

Cisco Caste Discrimination: AIC Press Release

March 2, 2021



PRESS CONFERENCE

in regards to the amicus curiae brief
filed in opposition to Cisco Systems, Inc.
in caste discrimination at workplace case.

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CASTE ABOLITIONIST COMMUNITY ORGANIZATION ENTERS THE CISCO-CASTE DISCRIMINATION CASE

Ambedkar International Center Files Amicus Brief In California Supreme Court

"If Hindus migrate to other regions on earth, Indian caste would become a world problem" – Dr. B. R. Ambedkar quoted, Columbia university, 1916.

A hundred years since, on February 24th 2021, Ambedkar International Center (AIC) (www.ambedkarinternationalcenter.org), a US based organization fighting against caste and ancestry based discrimination, sought the permission of the California Supreme Court to be admitted as an Amicus Curiae in the California Department of Fair Employment and Housing (DFEH) vs Cisco Systems inc, Sundar Iyer and Ramana Kompella case of caste discrimination in the workplace. The landmark case comes for a hearing on the 9th of March. The State of California alleges that a major tech-industry employer violated civil rights laws by discriminating against a worker of Indian origin because he was born into the most oppressed caste (Untouchable) of the Hindu varna / caste system. This case forces for the first time, a public examination of a highly prevalent form of discrimination in the United States.

"The Cisco caste discrimination case is a major milestone in the transnational anti-caste movement. In the U.S., it has forced the social and institutional operations of caste out of the shadows. The testimony of one courageous Dalit engineer has opened the floodgates with many more now willing to speak openly about their experiences of caste discrimination." – Prof. Ajantha Subramanian, Chair, Dept of Anthropology and professor of South Asian Studies, Harvard University. Having long supported the oppressed caste community, documented and mobilized against such issues, AIC has submitted its Amicus filing to provide expert, and extensive information on caste discrimination.

AIC is uniquely positioned to file such an Amicus for many reasons. The Indian diaspora in the US is predominantly upper caste Hindu. The percentage is even higher in Silicon valley's tech industry. Upper caste Hindus in the diaspora have opposed affirmative action policies in India, and maintain the opinion that Dalit recipients of these policies are not "meritorious" and hence less capable ([Carnegie Endowment Report](#)). As the Dalit population migrating to the US increases, this conflict with upper caste Hindus will increase, and will reflect in many more employment discrimination issues surfacing. *"When a rare Dalit like John Doe navigates the system fighting an existential struggle, makes it to the IITs and even manages to get into Silicon Valley's tech companies, he is still mocked for being someone who does not make it to the "main merit list". Despite making it to the top, he is told over and over again that he can't work, he doesn't have the necessary skills, or he does not belong to the tech world of Cisco. No matter what a Dalit does, it's never enough. How much do Dalits have to do to prove their worth?" – Dr. Shailaja Paik, Fellow at Stanford Humanities Center, Stanford University and Associate Professor of History and Affiliate Faculty in Women, Gender, and Sexuality Studies and Asian Studies, University of Cincinnati, OH.* Many AIC members in the US are veterans of the tech industry, and long time residents of the state of California. AIC has worked to support plaintiffs in their fight for justice for a long time. This includes the California textbook case where upper caste Hindu groups have attempted to erase the teaching of the caste system in public schools, employment discriminations in the UK, Canada and Australia, as well as several cases in India. The outcome of this case will materially impact the lives of Untouchables (majority AIC members) the most. AIC firmly believes that legal protection is the first, and the most important step in the fight for justice for Dalits.

