Entangled Impurities in Contemporary Sindh: Some Evidence from Law and Bureaucracy

Ghazal Asif Farrukhi | ORCID: 0000-0003-0667-5538
Assistant Professor of Anthropology, LUMS University, Lahore, Pakistan
ghazal.asif@lums.edu.pk

Abstract

This article lays out a framework for conceptualizing how religious differences and hierarchical, hereditary inequality consolidate in contemporary Sindh. I argue that the terms Hindu, Dalit, and hari are often conflated due to their entangled trajectories. Addressing this conflation sheds light on how structural inequality and discrimination function in Sindh. The article begins by focusing on a government document that limits potential applicants for a sanitation job to “non-Muslims.” Next, it explores how the religious category of Hindu has become, over time, susceptible to ritual stigmas, social marginalization, caste oppression, and hierarchization. Last, it addresses a legal judgment that hinges on recognizing caste inequality but cannot say so. Analysis of the decision reveals how the entanglement of Hindu, Dalit, and hari legal categories produces certain citizen-subjects as perpetual legal minors requiring the state's paternalistic protection. Throughout, the article illustrates how the production of multiple hierarchies in the social fabric of Sindh and Pakistan broadly operates through the deployment of caste stigma as a public secret.

Keywords

1 Introduction

This article seeks to lay out a framework for conceptualizing how religious differences and hierarchical, hereditary inequality consolidate in contemporary Sindh. Across Pakistan, religious otherization of minority Hindus and Christians by the Muslim majority is increasingly conflated with ritual impurity and a historically passed-down caste stigma. In Sindh’s courts and government bureaucracy, the figures of the Sindhi Hindu-Dalit and the indebted landless rural worker (i.e., hari) are frequently represented identically. I focus on bureaucratic practices and case law to consider how the state takes up and interprets entangled forms of impurity. Attending to these conflations and their related, yet distinct, trajectories shed light on how structural inequality and discrimination function in Sindh. The state assumes a paternalistic form in governing inequality such that religious minorities, Dalits, and haris, get reduced to legal minors requiring its protection and guardianship. I argue that the paternalistic state creates a legally minoritized category of the other that consolidates the landed upper-caste Muslim as the rightful subject of Pakistani law.

It took until 1935 for caste to become a legible category of recognition for the colonial state, enabling Dalits to emerge as a political minority within the complex communal calculus of pre-Partition India, as Anupama Rao’s work has shown.1 A significant strand of scholarship on questions of caste focuses on entanglements with the state and the aporias of recognition, particularly in the context of independent India, where Ambedkar was instrumental in enshrining Dalit recognition and the goal of caste emancipation into the constitution.2 In this scholarship, caste relations are understood as tangibly different from the secular governance of inter-religious relations—a difference that Ambedkar and others strove against amidst rising communalism in India.3

In this context, postcolonial Dalit scholars across South Asia stress the gap between modern or “secularized” forms of Hinduism and Dalit worldviews,

beliefs systems, and ways of life. In Pakistan, caste shares a similar point of origin as a modern political question. However, matters deviate significantly during the first decade of Pakistan’s independence. By the early 1950s, the conflation of Hindu and Dalit as a single category of minority citizen led to the closure of particular emancipatory imaginations of Pakistan’s future trajectory, as demonstrated by the political career of Jogendranath Mandal. Although the federal government published a “schedule” of 40 historically oppressed and non-caste groups in 1964, the Pakistani state maintained a fiction of caste as a formally illegible category of Hindu beliefs and practices that supposedly had little relevance in Muslim Pakistan and did not need much consideration through governance.

Despite differences between the governance of caste relations and the colonial legacy of governing inter-religious/communal relations, the material and economic progress of “backward” communities continues to be posited as a secularized problem for the Pakistani state. As I illustrate in this article, formal illegibility does not mean that caste stigma and ritual relations of purity are not pervasive and toxic social forces throughout Pakistan. Ironically, these forces get understood as such by the state itself. Their formal illegibility transforms how caste and caste-based relations can be articulated in Pakistan even as they seep into other socio-legal institutions and categories of recognition, such as religion, gender relations, and historical categories.

I highlight impurity and ritual stigma as analytic categories to mark a shift from concepts such as inequality, which indicates an orientation towards the state’s recognized categories. In so doing, I follow an ethnographic analysis of

---


7 Wakankar, 2010.
caste as a set of diverse actions and contextually shifting meanings that enable its violent maintenance as a public secret.\(^8\)

Scholars remark on caste’s sticky nature across conversions and multiple religious contexts since its hierarchizing practices are embedded in numerous South Asian faith traditions, including Hinduism, Islam and Christianity. Caste analysis, as Sumit Guha has argued, must center its hierarchizing and exclusionary force to understand its continuing sociopolitical relevance.\(^9\) Rao reminds us that “the structural violence of untouchability,” which in the Pakistani case is made apparent through notions of ritual purity, hygiene, and cleanliness, is “the secret of caste.”\(^10\) By focusing on the oppositional practices of touching or not touching to illuminate the ethical violence at the heart of the system, Aniket Jaaware redirects attention from socio-legal forms of categorization to the “phenomenology of caste.”\(^11\) I build on these claims to argue that the analysis of caste and religion in Pakistan must center relationality and ethical dilemmas to understand how caste structures burst through invisibilization repeatedly across varied sociopolitical contexts.

In this context, the recognition of caste and the emancipation of the historically caste-oppressed continues to be an aporia for the Pakistani state and the local and provincial-level institutions that constitute it.\(^12\) Faisal Devji suggests that, in Pakistan, Muslims feel compelled to disavow any identification with caste in a “psychic as well as politically instrumental way.”\(^13\) He posits blasphemy accusations and the constant and violent denouncement of Ahmadiyya as heretics as examples of a psychic disavowal in which casteist violence re-enters the scene in uncanny formations.\(^14\) In contrast, I am more interested in those scenes where caste was never really banished but remained

---


\(^10\) Rao, 2009.


