

CRITICAL ANALYSIS OF COMMUNAL AWARD AND POONA PACT IN THE CONTEXT OF SINDH'S UNTOUCHABLES

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Abstract

The status of untouchables, or Dalits, in South Asia has been a complex issue shaped by historical and legislative factors. This paper investigates the evolution of the caste system in India and Pakistan, focusing on the impact of the Communal Award (1932) and the Poona Pact (1932) on Dalit communities. The Communal Award, introduced by the British colonial government, was a pivotal moment that led to significant political and social changes for the Depressed Classes. The Poona Pact, a response to the Communal Award, aimed to reconcile Hindu and Dalit interests but has been critiqued for perpetuating inequalities. This study explores the ongoing discrimination faced by Dalits in both countries, emphasizing the limitations of constitutional provisions and the challenges in addressing caste-based discrimination. It also examines the role of advocacy organizations and international bodies in promoting Dalit rights. The findings reveal that despite legal advancements, Dalits continue to experience severe social and economic marginalization, particularly in Pakistan, where caste-based discrimination remains entrenched.

Key words: Untouchables, Dalits, Caste system, South Asia, Communal Award (1932), Poona Pact (1932), Depressed Classes, Political changes, social changes, Discrimination, Constitutional provisions, Advocacy organizations, international bodies, Dalit rights, social marginalization, Economic marginalization, Pakistan, Caste-based discrimination

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Methodology

This study follows a **qualitative, interpretive approach** rooted in **historical and legal analysis**. It aims to understand the socio-legal evolution of caste in India and Pakistan. Using **secondary sources**, it examines how caste has been constructed, contested, and redefined through laws, colonial policies, and civil society efforts.

Data Sources

The research draws on three main types of documents:

1. **Historical Archives:** Including the *Communal Award (1932)* and the *Poona Pact*, alongside writings by Ambedkar and Gandhi, to trace early negotiations on Dalit representation and the colonial role in shaping caste identities.
2. **Postcolonial Legal Texts:** Laws such as the *Untouchability (Offences) Act of 1955* and Pakistani ordinances related to Scheduled Castes are analyzed for their discursive framing and implementation gaps.
3. **Contemporary Reports:** IDS and PDS publications provide insight into ongoing exclusion and advocacy, highlighting the lived realities of Dalit communities today.

Analytical Strategy

A **thematic content analysis** was employed, refined into the following structured stages to ensure clarity and consistency:

a. Initial Coding

All documents were read closely and coded **manually**. Codes were assigned based on recurring concepts such as:

- Representation and recognition

- Legal erasure
- Paternalism and agency
- Grassroots resistance
- Intersectionality (caste with gender/religion)

b. Theme Development

Codes were then grouped into **broadier themes**, such as:

- *State-Caste Nexus in Law*
 - *Dalit Resistance Narratives*
 - *Colonial Continuities in Caste Governance*
 - *Cross-border Dalit Experiences*
- Each theme was tracked across time periods and geographic locations for comparison.

c. Comparative Structuring

To improve analytical coherence, a **comparative framework** was applied:

- **Temporal comparison:** Colonial vs. postcolonial legislative approaches to caste.
- **Geographical comparison:** India vs. Pakistan's caste-related legal responses.
- **Positionality analysis:** Contrasting state narratives with subaltern voices to expose ideological tensions and silences.

d. Critical Interpretation

Themes were interpreted using **Critical Caste Theory** (Ambedkarite and anti-Brahmanical frameworks) and **Subaltern Studies**, enabling the study to critically examine **power, exclusion, silence, and resistance** embedded in legal discourse.

Rigor and Reflexivity

To maintain consistency, coding was supported by reflexive notes. Triangulation across legal, historical, and advocacy texts ensured validity, while themes were contextually embedded to preserve depth and nuance.