Caste is a critical aspect of Hinduism, both in religious scripture, and is practiced extensively by Hindus. *"Hinduism is not a legitimate religion but superstition; a bag of tricks, a weapon of domination"- Mahatma Jyotirao Phule.* Enjoying protections of religious freedom, upper caste Hindus practice caste openly, and with impunity in the US. Performing a supremacist thread ceremony that is only for Brahmin men, lionizing vegetarianism as a virtue (and demonizing

consumption of meat), celebrating upper caste classical arts, and holidays with notions of good vs evil (that stem from oppression of Dalit communities) are some of the ways in which upper caste Hindus establish their cultural presence as a community in the US. Such behaviors also create a hostile workplace for Dalit co-workers. In addition to individuals practicing caste, several Hindu temples, religious and cultural organizations have supported the upper caste Hindus' practice and perpetuation of supremacist beliefs. They have time and again attempted to downplay the significance of caste within the Hindu order. A Hindu supremacist organization has even filed for injunctive relief in the Cisco case, claiming that the State cannot interfere with Hindu religious liberty, effectively claiming impunity for bigotry in the name of religious freedom !! *"Caste is an ancestry based segregation and exploitation system. This is a cruel cage which has existed and been forced upon us since thousands of years. This is practiced and remains in force as a embedded mean of discrimination no matter where we go. It has forced us to have our own worship places to serve our religious needs even here in the USA. We not only need to educate people surrounding us but also need laws to protect our fundamental right against caste based discrimination."* - Vinod kumar: Chairman of Shri Guru Ravidass Sabha, Bay Area, California.

AIC will continue to support the Dalit community, and fight for justice and equality in the US, and elsewhere in the world. Our mission is to annihilate caste and build an egalitarian society based on the principles and philosophy of Dr.B.R Ambedkar. We hope that the court will include our Amicus brief into consideration, and demand justice for John Doe.

"Caste is a state of mind. It is a disease of the mind. The teachings of the Hindu religion are the root cause of this disease. We practise casteism, we observe untouchability, because we are asked to do it by the Hindu religion in which we live. A bitter thing can be made sweet. The taste of anything can be changed. But poison cannot be made Amrit [nectar]." - Dr.B.R. Ambedkar

The following organizations have added their names in the brief:

Ambedkar King Study Circle | Anti Caste Discrimination Alliance | Boston Study Group Inc. | Ambedkarite Buddhist Association of Texas | Dr. B. R. Ambedkar International Mission Center | Ambedkar Educational Aid Society | Shri Guru Ravidass Sabha - Bay Area, California | International Bahun Organization CA | Hindus for Human Rights, USA | Kevin D. Brown, Richard S. Melvin Professor of Law, University of Indiana Maurer School of Law

The following scholars added their names in the brief:

Ajantha Subramanian, Professor of Anthropology, Harvard University | Shailaja Paik, Associate Professor of History, Yale University | Annapurna Waughray (Human Rights Law, Cambridge University UK), Reader, Manchester Law School, Manchester Metropolitan University | Hari Bapuji, Professor of Strategic Management and International Business, University of Melbourne | Scott R. Stroud, Ph.D., Associate Professor of Communication Studies and Program Director of Media Ethics for the Center for Media Engagement, University of Texas at Austin | Meena Dhanda, Professor of Philosophy and Cultural Politics, University of Wolverhampton | Gaurav Pathania, Adjunct Professor, Department of Sociology, Georgetown University | Sunita Viswanath, Hindu Religious Life Advisor, Columbia University | Tanojkumar Meshram, Ph.D. Candidate (ABD) in Social Policy, The Heller School for Social Policy and Management, Brandeis University

Jai Bhim !!

- Ambedkar International Center

Please find attached statements of those who spoke at the press conference today:

Mr Sanjay Kumar, President AIC

Babasaheb Dr. Ambedkar once said “Justice is another name of liberty, equality, and fraternity”, Dr. Martin Luther King extended this statement when he famously remarked, “Injustice anywhere is a threat to justice everywhere”. The Dr. Ambedkar International Center is committed to carrying forward those fundamental principles to fight for equality.