\(^12\) Since the passage of the 18th Amendment in 2010, Sindh’s governance practices have shown increasing independence from the center, leading to increased mediation by the provincial government in intra-religious debates and inter-group relations through its varied attempts at managing multiple kinds of diversity.


\(^14\) In his earlier work *Muslim Zion* (2013), Devji has also shown convincingly how caste-based differences between different members of the Muslim League – the landed elite of North
an open secret haunting people’s interactions – a form of stigma that refuses to be disavowed. I argue that those formally identified as “non-Muslims” remain irrevocably entangled within a toxic historical inheritance. The critical question is not uncanniness but the reproduction of these old prejudices and readings of history.

Multiple anthropologists of the postcolonial state in South Asia show how existing hierarchies and prejudices, including caste, reproduce through the proliferation of written paperwork. A “government of paper” is also a notable feature of the Pakistani state that produces citizens and itself through the constant circulation of the file. Thus, I focus here on written materials from two provincial institutions of the state – judgments in the Sindh High Court and job tenders by the provincial bureaucracy – to examine how caste operates in an institutional context determined to ignore it. By foregrounding the “sticky” phenomenological nature of caste in my analysis, I am not interested in reifying a vision of the state as hegemonic and top-down, but rather in exploring how its internal contradictions help produce entangled impurities at the heart of conflations between Dalit, hari, and Hindu.

The article begins with a discussion of a commonplace official document genre – a job advertisement for sanitation worker positions that limits applicants to “non-Muslims.” Such advertisements have appeared on behalf of the state for years, despite frequent outrage. I analyze how these advertisements operate on the public secret of substituting the term “non-Muslim” when they have specific castes historically associated with sanitation work in mind. Next, I discuss how the Hindu religious category has become, over time in Sindh, particularly susceptible to ritual stigmas and the social marginalization of

\[\text{India vis-a-vis the mercantilist families of Gujarat and Bombay – had critical political ramifications in the trajectory leading to the events of 1947 and the Pakistan project.}\]


caste oppression and hierarchization. Finally, I examine a legal judgment from the Sindh High Court, a bail order in the context of a sexual assault criminal charge, to show how the entanglement of Hindu, Dalit, and hari legal categories produces certain citizen-subjects as perpetual legal minors requiring the state’s paternalistic protection. Throughout, the article maintains that the production of multiple hierarchies in the social fabric of Sindh, and Pakistan more broadly, operates through the deployment of caste stigma as a public secret.

“Non-Muslim” Applicants Only

In 2018, a department of the Sindh government’s ministry of health issued a sanitary worker advertisement for 33 vacancies at the state-run Lyari General Hospital. From the very first sentence of the advertisement, “suitable candidates” are defined squarely as non-Muslims, a catch-all umbrella term defined in negative terms. “Non-Muslims” in Pakistan is used interchangeably with the term religious minority. Notably, despite the negative faith requirement at the very outset, the position does not require candidates to submit any proof of religious affiliation, as indicated by the enumerated list of necessary documents in the advertisement. Instead, the applicants must include a school certificate, a copy of the national identity card (CNIC), and two separate documents attesting that the applicant is a resident eligible to work for the Sindh Government (domicile and P.R.C.). None of these identity documents states the holder’s religious affiliation.

In contemporary Pakistan, sanitation jobs lie at the intersection of recent rapid urbanization, bureaucratization, and colonial-era practices that reify connections between particular caste groups and hierarchies of labor. At the same time, the recognition of castes became politically illegible to the ideologically Islamic polity of Pakistan soon after Partition. As a result, despite the widespread popularity of caste emancipation discourse across British India in

---

18 Although official documentation uses the English term “non-Muslim” to refer to religious others, it is commonly translated into the Urdu term “ghair-Muslman.” Recently, minority rights activists suggested that “ghair” evokes not a negation but a condition of alienation. Others have strenuously objected to the term “minority,” even passing parliamentary motions that officially replace it with “non-Muslim.” These debates and semiotic excesses reveal gaps in secular forms of classification.

the first half of the twentieth century, caste became an invisibilized form of social division and hierarchy in Pakistan later in the century. I say invisibilized and illegible because state advertisements, such as the one above, reveal starkly that caste discrimination has not been done away with in Pakistan. Instead, it
appears to change registers. It is discursively written off as a vestige of older, distant social worlds, even as everyday life for most people in the country remains ordered by it. Recent studies show that caste-based social ordering remains a pervasive contemporary reality in Pakistan, albeit sometimes appearing in altered or heavily contested forms. For example, the overwhelming majority of sanitation jobs advertised by the federal and provincial governments in Pakistan, such as the one above, qualify that only non-Muslims should apply. In 2009, the federal government reserved 5 percent of all government-sector jobs for religious minorities. Posts reserved under this quota frequently lie vacant and unadvertised, save for sanitation workers who are often lower or Dalit Christians and Hindus. Although the caste-based discriminatory nature of such postings has been pointed out frequently and occasionally has led to that particular tender getting rescinded, the practice continues nationally.

In a different advertisement from 2017, not from Sindh but Khyber Pakhtunkhwa, a switch from English to Urdu allows a more illuminating view of why there is an emphasis on “non-Muslims” for such posts. The Urdu register illustrates the language’s national character while revealing a national-level public secret about invisible forms of caste discrimination. The advertisement does not use the Urdu term for “non-Muslim,” which would be ghair-Musalman. Instead, ad space gets given to the particular requirements that eligibility is contingent on the applicants being “Hindu/Balmiki, Christian (eesayi).”