Critical Analysis of Communal Award and Poona Pact in the Context of Sindh's Untouchables

Introduction

The word "Dalit" came from Sanskrit; it stands for suppressed or broken. Mahatma Gandhi referred to untouchables as "Harijans" or "Children of God" to show respect. The terms in official documents are "Scheduled Castes" and "Scheduled Tribes," which were first used in India's government documents in 1935 during colonial rule and continue to influence law, politics, and employment (Bala, 2014). Dr. B. R. Ambedkar popularized the term "Scheduled Caste." In the 19th century, many movements like the Brahmo Samaj, Arya Samaj, and the Ramakrishna Mission struggled for the independence of Dalits (Bala, 2014).

Dalit literature discusses marginalized voices, highlighting the postcolonial struggle of castes and tribes oppressed by the dominant societal voices. Mainly influenced by Frantz Fanon's works, "Wretched of the Earth" and "Black Skin, White Masks," it explores colonial subjectivity and anti-colonial resistance (Kumar, 2016). Initially, Dalit writings were rejected by upper-caste intellectuals as vulgar and abusive, due to the community's historical exclusion from education. Dalit women face intersectionality of caste and gender, their bodies are considered as polluted due to their caste status, and female experiences like menstruation and childbirth. Gayatri Chakravorty Spivak discusses how women's bodies become the site where patriarchal

and imperialist forces intersect, silencing their voices (Misrahi-Barak, 2018).

According to Pai (2014), the identity of women is often reduced to just a sex toy. In his 1995 essay "Dalit Women Talk Differently," argues on this, Gopal Guru argues that the impact of caste in constructing systems of oppression, marginalization, and violence. He purports that the experiences of Dalit women, especially the degradation and attack on their bodies, are entrenched in the caste-system and cannot be understood via traditional analyses of patriarchy, class dynamics, or psychological theories (Satyanarayana, 2016).

Communal Award and Poona Pact

On August 26, 1932, Ramsay MacDonald announced the Communal Award, which dealt with the participation of British Indian populations in provincial legislatures, in reaction to the inability of Indian leaders to agree. While the poor classes were given reserved seats in special constituencies, the award permitted distinct electorates for Muslims, Europeans, and Sikhs. Gandhi warned of his opposition by fasting and opposed separate electorates for the downtrodden classes. The prize was changed in September 1932 with the signing of the Poona Pact following talks. In addition to introducing shared electorates for the central legislature and allocating 148 reserved seats for the underprivileged classes in provincial legislatures, it also provided equitable representation in local authorities and public services, contingent on educational credentials (Khan, 2009).

Gandhi's Philosophy behind the Name Harijan

Gandhi has been under fire for using the derogatory epithet "Harijan" to refer to Dalits. Although it means "people of God," it has a negative connotation that associates Dalit infants with temple prostitution, in which they are born as a result of unrecognized sexual actions committed by men from higher castes. Therefore, the word implies that Dalits are casteless and

should be called "children of God." Dalitology, on the other hand, aims to liberate the Dalits by establishing a distinct Dalit nation-state called "Dalitstan" (Neelakandan, 2011)

Ambedkar, Untouchability, and the Politics of Partition

The study of political alliances between Muslims and Dalits in India has received scant academic focus. Interactions among various communities—such as Hindus, Muslims, Dalits, and the British—were seldom straightforward or confined to two groups, often entailing intricate, multifaceted strategies. Muslims and Dalits significantly shaped each other's political paths. For instance, the Aga Khan contested the colonial categorization of Dalits as Hindus in census records, catalyzing movements that advocated Dalit conversions to Islam, Christianity, or a reformed Hindu identity. Choudhry Rahmat Ali, in conceptualizing Pakistan, even proposed "Akhootistan," a distinct territory for Dalits. Collaborative efforts, like the 1939 "Day of Deliverance" led by Ambedkar and Jinnah, highlight transient yet strategic partnerships between the communities. However, the onset of World War II fractured these alliances, altering the course of their political dynamics.

The Lahore Resolution of 1940, which demanded the establishment of Pakistan, deepened tensions in Muslim-Dalit political dynamics. Around this period, B.R. Ambedkar, leading the Independent Labour Party, articulated his views in a report first released as **Thoughts on Pakistan** (1940) and later expanded into **Pakistan or the Partition of India** (1945–46). The initial edition endorsed the creation of Pakistan on the grounds of self-determination, asserting that Hindus and Muslims lacked a shared cultural or historical identity to form a cohesive nation. However, Ambedkar saw this partition as provisional, suggesting a plebiscite after a decade to reassess unification, which he believed could foster a stronger, reunited India. He also advocated for an international arbitration body to safeguard minorities in both nations.