The Ambedkar International Center Inc. (AIC) intends to lead such an effort, in order to send a clear message to upper caste Hindus in the diaspora that any discrimination based on caste especially at the workplaces will not be tolerated. I am so pleased that many groups and individuals of various ethnic groups have come forward to support our cause. This case will set an example and strengthen the core values of the constitution of the United State of America. This fight is not against any individual, group, religion, or people of any specific caste, it is a fight for equality, liberty, respect, justice, and everyone should embrace it. There should not be a place in this world for any kind of Racism and/or Discrimination of any sort. It was the dream of both of our great leaders Dr. Ambedkar and Dr. Martin Luther King Jr.

Chitra Barsagade, Board Member, AIC

California’s lawsuit against Cisco over caste-based discrimination of a Dalit employee is momentous for Dalits in the US.

This harrowing tale of workplace caste discrimination sheds light on the burden of being a Dalit, and that it follows like a shadow in every sphere of life. Caste is descent-based and hereditary in nature. It is a characteristic determined by one’s birth into a particular caste. Caste denotes a traditional system of rigid social stratification into ranked groups or castes defined by descent. These caste divisions dominate in housing, marriage, employment, and general social interaction-divisions that are reinforced through the practice and threat of social ostracism, economic boycotts, and physical violence. These deep-rooted traditions of casteism relegate Dalits to a lifetime of discrimination, exploitation, and violence.

In a 1916 essay, Dr. BR Ambedkar quoted that “if Hindus migrate to other regions on earth, Indian caste would become a world problem.”

Caste and caste identities have followed Hindus across oceans to the US. Caste prejudice and discrimination are ubiquitous within the Hindu communities in the United States, and this monster of caste is turning the working culture within multibillion-dollar Silicon Valley technology conglomerates as the case in Cisco. You may be designing the hottest network switches or AI visual interfaces and have graduated from the most elite institutions and working in a multibillion-dollar company, but that has not made a difference on upper-castes have been conditioned to think when it comes to what cradle of caste people are disgorged from.

One of the newer forms of caste discrimination is to oppose the affirmative action since affirmative action was instituted for the Dalits. Since the victim in the Cisco case had availed affirmative action and hence a scheduled caste, he was discriminated against, was denied opportunities to excel, was shamed by informing others of his caste. The first thing the perpetrators pleaded in court is to do the same thing. Reveal his identity so that he can be shamed, ridiculed and to make an example of him so that he is denied job opportunities in Indian-dominated Silicon Valley firms. Such a revelation would deprive the dignity of not only the victim but his family and children could be ostracized, a weapon used against the Dalits for centuries.

The caste-based discrimination is real and has arrived here in the land of equality and justice and this monster of caste is allowed to spread unchecked, it will lead to institutionised discrimination.

While our lawyers have argued that this discrimination is covered under “ancestry”, we hope that the judges will see the caste-based discrimination for what it is and would rule that the discrimination is illegal under California’s civil rights law. While Hindu American Foundation has argued that the caste is not a Hindu religion problem, the way Hindu scriptures define the rules

and laws for the caste, in Rig Veda and Manusmriti, no other religion provides such a sanction. No discrimination can be allowed under the guise of religion.

We do not want to enter into that debate. We know that Caste is real. Caste-based discrimination is real. It has arrived here on the land of the free and needs to be stopped.

Prof Kevin Brown, Richard S Melvin Professor Maurer School of Law, Indiana University

Hello, My name is Prof Kevin Brown, I am the Richard S Melvin Professor of Law at Indiana University. I have been involved in Dalit struggles for 20 years now. The current brief that is filed in Cisco case, is a very critical case for attacking discrimination based on untouchability in the US. What I would highlight when thinking about these issues, American law arguably fundamentally changed this past June 2020 with the opinion issued by the US Supreme Court in Bostok vs Clanton county. That opinion already means that Caste Discrimination is already covered, by Title VII of Civil Right Act 1964 and more importantly it also outlawed Under 42 USC Section 1981 and 1982. So if it is the Cisco case or any other case that goes to US Supreme Court and I would certainly urge the Dalit community to look for additional plaintiffs to file additional Title VII law suits against any form of discrimination that they encounter in the United States