Hindu and Christian are recognized, minoritized religious identities in Pakistan. However, Balmiki, which is simultaneously a religious and oppressed-caste identity, does not appear on any current lists of identities recognized by the Pakistani state and stands at odds with the advertisement’s official tenor.

---


21 The advertisement deploys the term eesayi to indicate Christians rather than the preferred term Maseehi. It is not immediately apparent to me from this last choice of phrasing whether the advertisement requires candidates who are (1) either Hindu, Balmiki, or Christian; (2) either Hindus of any caste or Christians identifying as Balmiki; or, finally, (3) either Christians or Balmiki Hindus.

22 The term “Balmiki” (more commonly pronounced Valmiki) refers to the North Indian followers of the medieval poet-saint Valmiki (the author of the Sanskrit epic Ramayana). It also indicates a cluster of oppressed caste and Dalit groups who trace their origins to the Chuhra people of rural Punjab, who were designated the “sweeper caste” during the colonial era as they made their way into the cities and garrisons of North India for employment (Nicholas Jaoul, “Casting the Sweepers: Local Politics of Sanskritization, Caste, and
Balmiki appears in the 1964 West Pakistan Scheduled Caste Ordinance, which got rescinded in 1998. The use of this out-of-time category helps reinforce the unspoken message that these sanitation government jobs, which are considered ritually polluting, are only open on lines of caste. In turn, jumbling the terms Hindu, Christian, and Balmiki in the advertisement (where the first advertisement specified more broadly “non-Muslims”) reveals how historically oppressed or “scheduled” caste identities are more or less commonly interchangeable with Hindu or Christian religious identities. Therefore, the second notice lays bare assumptions about ritual impurity, caste, and religious identity, which the term “non-Muslim” has come to signify in the context of state-approved language.

Yet this interchangeability carries another layer of meaning, as the change in linguistic register reveals. In both the advertisements (and elsewhere), it is not the generalized fluidity of Hindu and Christian identities that binds them together as indistinguishable “non-Muslims” but rather the widespread, silent grounding of stigmatized caste identity as the basis for social differentiation and hierarchies. For many, such government advertisements make it explicit that religious identity masks a caste secret that holds them back in particularly humiliating ways.

In an illuminating study of caste-based employment and the waste economy, Waqas Butt has recently shown that caste is built into the social organization of waste and sanitation in Pakistan in ways that sustain hierarchical relations. Butt complicates our understanding of how ritual impurity, through intimacy with waste and refuse, orders social differentiation in urban Punjab by showing how waste workers’ religious identities get cut through with narrations about caste origins. Similarly, recruitment strategies complicate hierarchies based on employment status, particularly vis-à-vis informal and formal sanitation workers employed by the government. In particular, Butt draws attention to the fact that advertisements such as the one I analyze are, for many, tickets to stable jobs reserved for those without privileged caste status.

My aim in discussing these advertisements is not to refute Butt’s multilayered analysis of how caste hierarchies and tenuous formal ties to the state are produced through waste infrastructure’s social and political economy. Instead, I am interested in analyzing how the clearly understood caste-based ordering

---


---

of waste and sanitation work does not seem articulable in advertisements. When longstanding tacit agreements between the government and specific non-caste kinship and biraderi ties get phrased in such documents as official quotas for the religiously otherized, what changes in the process? What aspects of these identities get transformed?

Institutional disavowal of caste obfuscates differences between the religious other (i.e., “non-Muslims”), stigmatized caste oppression, and ritual impurity through practices that ascribe specific actions to bodies of people ordered in particular ways. Non-Muslim bodies (particularly Dalit bodies that do not identify as Muslim) become doubly associated with the low and impure tasks that historically carry caste stigma. As a result, caste stigma haunts the category of the religious minority in Pakistan by accreting the mark of ritual pollution to all associated with it.

One puzzle of such job advertisements is that no documentation for religious identity is asked for, even as it gets explicitly stated as essential for the position. Despite the refusal to acknowledge caste-based discrimination or demand documentation for religious identification, it appears that different institutions within the state apparatus maintain enough of an intimate relationship with the reality of caste, as well as with religious others, to recognize it on the spot through oblique allusions, such as an applicant’s name. Ethnographies of waste worker recruitment through kinship ties and caste or biraderi affiliations support this understanding.24 As a widely recognized but unarticulated script, caste in Pakistan appears to be a public secret even within government documents.

Pratiksha Baxi classifies the public secret as that which reveals the tense relationship between truth as a social fact and the nature of power. She builds on Michael Taussig’s work, arguing that the public secret is “generally known, but cannot be spoken.” I draw here also on Michel Trouillot’s seminal work on erasure and the silencing of historical narratives. The public secret is not just a question of truth. Rather, as Trouillot states, it is “the possibilities of determining truth in a social field in which knowledge is power and the reality of illusion serves the social contract.”25 However, state institutions are not necessarily always complicit in upholding casteist oppression in this hidden register. Instead, as I show in the second half of this article, the implicit recognition

of caste and oppressive hierarchies can sometimes prompt officials to work towards providing relief. Yet even this relief functions through the perpetual minoritization of the petitioners. Central to this process is the entanglement of multiple identities as the vaguely defined “non-Muslim,” to whom state institutions assume a discriminatory but paternalistic role. The concatenation of caste oppressed and caste oppressor, national traitor, and religious other, that is indicated by the term “non-Muslim,” have become closely bound up in the figure of the Sindhi Hindu, to which I turn below.

3 Sindhi Hindus and the Pakistani State

Among religious minorities in Pakistan today, Hindus occupy a critical historical place in a national imaginary since they index an antithesis to the idea of the Pakistani nation-state. The “Pakistani Hindu” label includes numerous population shifts, regionally grounded histories, and social formations. The designation of Sindhi Hindu often refers to specific groups of people with devotional and social practices that do not necessarily coincide with Muslims, who form the bulk of Pakistan’s population. But, following independence, the nascent Pakistani state’s construction of the Hindu figure began early to elide internal debates and differences among non-Muslim citizens.

