Issue of Caste in America and Elsewhere

GS-PAPER-2 Governance – Caste (Mains and I.V)

What is the issue?

A lawsuit has been filed in California against Cisco Systems for allowing caste discrimination against a Dalit Indian-origin employee. In this context, here is an overview of the issue of caste in America and elsewhere, outside the Indian subcontinent.

Earlier references to ‘caste’ in America?

• In 1913, A K Mozumdar, an immigrant from Bengal to Washington, applied to become an American citizen. US citizenship at the time was determined by race, and given only to whites. Mozumdar argued that as a “high-caste Hindu” of “Aryan descent”, he shared racial origins with Caucasians. His application was accepted and he became the first South Asian American to become a US citizen.
• In 1923, a similar argument that claimed caste was a way to whiteness was put forward by Bhagat Singh Thind. Thind was a Sikh writer who had served in the US Army during World War I. In his petition, he argued that he was technically “white”, given his “pure Aryan blood”. He argued that the high-caste Hindoo “regards the aboriginal Indian Mongoloid in the same manner as the American regards the "Negro", speaking from a matrimonial standpoint”. [Hindoo was a blanket term used then for all Indian immigrants.] Thind’s arguments were rejected in the US Supreme Court. It decided that he was not white, and hence not eligible for citizenship. A few months later, Mozumdar became the first Indian to lose his citizenship as a consequence of that judgment.

What happened after 1965?

The 1965 Immigration and Nationality Act came into place as a result of the civil rights campaign in the US. The Act overturned restrictions of race and colour. It thus allowed a whole generation of Indian skilled labour (mostly upper-caste) to be a part of the American dream. But importantly, soon, many “lower-caste” Indians also followed.

This was significantly because they accessed educational opportunities in technical institutions via reservations at home. With this, Dalit discrimination started in the US.

One such example is of the REC Warangal-educated Sujatha Gidla. Gidla’s
2017 book ‘Ants Among Elephants: An Untouchable Family and the Making of Modern India’, was published in the US to great acclaim. In New York, she recalls facing discrimination from many Indians. Gidla recounts, a Brahmin bank cashier “wouldn’t accept money from my hands. She would demand that I place it on the counter.”

2015 California textbook debate?

In 2015, the California board of education asked scholars to help it come up with a framework for history and social science textbooks. It was part of a regular evaluation.

Following that, there was a bitter contest over several aspects of Indian history. This included caste and the critique of caste embedded in religions such as Buddhism and Sikhism as well.

The suggestions of the South Asian Histories for All Coalition (SAHFAC), a collective of scholars and historians, were met with opposition. The Hindu American Foundation and other Hindu groups mainly objected. They opposed narratives that portrayed “Hindu civilisation” negatively, and warned they might lead to the bullying of Hindu children.

However, the SAHFAC objected to -

i. altering contentious portions of Indian history relating to caste atrocities
ii. the attempt to erase the word “Dalit” from history textbooks as demanded
iii. the attempt, allegedly, to portray Muslims as oppressors

How prevalent is caste discrimination in the U.S.?

- While the stories of Dalit families are compelling, there is no data about caste in the U.S., and this is a drawback. So, in 2018, Equality Labs (an advocacy group for the “caste-oppressed” in California) carried out a survey to fill this gap. It surveyed South Asian-Americans on their experience of caste.
- It showed that 67% of Dalits faced caste discrimination at the workplace, 40% in schools, and 40% at temples. [That report was cited in the present lawsuit filed against Cisco Systems.]

Is anti-caste movement possible in the U.S.?

An anti-caste movement taking root in the US is practically hard. Notably, of Indian immigrants, 90% are Brahmins and 1.5% is Dalits. Indians in America are a minority, and Dalits among them are a minority. Issues of such a tiny community
making a big enough impact to be called a movement is less likely.

However, a Dalit consciousness has been present in the US from the 1970s or 1980s, away from the bright lights of media activism. People have resisted in private and in public in their own ways. Even hiding one’s caste is a way of fighting caste as Yengde (who works with community-based Ambedkarite organisations in the US) says.