Hena Zuberi, Director: Justice For All

We thank the Ambedkar International Center for arranging this Press Conference and for filing the Amicus in regard to the caste based discrimination that took place at Cisco. We are pleased that the State of California has brought proceedings against the accused at Cisco

The case of Cisco employees using caste discrimination in the workplace has implications beyond this case itself. Caste and related discrimination, imported from India, is spreading its hate filled tentacles in many ways across America. Recently a related instance of discrimination was seen when an Indian IT firm, Nityo asked Muslims not to apply for a job that they had advertised. Americans cannot afford to import further discriminatory practices from India, as we fight to finish what remains of racial discrimination within this country.

Caste has been a systemic problem in India. It is an integrated concept within the majority society. As India gained freedom, there were steps to lessen caste based issues, but caste discrimination is far from being abolished within the minds of those considering themselves from an upper privileged caste.

Caste has come back into prominence with the current government of Prime Minister Narendra Modi. Modi is a member of the Rashtriya Swayamsewak Sangh, an organization which wants India to follow a majoritarian ideology. The Modi government has allowed a resurgence of caste as well as religious discrimination, especially against Christian and Muslim populations. Factions within the Rashtriya Swayamsewak Sangh have declared eradicating Muslims and Christians as their goal.

We call on the Human Resources departments of major corporations to educate themselves on caste issues. Caste discrimination is no different than race and color discrimination. We hope that the Cisco case sees justice brought for the victims, and the severest punishments allowable for the ones who victimized them.

Hemant Chavan, President: Boston Study Group

The constitution of the world's oldest democratic country, the United States of America safeguards and addresses rights of citizens, providing them protection under the law. Any form of discrimination against its people is violation of the sovereignty of the nation and is laboriously build by 'the people'. Caste based discrimination, also known as 'hidden apartheid' violates the rights and dignity of a human being due to inherent graded inequality among the

caste groups. Discrimination on the basis of caste is practiced among South Asians across the globe including in the U.S. as seen in the recent case against CISCO systems Inc.

As the citizens of the nation, it is our duty to uphold the rights of all fellow citizens against any form of discrimination and stand against such any threats that violate the rights protected under the constitution. We condemn and stand against the caste-based discrimination against our fellow human beings which not only violate his rights but also pose a threat to democracy. We appeal to all the citizens of the U.S. to stand against caste-based discrimination and say, 'no to caste' by contributing to annihilation of caste, which will ultimately end the inhuman practice of caste system. This will be a step towards the right direction for protection of human rights.

Sunita Viswanathan, Co-Founder: Hindus for Human Rights and Sadhana

On behalf of everyone in Hindus for Human Rights, I am here to express my solidarity with Ambedkar International Center. We are proud to be a signatory to and supporter of the Amicus brief they have filed in the California versus Cisco case which alleges that upper-caste managers in the company have discriminated against a Dalit worker because of his/her caste.

It is inhumanity of an unfathomable order for any of us to suggest that the caste system and the discrimination that results from it are vestiges of the past. As Hindus who have seen discrimination based on caste — first-hand — throughout our lives, in extreme ways in India, and more subtle but undeniable ways in the United States, we applaud the Dalit complainants in this case for coming forward.

As progressive Hindus, our biggest priority is to address every kind of injustice and discrimination in our society from a Hindu perspective — particularly caste discrimination, since our religion has had the biggest role in this atrocity which dates back thousands of years and still exists today.

We believe it is up to so-called upper caste Hindus to call out and denounce casteism every time we encounter it, and furthermore to live and build a Hindu faith and practice that rejects caste entirely. There have been caste abolitionist movements within the Hindu fold throughout history, and we count ourselves among today's Hindu caste abolitionists.

Hindus for Human Rights embrace a love-centered Hinduism that rejects caste entirely, and which insists that all of us, regardless of race, religion, caste, gender, are equally deserving of dignity and justice.