These elisions resulted in the imagination of Hindu citizenship coalescing and shifting over time. The trauma of Partition, alongside the creation of Pakistan in 1947, blurred the boundaries of just who the citizens of this new state were. The idea of malignant Hindu influence (glossed as Indian) also inhered as a normative explanation for the liberation of Bangladesh and the war of 1971, marked by genocidal state violence as Bengalis were vilified as the Hindu or Hindu-ized enemy of the Pakistani state. After Partition, the largest population of Dalits and caste-Hindus who remained in Pakistan were from East Bengal. In the first government formed in Karachi in August 1947, all Hindu members were predominantly East Bengal political leaders. With the notable exception of Jogendranath Mandal, all were members of the (Pakistan) Congress Party and sat on the opposition benches.26 The identification of India and Pakistan as the representative of South Asia’s Hindus and Muslims crystallized through agreements such as the Liaqat-Nehru Pact in 1950, which confirmed that the rights of each state’s religious minorities were the concern

of the other. It yoked together the futures of Indian Muslims and Pakistani Hindus but also emphasized the supposed identification of Pakistani Hindus with the Indian state. So much so that when the West Pakistani civilian and military central governments, dominated by Muhajir and Punjabi Muslims, sought to quash unrest and popular uprisings in East Bengal, they often blamed Bengali Hindus for fomenting discord and working to undermine the Pakistani state and its ideals of Islamic unity. The conflation of Bengali identity and Hindu “treachery” in the 1950s and 1960s directly impacted the language of racialized superiority that the Pakistan Army’s brutality was couched in during the war of 1971. Following Bangladesh’s liberation, the events of the war were officially silenced in erstwhile West Pakistan to rebuild a national psyche under the new Bhutto government.

In this new configuration of the Pakistani nation-state, the much smaller religious minorities of West Pakistan came slowly into focus – in particular, the Dalit Christians of Punjab and the various Hindu mercantile and former nomadic-pastoral communities of Sindh. In Sindh, a long and porous border with the Indian states of Gujarat and Rajasthan, centering around the former principality of Kutch, was closed in the aftermath of the 1971 war. State recognition and acknowledgment of ethnolinguistic diversity in West Pakistan after 1971 helped prevent a situation parallel to East Bengal’s, where the assertion of difference became entangled with Hindu identity in the eyes of a suspicious state. The Pakistani state cast no aspersions on the Muslim bona fides of the majority of Sindhi people as a result of any increase in the national profile of Sindhi Hindus, despite the anti-Islamization and progressive assertions of the Sindhi left since the 1980s.

---

Notably, in southeastern Sindh, it had not been 1947 but the wars of 1965 and 1971 that hardened the hitherto closely integrated Tharparkar and Kutch desert regions into an international border. While many Sindhi Hindus from the more urbanized mercantilist castes left Pakistan during Partition in 1947, the process was heavily disaggregated by community. Sodha Rajput Hindu landowning families in the Thar only began migrating to the Indian states of Gujarat and Rajasthan after the war of 1965, a process that accelerated after 1971. A steady trickle of Sindhi Hindu migration to India as the true “Hindu homeland” continues today. In post-1971 Pakistan, the possibility that certain citizens could betray the state continued to linger, albeit now generalized across a different set of communities than East Bengal. After 1971, many of the state’s assumptions and stereotypes about Hindus continued to hold even as the communities in question shifted.

In response to significant demographic shifts among a fraught category of citizens, Jürgen Schaflechner argues that Hindus in Sindh engage in what he calls a “solidification of tradition” that creates a national Hindu citizen. While Schaflechner’s analysis is an important one, an emphasis only on national-level solidification risks overlooking how identities remain dynamic, liable to erosion, and contested from within (and without). Such identities should not get sealed off from other social tensions. In particular, generalizations work to create the figure of the Pakistani Hindu in a way that occludes the specificities and differences between Bengali and Sindhi devotional traditions and relevant local variations in Hindu-Muslim relations.

Historical and anthropological studies show Sindh as a historically diverse and complex society where religious identity, caste and clan affiliations, and ethnolinguistic practices took remarkably fluid forms. This fluidity has been at the center of considerable attention since the region’s annexation and shapes Sindh’s distinct identity vis-a-vis neighboring regions, despite longstanding trade routes, kinship ties, and shared devotional imaginaries across regional

32 The Thar region became a war front and contested border in both wars. In 1971 the Indian Army advanced well into the Tharparker district, past Chhachhro and Diplo, and occupied the entire Rann of Kutch. They did not retreat until the treaty ending the war was signed (Farhana Ibrahim, “Citizenship and Social Belonging Across the Thar: Gender, Family, and Caste In the Context of the 1971 War,” Asian Affairs 53.2 [2022]: 321–335).
33 Ibrahim, 2009 and 2022.
35 Schaflechner, 2018.
The fluidity of Sindhi Hindu ritual life has historically been characterized by a relatively diminished stature for Brahmins, an absence of rigid boundaries of ritual impurity between castes, and devotional traditions that rarely adhere to common distinctions between the practices of Muslims, Sikhs, and Hindus. These were not uncontested traditions and were often more apparent in the breach. Nevertheless, over time, they have been considered coherent enough to describe a distinct "cultural paradigm" that is often glossed as Sufi.

