



August 28, 2024

Rutgers Office of General Counsel

Re: Discriminatory and Unconstitutional Caste Policies

Dear Associate Vice President Hoffman, Senior Associate General Counsel Levine, and Associate Vice President Gold-Henry,

We write on behalf of the Hindu American Foundation (HAF), a national nonprofit legal advocacy and civil rights organization, to express our concern regarding [a recent report by a Rutgers University Task Force on Caste Discrimination](#). This report, co-written by sitting faculty of Rutgers University, therefore implying the imprimatur of Rutgers University, seeks to implement policy and programmatic changes that would adversely impact the rights of students, faculty and staff of Indian origin. Herein, we seek to explain our opposition to a call for inserting “caste” into existing non-discrimination policy at Rutgers University.

We request a meeting at your earliest convenience to discuss the unintended consequences of any policy that inserts a category such as “caste,” which on its face and as applied, singles out and targets only certain segments of the Rutgers community on the basis of their racial, national or ancestral origin or background. We also note that Rutgers existing non-discrimination [policy](#) already protects against any intra-racial or intra-ethnic discrimination under well established facially neutral, generally applicable categories.

Indeed we share the admirable goals of countering prejudice and discrimination, including caste or other forms of intra-racial or intra-ethnic discrimination, but we strongly advise Rutgers University **not to adopt** the Rutgers Caste Task Force recommendation to add “caste” to existing policy, which would further, rather than combat discrimination on the Rutgers University campus. The inclusion of “caste” in your policies will necessarily and unconstitutionally single out and stigmatize students, faculty and staff of Indian origin as a matter of policy, and require ethno-racial profiling and disparate legal scrutiny on the basis of their race, national origin, ancestry, and religion. This would, as you know, violate Titles VI and VII of the Civil Rights Act of 1964, the New Jersey Law Against Discrimination, as well as the US and State Constitutions.

A cursory review of the report makes clear that the Rutgers Caste Task Force effectively singles out India and Indians on campus, as those terms are mentioned 38 times, and “South Asia” or “South Asian” are mentioned 25 times. The report makes single mentions of people from Persia, Fiji, Tonga, Samoa, Rotuma (a Polynesian island), Egypt, Japan, Mexican, Nigeria, Somalia, and Yemen, however, this is hardly the focus of the report and does not absolve it from its inherent discriminatory intent of targeting only certain groups on the basis of their ethnic or national origin for disparate treatment as a matter of policy. Incidentally, all the groups the report targets are ethnic or racial minority groups.



“Caste” is a racially loaded term that is nearly exclusively, albeit falsely, associated with Hinduism and India. Its plain meaning is equated with Hinduism in no less than 15 readily available dictionaries and encyclopedias. It is also a reductive colonial term, and now administrative category under Indian law, that erases the actual, nuanced identities of Indians and Hindus and obstructs genuine, fact-based understanding today and historically. Moreover, the taskforce uses labels like “caste-oppressed” or “caste-privileged” as if there exist identifiable and unchanging groups of people or tribes with unchanging, recognizable status, which is also inaccurate and ahistoric.

The report focuses heavily on an “Indian or South Asian caste system” and alleged caste discrimination within only Indian communities, citing a few unverified, anonymous anecdotes that are not necessarily indicative of any discrimination, let alone caste discrimination. It also perpetuates exactly the type of negative misinformation and innuendo which unfairly associates only people of Indian origin with some special form of invisible bigotry regardless of their personal beliefs or actions; promotes the false idea that all Indian students and faculty are either perpetrators or victims of caste discrimination; and insinuates as casteist common practices, such as following a strict vegetarian diet, only when practiced by members of the Rutgers Indian origin community. The task force’s multi-prong recommendations will necessarily lead to the same racial and ethnic demonization and stigmatization the report perpetuates, even calling for only certain segments of the Rutgers community, namely those ethnic minority groups identified by the report, to disclose aspects of their identity in a manner that students of other races or ethnicities would not.

Lastly, the taskforce attempts to paint a picture of widespread caste discrimination in the US, even violence, citing a highly controversial survey by an entity called Equality Labs.* Interestingly, it does not cite the only authoritative survey conducted on the social realities of Indian Americans. This 2021 multi-institutional [study](#) by the Carnegie Endowment for Peace, Johns Hopkins University, and University of Pennsylvania found that while experiences of alleged discrimination on the basis of gender, religion, color and national origin by Indian Americans were common, caste based discrimination were exceedingly rare. The Carnegie survey also found that caste or tribal community identification diminishes significantly with subsequent generations born outside of India.

Applying any policy that singles out an individual because of their identity or perceived identity as a member of another protected class such as national origin, ancestry or religion, will necessarily require you to violate the very policies you would be attempting to enforce as well as state and federal laws. We recommend instead that general education of both student and faculty rights and responsibilities be prioritized; sufficient managerial training be provided; existing policies be applied consistently and in a neutral manner; complaints promptly, thoroughly, and impartially be investigated; amongst other best practices to ensure that all your employees and residents are treated fairly and equitably.



Most importantly, caste or any other ancestral or tribal identities is already covered under existing federal and [New Jersey's Law Against Discrimination](#) and any victims of caste discrimination can and should obtain legal redress using current legal categories, including:

The Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability or nationality, are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State.

This is similar to the justification that California Governor Newsom noted in his recent [veto of SB403](#), the “Caste bill”, that sought to add caste to the definition of ancestry under existing law,

...California already prohibits discrimination based on sex, race, color, religion, ancestry, national origin, disability, gender identity, sexual orientation, and other characteristics, and state law specifies that these civil rights protections shall be liberally construed. Because discrimination based on caste is already prohibited under these existing categories, this bill is unnecessary.

Accordingly, the addition of “caste” is not only unnecessary, but it will be intentionally stigmatizing, punitive, and discriminatory against your Indian origin students and employees. In fact, institutional liability will only increase if policies specify “caste”, a term that is equated with Indians and Hindus, as will the inclusion of examples or hypotheticals in trainings that try to address “caste” – as opposed to intra-racial or intra-ethnic dynamics broadly – which are likely to perpetuate negative stereotypes about certain people or groups based on their identity.

Please also note that the Cal State University system has been [sued in federal court](#) by two South Asian faculty members for potential civil rights violations over its addition of “caste” to CSU non-discrimination policy. The case is pending in the 9th Circuit Court of Appeals. We would also like to discuss this and one other pending federal case and federal investigation which are presented in a misleading manner by the taskforce and of which we have direct knowledge.

Thank you in advance for your attention to this matter and we look forward to scheduling a time to discuss this issue further.

Sincerely,

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*Because the report extensively cites a report by an entity called Equality Labs and Suraj Yengde, both of whom have a long and public track record of anti-Hindu activism and hate speech, please see the attached backgrounder for further context.