The next hearing date for the California vs Cisco case is March 9th, when a judge will likely decide if caste is admissible as grounds for workplace discrimination, or not, and whether the case can go forward. We hope AIC's strong Amicus brief persuades the judge that caste discrimination is illegal under California's civil rights law, which clearly states that discrimination on the basis of ancestry is illegal.

Ajantha Subramanian, Professor of Anthropology and of South Asian Studies, Harvard University

My name is Ajantha Subramanian and I am a Professor of Anthropology and of South Asian Studies at Harvard University and a signatory to the amicus brief filed by the Ambedkar International Center. The Cisco caste discrimination case is a major milestone in the transnational anti-caste movement. In the U.S., it has forced the social and institutional operations of caste out of the shadows. The testimony of one courageous Dalit engineer has opened the floodgates with many more now willing to speak openly about their experiences of caste discrimination.

To those of us who have some knowledge of the Indian educational system, it comes as no surprise that this engineer and his dominant caste bosses are alumni of the Indian Institutes of Technology, or IITs. The IITs are elite engineering colleges that, until recently, were composed mostly of dominant castes. When affirmative action quotas were implemented in the IITs in

order to democratize access to these exclusionary institutions, they were met with fierce opposition. Dalit students who enter the IITs through the “reserved quota” are stigmatized and scapegoated as less deserving, less intelligent, and less capable. This hostility has made everyday life in these institutions a living hell for Dalit students who are routinely subject to probing questions intended to “out” them as Dalits. This fear of exposure, and the stigma and exclusion that invariably follows, has forced Dalit students to try and pass as non-Dalits. When they refuse, sustained scapegoating has even led to suicides.

The Cisco case therefore fits a broader pattern of dominant caste discrimination and oppressed caste marginalization. It shows that caste continues to operate in the U.S. despite its invisibility to most Americans. Alumni of Indian institutions, like the IITs, have brought their caste prejudices with them into the U.S. tech sector where they attempt to once again assert their dominance. By “outing” the Dalit engineer from IIT as a “reserved category” student, his dominant caste bosses expressed their casteist belief that he had gained admission to the IITs illegitimately, that he was intellectually inferior and unworthy of a job at Cisco, and that he needed to be put in his place. Moreover, they acted with a sense of impunity because caste is not legally recognized as a basis of either advantage or disadvantage in the U.S.

It is this impunity to discriminate on the basis of caste that the Cisco case promises to end. The defendants in the case argue that they could not have discriminated against the Dalit engineer because they are all Hindus. The Hindu American Foundation adds that caste is simply an expression of religious identity, and that to criticize caste is to denigrate Hinduism. These arguments are specious and rely upon the American public’s lack of knowledge about caste. They deliberately obscure the fact that caste is a structure of descent-based discrimination that operates both in India and in the Indian diaspora. The survey research of the organization, Equality Labs, and the testimonies gathered by the Ambedkar King Study Circle following the filing of the Cisco case, make clear that many of the same forms of descent-based discrimination that exist in India – from the practice of untouchability to discrimination in the work place and in associational life — continue to find expression in the U.S.

Despite this reality, the only institution in the U.S. that has added caste to its non-discrimination policy is Brandeis University. The Cisco case holds out the hope that such policies may be applied more broadly within the academic and tech sectors. The addition of caste to U.S. non-discrimination policies will check the sense of impunity enjoyed by dominant castes and enable oppressed caste students and employees to more openly address their own experiences of discrimination. But to more comprehensively address caste discrimination, U.S. institutions should go beyond simply recognizing the caste backgrounds of their students or employees and monitoring on-site social interaction. There needs to be a more concerted effort to expand the scope of U.S. academic and job recruitment to consciously target underrepresented castes in order to make universities and workplaces more equitable.

Annapurna Waughray (Human Rights Law, Cambridge University UK), Reader, Manchester Law School, Manchester Metropolitan University

My name is Dr Annapurna Waughray and I am a Reader in human rights law at Manchester Metropolitan University Law School in Manchester, UK I am a signatory to the amicus brief filed by Ambedkar International Center in this case and a consultant on their Legal Advisory team. I’ve worked as a legal academic for over two decades on the legal regulation of caste discrimination and policy responses to the global problem of casteism.