Colonial ethnographers such as Richard Burton (1851) and T. Postans (1843) expressed surprise and distaste at how caste hierarchies and religious boundaries in Sindh blurred religious boundaries and practices. They were bases for intermixing, imbrication, and thick cross-hatching rather than developing clearly defined social hierarchies. Burton's writing expressed particular hostility to Sindhi Hindus, distinguishing them from Sindhi Muslims and co-religionists in the rest of India. Such forms of knowledge often wound up helping constitute the rigid social realities they thought they observed, thereby distorting what existed previously.

But an older body of work on the land tenure system in Sindh lays bare the limits of discourse on ritual fluidity. The longstanding historiographical emphasis on mercantilist activities and interregional trade networks in precolonial

40 In one example of the way colonial accounts of Sindh co-constituted yet distorted perceived reality, Matthew A. Cook shows how such writings insisted that Sindhi Hindus were treated tyrannically by Muslims before annexation while simultaneously acknowledging that some Sindhi Hindus and Muslims were usually indistinguishable in habits, appearances, and practices; and that Hindu merchants had accumulated great wealth and influence under Talpur rule (Matthew A. Cook, *Annexation and the Unhappy Valley: The Historical Anthropology of Sindh's Colonization* [Karachi: Oxford University Press, 2021]).
and colonial Sindh have led to what Sheetal Chhabria describes as a unitary academic understanding of Sindh as an economically backward region.\textsuperscript{41} This unitary vision – ironically a contrast to the fluidity and syncretism scholars emphasize in local religious and social practices – thus not only ignores much of the region's political economy but also hobbles our understanding of how to think about contemporary Sindh.

The colonial transformation of Mughal and Talpur-era \textit{jagir} land-grant estates into alienable property transformed \textit{wadero-hari} relationships historically tied to the land into absentee landlordism coupled with tenuously-held sharecropping privileges based on exploitative \textit{peshgi} contracts.\textsuperscript{42} The colonial land regime transformation also opened the jagir system, dominated by Sindhi Muslim landlords, to mortgage and debt, as illustrated by David Cheesman's work. By the late nineteenth-century elaborate mortgage schemes had allowed Hindu Bhaiband and Amil merchants to buy into many estate holdings. Colonial administrators saw this as a potential threat to the existing system of power brokerage in Sindh. They took steps to ensure its preservation in ways that exacerbated religiously determined social divisions and hierarchies.\textsuperscript{43}

In this way, religious difference and competition between communities for British favor was inseparable from the dynamics of land tenure and the rural property regime. The status of the Sindhi hari (i.e., a landless cultivator or sharecropper) who cultivated estates belonging to a \textit{wadero} (i.e., village headman but now used to mean large landowner) is central to these entangled dynamics. Weak post-independence land reforms in Pakistan attenuated the colonial-era status quo. Over time, its continued survival within a neoliberal economic order has led to the development of a landless rural class trapped in modern debt bondage.\textsuperscript{44} Large numbers from this class identify as Hindus from historically dispossessed castes or tribes.\textsuperscript{45} In this way, the Sindhi hari,
the indebted Sindhi bonded laborer, and the Hindu Sindhi Dalit have slowly become discursively indistinguishable.

At the same time, this intertwining is inarticulable within Pakistan’s current essentialized architecture of recognition. Religious identities are considered wholly removed from questions of land and labor, and caste is invisible to the eyes of the state. In recent years, a growing conversation on caste-based oppression and discrimination in Sindh has posed a challenge to this existing scholarship in the region. Scholars point out continued discrimination, particularly against former pastoral indigenous tribes from the southeastern Thar Desert, alongside rapid, growing awareness of Dalit political identity among many in the southern agricultural belt who have hari origins. Despite growing scholarship and a broader discourse, contemporary life in Sindh is challenging to understand from within the identitarian silos that the state imposes. I now turn to analyze a legal case where this conflation comes sharply into focus. Through an intersectional analysis of the way that gender, caste, and class became entangled in the course of a specific crime, I examine how a single legally vulnerable subject emerges for the law.

4 A Hari Woman’s Kidnapping

The caste system in Sindh has a relative absence of rigid boundaries compared to neighboring regions. It has more relaxed rules about ritual purity. Similarly, the endogamous Muslim biraderi system operates under fluid terms of equal stature, particularly among the landowning clans of upper Sindh. However, the idea that caste is absent in Sindh is misleading. Siloed conversations about the region mean that scholars who analyze hierarchical relationships based on land consider them as representative of rural Sindh’s supposed backwardness, while leaving out the ritual textures that reveal hierarchy as caste. For example, ritual practices such as presentations by the hari to the

Further, those who are identified as Hindu often point out their difference from urban Sindhi Hindus, through an analysis of caste privilege.

46 Hussain, 2019. Vikram Das has astutely pointed out Tharparkar’s complex relationship with Sindh proper, which further feeds these dynamics (Vikram Das’s 2021 presentation on Tharparkar identities from the Sindh Early Career Researchers Workshop organized at Cambridge University in 2021).


wadero, the continued prevalence of begar systems of ritual unpaid labor, peshgi systems of ritual hierarchical contract, and vast differences in social status and behavior are redolent of caste relations elsewhere in South Asia. Caste dynamics in Pakistan, as the earlier case of sanitary workers showed, are an open secret fueled by casteism's insidious and shapeshifting qualities. Consequently, the ritualization of hierarchy and humiliation for the sanitation workers and within wadero-hari dynamics alerts us to the presence of caste, even if it is not spoken of out loud or is not supposed to be present.

As a result of the apparent separation of scholarship on the rural political economy and the textures of ritual and religion, discourse about hari life reinforces harmful stereotypes about Sindh. For example, Feroze Ahmed's Marxist analysis of Sindh's political economy notes in detail what he can only understand as the inexplicably subservient nature of sharecroppers and haris. However, classifying such groups and relationships as abject only further invisibilizes the workings of caste as a ritualized historical and social relationship grounded in material inequality. The stakes of creating such siloes become painfully evident in the context of pervasive gender violence against hari women in rural Sindh, as feminist scholars of caste have long reminded us that at the heart of casteist violence and oppression lies a sexual economy. Caste is not only secured and reproduced by regulating women's sexuality. It operates as a “doubled economy” through the “violation of Dalit women as a matter of right” by caste-privileged men.