**What was the Dalits’ demand for the 2001 UN Conference against Racism?**

The UN Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa, in 2001. In the lead-up to the conference, Dalit groups had demanded that the conference also take a stand against the “hidden apartheid” in India.

Since the 1990s, these groups had had some success in lobbying international organisations on caste. The universal language and promise of human rights was used to broaden the framework to see the discrimination.

Specifically, the definition of racial discrimination as “exclusion based on race, colour and descent” was used to acknowledge caste. Notably, in 1999, a report by Human Rights Watch, ‘Broken People: Caste Violence against India’s Untouchables’, focussed international attention on the issue.

**India’s stance?**

Omar Abdullah, then India’s Minister of State for External Affairs said at the conference, the following:

a. We are firmly of the view that the issue of caste is not an appropriate subject for discussion at this conference.

b. We are here to ensure that states do not condone or encourage regressive social attitudes.

c. We are not here to engage in social engineering within member states.

**What are the conflicting views in this regard?**

- Indian government’s position has consistently been that caste should not be equated with race. It opines that caste should not be raised in committees that deal with race.
- Caste is an issue that India has been trying to address through constitutional measures. So, it does not deny caste, but believes that the issue of race should not get diluted by confusing it with other discriminations.
- On the other hand, Dalits argue that tackling caste needed much more than framing constitutional provisions and legislation. The attempt at the
conference was to raise a global consensus, to legitimise anti-caste ideologies.

- The Indian government took a position that it needed no interference from the UN. But Dalits view it not as an interference.
- They assert that the UN was only pushing to collectively uphold the value that all humans, irrespective of caste, are equal, and some measures are to be taken for that. Strongly opposing the move by Dalit activists and groups, Indian government insisted that caste and race are two dissimilar and anomalous entities.

- But given the anti-apartheid position and programme of affirmative action, these conflicting views and the events at Durban were an embarrassment for India. These are just glimpses of the close to two decades’ efforts at various levels to get institutions overseas to recognise the 'peculiar challenge of caste'.
- This system of inequality and oppression that is unique to the Indian subcontinent evidently finds reflections in varied forms elsewhere too. It has a long way to go before its presence is acknowledged and protections offered to the oppressed.

### Caste Discrimination - California Lawsuit against Cisco Systems

A lawsuit has been filed in California against Cisco Systems, a tech multinational company, for allowing caste discrimination against a Dalit Indian-origin employee.

#### What is the case about?

- The California Department of Fair Employment and Housing filed a lawsuit against Cisco Systems. It was filed against Cisco and two “upper-caste” Indian managers. It accused Cisco Systems of allowing caste discrimination against a Dalit Indian-origin employee at its San Jose headquarters.
- The department's director said that it was unacceptable for workplace conditions and opportunities to be determined by a hereditary social status determined by birth. It was also said that the employers must be prepared to prevent, remedy, and deter unlawful conduct against workers because of caste.

#### What is the American law in this regard?

- The American law does not recognise caste.
- The lawsuit was filed under the federal Civil Rights Law 1964.
- The Law bars discrimination only on the basis of race, colour, religion, sex
and national origin.

- However, in choosing to litigate, the California government is attempting to expand the ambit of discrimination to include caste.
- It is the first civil rights case in the US where a governmental entity is suing an American company for failing to protect caste-oppressed employees.

**What is the significance?**

- For close to two decades now, attempts have been ongoing at various levels.
- There were efforts to get institutions overseas to recognise the peculiar challenge of caste.
- The caste system of inequality and oppression is unique to the Indian subcontinent.
- It is naturally recognised by the Constitution of India.
- But in California, the Cisco case is a potential game-changer.
- The lack of having caste as an explicit category has made the prosecutors to keep the issue of caste within protections of religion, race, and ancestry.
- So the present case is expected to set a precedent.
- It will open the door for more such civil rights litigation.
- Silicon Valley, California has a global footprint.
- So, whatever is legislated there will have an impact on company workplaces in India and elsewhere too.
- The now widespread #BlackLivesMatter movement is spotlighting all kinds of discrimination.
- Amidst this, the case against Cisco becomes extremely significant.