This case is hugely significant because it has made visible first, the problem of caste discrimination in employment in the US, and second, a route to legal redress through existing discrimination law.

The UK has witnessed a similar approach although it has not dented demands from anti-caste organisations, activists and equality bodies for caste to be named as an unlawful ground of discrimination in UK legislation.

This case is an encouragement to individuals who have experienced discrimination at work because of caste to seek legal advice to challenge casteism in the workplace.

S Karthikeyan, Co-founder: Ambedkar King Study Circle

Ambedkar King Study Circle, like other organizations and individuals in the press conference; who are additional signatories of the amicus brief filed by Ambedkar International Center, works towards social justice, closely following this case to get justice for John Doe who allegedly faced caste discrimination at the work place. From the day ie on June 30th 2020 when the case is filed in the federal court, we keep the public informed about the case, organized educational lecture series on caste, started collecting the testimonies about the practice of caste in the United States and requested the tech companies to be sensitive by sending a solidarity statement signed by organizations and individuals. We had and continue to have great confidence in the Department of Fair Employment and Housing in handling this historic case.

We cautiously kept ourselves from any legal intervention till the Hindu American Foundation filed a motion to be included as an intervenor in the case and the motions filed by the defendants to disclose the identity of the victim.

From the beginning the defendants chose to ignore the social and psychological impacts and implications of outing someone's caste and self-outing of his/her/their caste. The root cause of this case is outing the caste of the victim allegedly to the team members. Individual defendants declared to the court that they are Brahmins and their identity is known and hence John's identity should be disclosed. An important feature of caste is that it has an ascending scale of reverence and descending scale of contempt. The same fear is expressed by John in his declaration that if caste is outed; he may face a social boycott which he faced in his school days. John says that he never discloses his caste even to his close friends. We have received testimonies of the same concerns in July 2020. One of the defendants declared that a decade ago one of his members self-identified himself as a Dalit to him. The question is why do these people discuss caste in the workplace? A paper published by the world bank and Pennsylvania State University, An Experimental Investigation of Indian Caste, confirmed that the people's performance will go down when a person's identity is revealed who belongs to an historically oppressed social group. This is what the companies and the workers have to understand.

As far as Hindu American Foundation (HAF)'s position is concerned; nothing new in it. For them, any attack on the caste system is tantamount to an attack on Hinduism. When the British government decided to open the public places for general access, the caste Hindus argued for Queen victoria's 1858 declaration that the British should not intervene in the religious lives of Indians.

To conclude, Dr. King said, "In the end, we will remember not the words of our enemies, but the silence of our friends." We have to break our silence and register our words formally in the court besides our non legal campaigns and education on this historic issue. We hope that the amicus brief will be helpful to the Department and the victim to get justice in this case.

Vinod kumar: Chairman: Shri Guru Ravidass Sabha, Bay Area, California

Caste is an ancestry based segregation and exploitation system. This has been so forever. This is a cruel cage which has existed and been forced upon us since thousands of years. This is practiced and remains in force as a embedded mean of discrimination no matter where we go. It has been so since the time of our ancestors. It has forced us to have our own worship places to serve our religious needs even here in the USA. Education is supposed to change this system but we still experience caste based discrimination at work places. We not only need to educate people surrounding us but also laws to protect our fundamental right against caste based discrimination.

Dr. Shailaja Paik, Fellow at Stanford Humanities Center, Stanford University, Associate Professor of History and Affiliate Faculty in Women, Gender, and Sexuality Studies and Asian Studies,

University of Cincinnati, OH. Her research on Dalits has been supported by Yale University, American Council of Learned Societies, National Endowment for the Humanities, the Ford Foundation, among others.