Sexual violence against hari women by privileged men remains endemic in rural Sindh. In one relatively recent case of such violence, Ramoon alias Ramzan and others versus the State Respondent, a group of men from a land-owning caste assaulted a young hari woman. The young woman, Kastoori, identified her attackers in court and fought them from the Mithi Sessions Court to the Sindh High Court appellate bench in Hyderabad. The case eventually sees the accused denied bail for rape and assault. The legal defense of the

54 Shah, 2016.
55 Ramoon Alias Ramzan and Others Versus the State Respondent (2011 MLD 340).
assailants is particularly instructive in that it reveals how economic, caste, and gender-based hierarchies congeal together to create an event that is simultaneously a caste atrocity and a case of gender violence, but one that can only get expressed as the latter due to the unavailability of language to articulate caste at the state level.

In 2010, Kastoori filed a First Information Report (F.I.R.) for a criminal assault with the Mithi district police. A group of men she knew and could identify had kidnapped her from her home in rural Tharparkar. They took her to a location within the same district, where she was rescued two days later by her father, brother, and cousins. Later, the Sindh High Court appellate bench denied the assailants bail based on Kastoori’s testimony and the judge’s analysis of the evidence. In the judgment, the four assailants had ties with the Khoso biraderi, a landowning family. Three accused – Veerio, Habibullah, and Ghulam Nabi – worked for the Khosos, while the main assailant was Ramzan Khoso. Veerio Guriro was the only one of the accused who did not have an explicitly Muslim name. Guriro is the name of a caste of Hindu priests in the Tharparkar region catering to Dalits. All four accused had filed an appeal with the Sindh High Court for bail, albeit to little effect.

In court, Kastoori repeatedly identified her attackers by name, stating that she had known them from the neighboring agricultural estate for years. Her brother, father, and cousin also gave eyewitness evidence about their search for Kastoori and where they eventually found her. The specific caste or biraderi of Kastoori’s family is never explicitly mentioned. However, other witnesses get identified as Kolhi, one of the three prominent Scheduled (historically dispossessed) Castes in southeastern Sindh. Kolhis are former pastoralists included in the now-abrogated 1964 [West Pakistan] Scheduled Caste Ordinance, which lists about 40 castes, of whom the vast majority are in Sindh. The caste question never comes up directly in the judgment, except to clarify the wadero-hari dynamic between the survivor and assailants. The only social differentiation acknowledged in the case file is that the petitioners are identified as Hindu. Kastoori is described as an “adult Hindu woman.” It does not get explicitly stated, but it is clear from the full names taken in court that the two rival Muslim landowners are both from the same Khoso biraderi.

The defense stood on shaky ground, but the argument is striking for relying on caste positions to back up the assailant’s alibis. The defendants argued the entire affair was fabricated as part of an old family feud with the landowner

56 Hussain, 2019.
57 Ibid., 2020.
58 Ramoon Alias Ramzan.
for whom Kastoori and her family labored. “The accused persons ... have been malafidely (sic) roped in the case due to old enmity of local landlord Ali Muhammad Khoso who earlier committed the murder of the sister of the [applicant] No. 1 and that the complainant [Kastoori’s father] is a hari of said landlord.”  

59 The hostility between the two landowners over the body of a woman – assailant Ramzan Khoso’s murdered sister – precipitated the attack on Kastoori. Reading between the lines, the defense’s emphasis on Kastoori’s family being haris associated with this particular landlord suggests that the attack was not on her personhood and bodily agency or her family’s honor within the region’s patriarchal codes. Instead, it was as part of a cycle of “enmity” (to borrow the legal judgment’s terms) within a casteist normative framework whereby the landlord had a prior ritual claim to the bodies of the hari women in his employ. 

Based on this casteist logic, the assailants could continue to deny Kastoori’s agency in their legal defense by claiming their enemy had fabricated the whole thing and this family of haris was merely acting on their employer’s orders. The unstated assumption was that a hari laborer could only reach the Sindh High Court for justice against caste- and religion-privileged landowners because they were part of a landowners’ rivalry. Not only were Kastoori and her family presented as not possessing agency, but their hari status was the presumptive basis for this lack of agency. The defense did not so much erase Kastoori and her family as appropriate subjects and appellants to the law as assert that they never had a place there to begin with, based on their hari status.  

The defendants also pointed to the time lapsed between the attack date and the registered F.I.R. date as evidence that the whole event was a fabrication. However, Kastoori upended the order presumed in the defense’s statement by involving the state, naming her assailants in court repeatedly, and appearing in the higher courts of the province as the accused sought to appeal their sentence and get bail.

The casteist order is built on the violent betrayal of Dalit women and their rights to personhood and bodily autonomy.  

60 Access to instruments of the state that give some power of redress to citizens, such as the law, has been a site of caste-based struggle in South Asia (Grace Carswell and Geert De Neve, “Litigation against Political Organization? The Politics of Dalit Mobilization in Tamil Nadu, India,” Development and Change 46.5 [2015]: 1106–1132).