Meanwhile, movements like the satyagrahas pushed to revoke the Poona Pact, targeting colonial authorities. Ambedkar attributed the Scheduled Castes Federation's (SCF) electoral setbacks in 1945–46 to this agreement. The Pact originated from the 1932 Communal Award by British Prime Minister Ramsay MacDonald, which granted Dalits separate electorates as a distinct minority. Gandhi, however, opposed this measure, fearing it would splinter Hindu solidarity, and launched a "fast unto death" in September 1932. Though the separate electorates were a colonial directive, Ambedkar bore immense pressure as the perceived architect of Dalit political rights. With Gandhi's life at stake and British neutrality, Ambedkar reluctantly negotiated with Congress leaders, resulting in the Poona Pact after four days. While it increased Dalit-reserved seats from 78 to 148, it abolished separate electorates, replacing them with a two-stage voting system that diluted Dalit political autonomy by tying their representation to broader Hindu electorates.

Ambedkar and Separate Settlements

The demand for autonomous communities emerged as part of widespread opposition to the Cabinet Mission Plan (1946), driven by B.R. Ambedkar's critique of Indian villages as sites of entrenched caste oppression. For instance, on September 12, 1946, 243 members of the Scheduled Castes Federation (SCF) were arrested in Nagpur. During interrogation, they asserted their identity with the rallying cry "Jai Bheem," declared their affiliation to the SCF as their "caste," and stated "Dalitsthan" as their home—a symbolic rejection of caste hierarchies and affirmation of Dalit political solidarity. This act underscored the organized grassroots support behind Ambedkar's vision. Ahead of India's Constituent Assembly, Ambedkar revived his advocacy for self-governed Dalit spaces in his 1947 treatise **States and Minorities**, emphasizing economic empowerment as a means to dismantle caste subjugation. He further sought to internationalize the struggle against untouchability, likening Dalit liberation to global movements for

marginalized communities' rights, thereby positioning caste discrimination within a universal human rights framework.

Churchill and Untouchability as an International Problem

In 1946–47, B.R. Ambedkar intensified efforts to globalize the Dalit struggle by engaging institutions like the United Nations and lobbying British leaders. Recognizing India's newly acquired independent seat at the UN (secured in 1945), he aimed to leverage post-World War II internationalism to secure constitutional safeguards for Dalits before India's independence in August 1947. He planned to dispatch a delegation to the UN, framing caste oppression as a human rights issue, and sought guidance from global figures like W.E.B. Du Bois, drawing parallels between Dalits in India and African Americans in the U.S. His campaign gained traction when Jan Smuts, a South African statesman, publicly likened the systemic oppression of Dalits to global racial hierarchies, controversially asserting it was even graver than apartheid.

Ambedkar also reconnected with Winston Churchill, with whom he had collaborated during earlier constitutional debates. In 1946, he sent Churchill a telegram denouncing the Cabinet Mission Plan for sidelining Dalits by excluding them from the Constituent Assembly. Appealing to Churchill's sympathy, he invoked Britain's historical obligations to protect marginalized communities and cited universal principles of equality from the American Declaration of Independence. This strategic outreach underscored Ambedkar's dual approach: blending international advocacy with high-level political negotiations to amplify Dalit demands on the eve of India's independence. Ambedkar made some serious demands of Attlee. Between 1943 and 1946, the British government's stance on Dalits underwent a dramatic shift. As previously mentioned, Dalits were acknowledged as a "distinct and important element in the national life of India" at the Simla Conference. In addition, the Simla Conference allocated two Dalit seats in a fourteen-member Cabinet, which the SCF

was to designate. On the other hand, Dalits were not included in the Cabinet Mission's declaration from June 16, 1946.

