste-based discrimination—all while opening a future of possibilities for advancing the state’s goals of equity, safety, and dignity for all.

*Alternative #3: Establish an independent commission or research project to study caste-based discrimination* is a useful precursor to this intervention or others. The obscurity of caste and caste-based discrimination in California is reified by the lack of data and institutional knowledge of the issue. A research commission or effort is a welcome placeholder or partner for any proposed action.

While *Alternative #2: Issue guidance to expand enforcement of existing civil rights protections to caste* is correct to locate caste protections in existing civil rights and represents a feasible response, it does not satisfy the criteria to the extent of *Alternative 1*.

Across policy possibilities, it is apparent that the state of California must act promptly, clearly, and forcefully to address this problem. The case of *DFEH v. Cisco* is a watershed one, and as the South Asian population in the U.S. and California continues expanding at high rates, it is likely that an increasing number of these cases will appear before the state.<sup>1</sup> Given the vast history, atrocity, and ignorance surrounding caste, the unjust conditions of its oppressed populations, and the potent influence of U.S. and California law, a determination on this issue will be immensely consequential. The cruelty of caste demands unmasking. The location of caste, an apartheid obscured on Californian soil, demands attention. And the caste-oppressed people of California demand protection.

---

<sup>1</sup> Brown, K., et al. *Bostock v Clayton County* game changer: US federal employment law now covers caste discrimination based on untouchability.

## Acknowledgements

A thesis is not just a paper, nor is a degree merely a set of credentials. These are the composites of support, sacrifice, and love. I have much to give thanks for, though I share here in brief.

I thank God, in whom I find grace, favor, and love that sustains and guides me and my work.

My accomplishment of this degree would be impossible without the undying support of my dear parents. Thank you for your constancy, provision, and prayers, and for paving the road I've walked until now.

Thank you to my partner Sabrina, whose encouragement, love, and partnership made even the heaviest of moments in this process feel light. Here's to not bringing homework on vacation!

Thank you to Equality Labs for their groundbreaking work on the issue of caste in the U.S, and the many Dalit advocates laboring for a better world.

Thank you to my advisor Dr. Ted Lascher, for his thoughtful and patient contributions to this project. Thank you, as well, to the Public Policy & Administration faculty for their invaluable instruction. And thank you to my fellow students, with whom I've braved the most unprecedented of years in this program.

I commemorate this project and degree to my late grandfather, who was the first of us to become literate. His passion for education uplifted an entire village and pioneered an impossible future for a family relegated to the margins. His life, blood, and story inspired me to pursue this degree and project. *Thatha, thank you.*

APARTHEID OBSCURED:  
ADDRESSING CASTE-BASED DISCRIMINATION IN CALIFORNIA WORKPLACES

A Project

Presented to the faculty of the Department of Public Policy and Administration  
California State University, Sacramento

Submitted in partial satisfaction of  
the requirements for the degree of

MASTER OF PUBLIC POLICY AND PUBLIC ADMINISTRATION

By

Daniel Sunkari

© SPRING 2022

ALL RIGHTS RESERVED