61 Rao examines how understandings of sexual violence and caste atrocity in Maharashtra, India, overlay one another in relation to the same violent event. She writes with the reverse focus of understanding how interpersonal or quotidian disputes, as well as forms of sexual humiliation and violence, come to be understood beyond the scale of the local
enmity lay between the defendants’ father and another landowner whom they claimed was using hari laborers as a front in an assault case where the law had to confront the violation of Kastoori’s personhood and agency. Her status as a Hindu hari woman was thus the key to the violent order of male privilege that required her humiliation and violation to sustain itself within a cycle of hostility between high-status male co-evals. Neither the attack on Kastoori as part of a cycle of violent enmity nor how the case played out in court was intelligible without attention to the structuring dynamics of caste in the litigants’ lives. Yet no caste was ever mentioned by name. Instead, we find it as a public secret operating through seemingly oblique references to the petitioner’s hari status, the defendant’s landowning status, and the legal description of Kastoori as an “adult Hindu woman.” As with the sanitation workers at the beginning of this essay, Kastoori’s Hindu identity is a stand-in for her and her family being Dalits.

Anupama Rao argues that appealing to the state and the law in the aftermath of caste atrocities helps upend the violent hierarchies which enabled the atrocity in the first place. The law must recognize the legal subjectivity of those who petition it. As the Dalit woman becomes empowered to take the name(s) of her assailers in a court for the state to hear, her legal subjectivity helps reclaim the violent erasure of personhood and agency on which sexual assault and caste atrocity are predicated. In the decision upholding the Mithi Session Court’s original conviction, the Sindh High Court seemed to echo this logic in two ways. First, the bench stated that the clarity with which Kastoori recounted the events and repeated the names of her attackers is powerful evidence against the accused since “the horrendous event has been impressed in her mind very clearly and intensely and haunts her.” The visceral effect of reliving past trauma on the part of the survivor is often a metric for the court to judge the veracity of the accusation. In this case, the judgment also noted how Kastoori appears to be “haunted” as evidence of her testimony’s weight. In this capacity, as a haunted subject, Kastoori’s claims of agency and personhood can be taken seriously by the court.

Although caste and casteist oppression never come up directly, the court nevertheless describes Kastoori as a uniquely vulnerable subject whom the law was obliged to protect through the strict sentencing of her assailants. In

---

as caste atrocity. She addresses the logic whereby specific acts are understood as either sexual violence or caste-based violence. Rao argues that translation techniques and silencing come into play to reconstruct scenes of sexual violence as caste atrocity (Rao 2009; Rege’s book *Writing Caste/Writing Gender*).

---


63 *Ramoon Alias Ramzan*. Pratiksha Baxi describes such scenes as “pornographic retellings” in her book *Public Secrets of Law*. 

---
so doing, the court acknowledged Kastoori's personhood (and her claim on the state) but also positioned hari women as permanent legal minors in need of the law's paternalistic protection. Kastoori's hauntedness, which marks her as uniquely vulnerable, fixes her place in the social hierarchy in the eyes of the law. At one point, the judgment even states that it is necessary to turn to the “social fabric” of the complainant's life and its litigants to understand the motivations behind the trajectory of events fully. The delay in filing a police report is understood by the appellate bench, in the context of the power differential between the two parties, as a case in which “one cannot rule out active participation of the elders in finding a way out for reconciliation.”64 There is a recognition that Kastoori's vulnerability is compounded by aspects of the society that can only be hinted at or referenced obliquely. The caste status of Kastoori and her family as Kohli, as well as the social difference between a hari family and her landed assailant, are central to the judgment. While caste is never directly mentioned, the gulf between landed and landless (i.e., hari) comes up in a common-sense way, acknowledging the self-evident nature of the glaring inequalities and social hierarchies at play.

Here I am reminded of Aniket Jaaware's argument that caste functions primarily as an ethics of social relations. Such ethics operate independently of whether or not it is recognized as a coherent legal category.65 The judgment's reference to the “social fabric” from which the crime emerged to understand inconsistencies in the complainant's behavior (as pointed out by the Khoso family's attorney) encompasses the material gulf between the two families, as well as the hierarchical ethics of relationality which depends on the ritual dispossession and humiliation of those ranked as lower. Suppose the assailants' culpability was visible from how the judge saw Kastoori as “haunted” by her violent ordeal. In that case, the same logic can help make visible how the public secret of casteist stigma haunted relational ethics in Sindh through allusions to religious affiliation and the economic gulf between the two parties.

In the court's paternalistic view, the law exists to protect those it fixed in permanently powerless categories. The “social fabric” of southeastern Sindh, responsible for the caste hierarchies through which Kastoori battles to get justice, gets externalized as the source of this vulnerability. By not explicitly stating caste, yet fixing Kastoori as an “adult Hindu woman” and the daughter of a hari who bears the name Kohli, the law invisibilizes it at the same time that it recognizes its indispensability for understanding how justice ought to appear. These named identities are grouped together to create a specific vulnerability

64 Ramoon Alias Ramzan.
claim on the law’s protection. Yet, the glue that binds these identity categories together – caste hierarchy as a toxic social force – cannot be named.

Kastoori’s case highlights how Hindu, Dalit, and hari identities in Sindh get entangled and overlaid in ways that appear to be self-evident to the actors involved. Yet these social categories remain inarticulable by the court, even as it acknowledges the “social fabric” that created the conditions for violence and the assault by Kastoori’s privileged assailants. An intersectional analysis of the entanglement of religion, caste, and ritual burdens clarifies how Kastoori’s gender and widespread patriarchal violence compound vulnerabilities to create an appropriately minor legal subject to whom the law can offer paternal protection. Through these entangled identities, the state shows its knowledge of the public secret by perpetually constructing agents as legal minors.

5 Caste Hauntings and the Legal Minor Subject

This article began by seeking a framework for understanding how religious differences and hierarchical, hereditary inequality consolidate in contemporary Sindh. The premise for seeking this framework was that the Pakistani state’s existing categories of recognition are insufficient for understanding how inequality and hierarchy operate in Sindh. The article focused on ritual impurity and inherited stigma as they made themselves visible through bureaucratic requirements in government job advertisements. Attention to the language of these advertisements reveals a caste-based logic at their heart. I argued that the category of “non-Muslim” masks the commonplace but inarticulable imperative to limit work to historically dispossessed castes who get stigmatized for their connection to sanitation labor.