Nehru and the Incorporation of Ambedkar

Ambedkar's earlier alliances with figures like Jinnah and Churchill took a surprising turn on 15 December 1946, when Rajendra Prasad unexpectedly invited him to speak before the Constituent Assembly ahead of others, despite his vocal critiques of the Congress and Gandhi's approach to caste oppression in works like **What Congress and Gandhi Have Done to the Untouchables**. In his address, Ambedkar acknowledged India's fractured social fabric but struck a conciliatory tone, expressing hope for future unity and hinting that Muslims might eventually favor a unified nation.

Though Congress later extended political inclusion to Ambedkar, he remained skeptical, having long opposed joint electorates as ineffective for Dalit empowerment. Post-Partition, as demands for separate electorates waned, Congress facilitated his role in the Constituent Assembly. Aligning with the new state's priorities, he advised Dalits in Pakistan to move to India and denounced the Nizam of Hyderabad's resistance to integration, signaling a pragmatic shift toward national consolidation.

Nehru's decision to appoint Ambedkar as head of the Constitution Drafting Committee cemented his association with India's founding ideals. Today, his global iconography—often portraying him with the Constitution—celebrates this role, as seen in UN tributes. Yet, framing him narrowly as the Constitution's architect risks erasing the nuanced, often contentious political battles he waged during Partition, from advocating Dalit autonomy to navigating fraught alliances, which shaped his complex legacy beyond the drafting process. (Cháirez-Garza, 2018).

Resistance to the establishment of separate electorates did not arise abruptly following Ramsay MacDonald's declaration, as

B.R. Ambedkar had long championed their implementation. Gandhi, conversely, contended that such electorates would deepen societal rifts and perpetuate discord. During a 1931 address, he passionately vowed to oppose the measure even at the cost of his life, underscoring that his subsequent fast during the Poona episode was a deliberate strategy rather than an impulsive gesture. While Gandhi prioritized preventing further social fragmentation, he also sought to maintain cohesion within Hindu communities. Although he recognized Ambedkar's legitimacy as a Dalit advocate, he expressed skepticism about his pan-Indian representativeness, highlighting his prominence in specific regions. Historian Ramachandra Guha challenges Gandhi's presumption of speaking for all Dalits nationally. During Gandhi's 1932 fast in Yerwada, he harnessed widespread empathy, compelling Ambedkar to negotiate. Gandhi's approach, often viewed as ethical persuasion, emphasized appealing to adversaries' conscience over forceful tactics.

The Poona Pact's impact remains contentious. Scholar Christophe Jaffrelot suggests it hindered the potential empowerment of Dalits through reserved electorates, while Gandhi feared such measures would isolate them from broader Hindu society (Kannaiyan, 2019). Later, Ambedkar organized movements condemning the Pact, denouncing both colonial rule and Congress policies (Wanchoo, 2009–10). Despite allegations of undue pressure, the agreement catalyzed intensified campaigns within the independence movement to eradicate caste-based discrimination, illustrating its complex legacy

Those tribes who live in the Hills in India were labeled as untouchables by orthodox Hindus, because they eat beef and scavenged animals. These tribes, however, did not recognize this imposed status, which was based on behavior rather than belief. Before the splitting of the sub-continent, untouchables faced increasing social restrictions, especially in the south, where even their sight was seen as polluting, forcing some to live nocturnal lives. Many sought liberations through conversion to Christianity, Islam, or Buddhism.

Later in India's constitution, many protections were provided to untouchables and were recognized as Scheduled Castes and indigenous groups as Scheduled Tribes, offering them legal protections, educational and job opportunities, and political representation. The Untouchability (Offenses) Act of 1955 further criminalized discrimination. Despite these reforms, caste divisions still persist, slowing true social equality.

Status of Untouchables in Pakistan

The Issue of Caste

Caste continues to be a contentious and often unspoken topic in Pakistan, particularly among marginalized communities. The Scheduled Castes Declaration Ordinance of 1957 formally designated groups such as Bheels, Kolhis, and Meghwars as Scheduled Castes (SCs), building on constitutional prohibitions against untouchability introduced earlier. Despite these measures, caste-based prejudice endures, stemming from Hindu-derived ideologies of "contamination" linked to "unclean" occupations. The institutionalization of "Untouchables" as a category emerged during British colonial rule for bureaucratic convenience.