I am Dr. Shailaja Paik and I am Associate Professor of History at the University of Cincinnati. I have researched and written about the politics of caste and gender as it has oppressed Dalits for over twenty years. The Cisco case is a clear evidence of the modern-day expression of the centuries-old Indian caste system. At a time when the world is reeling from the corona virus pandemic, the caste system is an even more dangerous mutating virus with multiple strains: it is a shape shifting virus that protects ruling castes, it travels across continents and mutates over time managing to prevail and maintaining the hierarchical structure intact. In the twenty-first century, caste has transnationalized in an unprecedented manner, as Indians carry the baggage of caste cultures across oceans and seas, with dominant oppressor castes trying to recreate structures of power, privilege, and differentiation thus marginalizing, excluding, and oppressing lower castes and Dalits in a variety of ways—social, economic, ideological, religious, and cultural. Caste distinctions are deployed by dominant castes, such as Brahmins at Cisco to frame their own innate intelligence and merit, and put down Dalits like John Doe as people who do not make it to the “main merit list” at IITs and are from the “scheduled castes”, thus highlighting and emphasizing that they (Brahmins) are somehow intellectually superior while Dalits have less intellectual capacity.

The US legal system and citizens need to pay attention to this discrimination based on descent that has produced material and psychological horrors for Dalits who are lowest in the hierarchy of human divisions. When a rare Dalit like John Doe navigates the system fighting an existential struggle, makes it to the IITs and even manages to get into Silicon Valley’s tech companies, he is still mocked for being someone who does not make it to the “main merit list”. Despite making it to the top, he is told over and over again that he can’t work, he doesn’t have the necessary skills, or he does not belong to the tech world of Cisco—all procedures to keep John Doe in place because John Doe threatened dominant castes as Cisco to stand in the same level as them. No matter what a Dalit does, it’s never enough. How much do Dalits have to do to prove their worth?

Dr. Christian Lee Novetzke, Professor of South Asia Studies, Comparative Religion, and International Studies at the University of Washington’s Jackson School of International Studies, and Professor of the Comparative History of Ideas at the University of Washington

I have been asked to write a statement regarding the amicus brief filed by the Ambedkar International Center and the motion to strike filed by Cisco’s legal team. I write as a scholar of Indian religion, culture, and history who studies caste in historical and modern contexts in India. I have also served as an expert witness in legal cases and have consulted in other legal and corporate contexts as well.

I concur with the amicus brief when it states that caste may fall under various protected categories, such as religion, race, and color, though the most salient is ancestry. The motion to strike based on the principle that neither caste nor ethnicity is explicitly a protected category is rightly challenged by noting that caste operates through the structures of ancestry, religion, race, and color. The amicus briefly also rightly notes that discrimination does not conform to set or isolated categories of identity but involves multiple and intersecting characteristics of identity.

Regarding the motion to strike’s position on “discrimination by non-parties against non-parties” I would point out that just as sexism and racism take structural forms, so too does casteism. For example, Cisco has rightly addressed its gender pay gap because, as the motion states, “Cisco does not tolerate discrimination of any sort.” However, gender discrimination in this context is not applied selectively but structurally, which Cisco recognizes. Gender pay inequality is not the direct result of discrimination by one party against another party but rather of a structure of inequality already in place among all concerned parties. Just as Cisco recognized the effects of structural sexism within their corporation, they should recognize that structural

casteism shapes social relationships at conscious and unconscious levels as well. There is a clearly demonstrable, logical, and rational nexus between the individual discrimination, harassment, and retaliation articulated by Doe and the ethnic, religious, and ancestral composition of Cisco's Indian-origin work force. Just as many Indians and the Indian state fight against structural casteism as the amicus brief notes, so too might Cisco fight against structural casteism within their corporation.