Nonetheless, the conflation of religious differences with specific castes is not straightforward. From the perspective of modern politics and the nation-state, caste and religious affiliation have been mutually opposing identity categories in South Asia. Yet, in Pakistan, the ease through which the state’s focus on specific castes shifts registers to refer to “non-Muslims” depends on a historical inheritance that creates resemblances between different categories. I illustrate this process through a discussion of how Sindhi Hindus are historically located within the larger social fabric of Pakistan, and how post-1971 semiotic excesses

---

66 Historically caste and religious affiliation have had long entanglements as historians such as Sumit Guha have pointed out and as the social fabric of Sindh, too, illustrates. However in the state politics of the twentieth century onwards with which this article is concerned, they are considered mutually opposite. Guha, Beyond Caste.
associated with the category of “Hindu,” enabled the conflation of Hindus and Dalits of Sindh.

The ramifications of these inheritances and conflations emerge in *Ramoon alias Ramzan versus State Respondents* (i.e., Kastoori’s case). Kastoori emerges as a materially dispossessed Hindu, hari woman from the Kohli caste who sought acknowledgment of her legal personhood through the court following horrific violence by men from a landed biraderi. Yet the judgment could only acknowledge that which it nevertheless could not articulate: the logic of caste as a toxic social force that haunted the proceedings. Few criminal cases such as Kastoori’s reach the Sindh High Court, though they proliferate in the district and sessions courts (i.e., “lower courts” in South Asia’s two-tiered legal system). But *Ramoon versus the State Respondent* is not an exceptional outlier. Its judgment, like others, helps create a vulnerable legal minority that requires protection from the paternal state through the entanglement of ritual and social categories that everyone is already conscious of but cannot articulate.

The landmark case of *Darshan Masih versus the State*, which concluded bonded labor violated an individual’s human rights, is, like *Ramoon alias Ramzan*, grounded in the litigants’ understanding of class and material conditions (in the brick kilns of Punjab). It, too, has an undercurrent that entangles religious and caste identity and makes litigants uniquely vulnerable enough to warrant the paternal protection of the court. *Darshan Masih versus the State* describes peshgi systems of advance payment (through which kiln owners essentially create debt traps for laborers) as age-old and “customary” systems built on social relations of mutual trust that laborers dare not break, even when it profoundly harms them. As a result, the judgment seeks to ban the very “custom” of peshgi across informal industries in Pakistan.

Peshgi payment arrangements are similar to the monetary arrangements on which the wadero-hari system operates. A legal insistence on custom marks these arrangements as being outside conventional capitalist or economic structures, striking in a case that otherwise focuses entirely on a clear understanding of the material conditions of bonded laborers’ exploitation. Peshgi gets placed in the realm of custom as a supposedly age-old and traditional ritual arrangement operating under a uniquely illegible logic – precisely the same slot where caste lurks as a public secret. Like in Kastoori’s case, it is obliquely referred to as “social fabric.” In the *Darshan Masih* case, the connection between custom and the entangled impurities of the public secret emerges through the

---

following matter-of-fact statement: “Most of the workers in this industry are Christian and even on this score being the minority they perhaps do not feel confident enough to challenge the maltreatment being meted out to them by the Brick Kiln Owners who belong to the majority class.” Given the judge’s earlier establishment of customary humiliation and bonded social ties through peshgi, this sentence makes clear that the Christian identity of most laborers gets understood as evidence of their disempowered social rank. Caste stigma haunts the category of the religious minority in Pakistan by accreting the mark of ritual pollution to all those associated with it. The landmark Darshan Masih and Ramoon alias Ramzan cases highlight how the state’s offering of legal protection depends on the entangled forms of impurity and ritual pollution that these judgments spend much time delineating. Only through these entanglements can the state create legal “minors” to extend its protection towards.

By “legal minor,” I mean that the institutions of the state create a category of the powerless other whose rights and protection are dependent entirely on the paternalism of the state. In turn, this move consolidates, in Pakistan, the landed upper-caste Muslim as the rightful “major” subject of law. Although the term “legal minor” gets usually used to refer to age-based relationships between citizen and state, scholars have pointed out the semantic overlap between it and the concept of political minorities who get otherized from the rest of the population through various markers of identity, including both gender and religious affiliation. Both forms of minority require special protection from the state that nevertheless preserves the status and authority of the majority as the “real” citizen subject. By contrast, in the context of Sindh, the vulnerable subject that relies on benevolent and paternal state institutions to dispense rights remains haunted by the stigmata, ritual humiliations, and violent otherizations encapsulated in the entangled categories of Dalit, Hindu, and hari. These entanglements enable the consolidation of the “non-Muslim” minority as a generalized subject of violence. Undergirding it is the public secret of caste hierarchy and stigma, which provides the missing logic that enables toxic charges to leak across categories and the labels of Dalit, Hindu, and hari to become interchangeable.

70 Gilles Deleuze and Felix Guattari, Kafka: Toward a Minor Literature (Minneapolis: University of Minnesota Press, 1986).
Acknowledgments

This work draws on research conducted with the funding and support of the Mellon-SSRC IDRF, the Wenner-Gren Foundation, the American Institute of Pakistan Studies, and LUMS University. I am grateful to my research assistant Maroof Taj, who patiently combed through essential legal archives to help gather data. I sincerely thank Uttara Shahani for her patience and encouragement in shepherding this article through to the finish. Inspiration for it emerged from the Sindh Early Career Researchers Workshop organized at Cambridge University in 2021.