Regarding the idea in the motion to strike that because Doe and the defendants share the same religion (Hinduism) this precludes the possibility of religion serving as a site of discrimination, I would like to point out that discrimination among people within the same religion is common and well-known. In Islam Shias and Sunnis may discriminate against one another precisely because they belong to the same religion. In Christianity, Protestants and Catholics may discriminate against one another because they are both Christian communities. Similarly, Hindus of the same faith but of different castes may discriminate against one another precisely because they are of the same faith. Caste cannot be reduced to religion. Nevertheless, religion can sometimes provide the means, context, and language of discrimination among people or groups that share that same religion. This principle can be applied to the plaintiff's and the defendants' shared status as Indians. Endogenous discrimination is just as real as exogenous discrimination. The argument made by the motion to strike regarding religion appears specious.

Thomas Blom Hansen, Professor and Chair of Department of Anthropology, Stanford University

Caste discrimination is endemic to Indian society and has been the source of violence, exploitation and exclusion of Dalits and other lower caste communities for centuries. Like racial ideology, caste is based on an idea of inherited biological and phenotypical characteristics that order society in a hierarchy of communities with Brahmins at the top and Dalits at the bottom. Individuals born into the higher castes are brought up to believe in the innate superiority of their communities, and the innate inferiority of communities at the lower end of the caste hierarchy. They are also brought up to believe that they are naturally suited for certain forms of education and work and deserving of privilege whereas those from lower caste communities are not. The fact of caste discrimination is deeply acknowledged in India and by the Government of India. The Indian Constitution from 1950 enshrines an extensive system of reservations/affirmative action in education, the public sector and in political representation that seeks to protect and further the opportunities for Dalits and members of India's so-called 'tribal communities' in recognition of their century old disadvantages. As Dalits and others have availed themselves of these opportunities and have achieved considerable success in many fields in India, the reaction from upper caste communities has often been violent. This systemic violence occasioned the Government of India to pass legislation in the 1980s that explicitly outlaws discrimination and atrocities against Dalits and other vulnerable communities.

Caste ideology and the attendant attitudes and self-understandings in relation to other individuals within an Indian and South Asian context are also a major factor in how recruitment and advancement works in the private sector non India, a sector that is not obligated to implement the affirmative action measures that protect Dalits in education and the public sector.

Many individuals from the upper caste communities resent the affirmative action policies in India and they see the private sector, whether in India or in the US, as a domain where they can thrive and exercise their own preferences. As a result, caste discrimination in the private sector in India is rampant and detrimental to individuals from Dalit and lower caste background. Some individuals from these communities bring their educational qualifications and expertise to the US only to find that here, too, some of their colleagues of South Asian background are as keen of protecting their own privilege as they are in India.

Like racial discrimination, caste prejudice and discrimination travels easily, if follows people, especially those from the upper castes who believe in their own superiority. It can be a powerful, if mostly implicit, factor in labor markets and domains that are far removed from an Indian context.

Prof Gaurav Pathania, Sociologist at Georgetown University in Washington, DC

As you all know that the caste system is a hierarchical one — it is a belief in the idea of genetic superiority and inferiority. Unlike race, caste cannot be seen. It is only practiced among South Asians, thus making this a unique case.

Previous Research on Indian immigrants shows that more than 90% of Indians who come to the U.S. belong to higher castes. The CISCO case illustrates that caste prejudice, discrimination, and caste “baggage” can travel beyond the Indian sub-continent. One can also look at a number of exclusive Caste-based organizations in the US (such as ones with Brahman-only membership) as a testament to the widespread belief in caste, which in turn strengthens caste-based superiority. Thus, the persistence of caste in the U.S. is a pressing issue.

Though we all represent different races, ethnicities, and genders—when it comes to our workplaces, we are not supposed to act on these identities either negatively or positively. Workplaces should be networks of organized, impartial, and task-oriented groups based on one’s ability to carry out their work. When our collective understanding of neutral and fair work spaces gets interrupted due to our ascribed identities, we have cases such as that of CISCO.

The brutal and ugly reality of caste cannot be part of our Indian American identity. And that is why we need to understand that it is not only a problem for the lower castes, but also it is the upper castes’ problem. Therefore, we appeal to people of Indian descent based in the U.S. to come forward and reject this age-old system of caste hierarchy

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