In Pakistan, Dalits—primarily from non-Muslim backgrounds—experience intersecting forms of marginalization tied to faith, caste, and gender. Concentrated in rural areas of Punjab and Sindh, many endure systemic poverty, limited education, exploitative labor practices, and societal ostracization. Dalit rights advocates, despite operating under grave risks, persist in highlighting these injustices at the domestic and global levels. Political participation among Dalits remains negligible, and young women frequently confront abduction, coerced religious conversion, and forced marriages. Additionally, countless Dalits, including those who converted to Hinduism or Christianity generations ago to evade caste hierarchies, remain confined to hereditary roles such as manual waste disposal, underscoring the enduring grip of caste oppression.

It is time to talk about caste in Pakistan and the Pakistani diaspora

Most Christians in Pakistan are Dalits, often derogatorily called Chuhra. Although Christians made up only 1.6% of the population in 1998, they occupied 80% of sweeper jobs, showing the deep-rooted caste apartheid.

Dalits face marginalization by both society and the state. According to Zulfiqar Shah (2007), a 6% government job quota for Scheduled Castes introduced in 1948 was never properly implemented and was abolished in the 1990s.

The rape and suicide of Momal Meghwar represent caste-based sexual violence, although mainstream Pakistani media often reduces it to a case of religious minority oppression, ignoring the caste element. Ghulam Hussain highlights that caste and religious supremacy, particularly Sayedism, reinforce caste hierarchies even among Muslims. Conversion to Islam does not eliminate caste status, and discrimination persists across both rural and urban areas (Patel, 2020).

International Dalit Solidarity Network

Following the creation of the Dalit Solidarity Network in the UK in 1998, the International Dalit Solidarity Network (IDSN) was established in 2000, based in Copenhagen. It aims to promote Dalit rights internationally through forums like the EU and UN. Most of its funding comes from Western Christian organizations (Neelakandan, 2011).

Pakistan Dalit Solidarity Network

This report, jointly prepared by the Pakistan Dalit Solidarity Network and the International Dalit Solidarity Network (IDSN), was submitted to the UN CEDAW Committee for Pakistan's 4th periodic review at its 54th session in Geneva, February 2013. It is the first report on the situation of scheduled caste (Dalit) women in Pakistan.

Caste and Gender-Based Discrimination in Pakistan

In Pakistan, communities classified as Scheduled Castes (often termed Dalits) endure intersecting layers of marginalization. As religious minorities—predominantly Hindu and Christian—they face societal bias, compounded by entrenched caste hierarchies perpetuated both externally and within their religious groups. Official data estimates their population at 0.25% (around 330,000), but Dalit activists assert numbers surpass 5 million, reflecting systemic undercounting.

Geographically concentrated in Sindh (Tharparkar, Umerkot, Mirpur Khas) and Punjab (Rahimyar Khan, Bahawalpur), these groups confront systemic exclusion. Dalit women bear dual burdens of caste and gender bias. Despite constitutional bans on caste discrimination, practices akin to “untouchability” persist, enforcing segregated housing, separate utensils in public spaces, and restricted access to communal areas. During crises, caste prejudice skews aid distribution, worsening their vulnerability.

Poverty and illiteracy rates remain exceptionally high, stifling opportunities in education and employment. Dalit students face bias in schools, while healthcare discrimination denies many basic medical services. Even generations after converting to escape caste roles, many remain trapped in degrading occupations like manual scavenging, underscoring the enduring grip of caste oppression in Pakistan.

UN Observations on Caste-Based Discrimination in Pakistan

In 2009, the UN Committee on the Elimination of Racial Discrimination (CERD) raised serious issues of caste-based discrimination in Pakistan. It suggested the enactment of a law to prohibit such discrimination, and called for stronger efforts to implement existing laws and programs that will end bonded labor and discrimination against marginalized groups, including scheduled castes.

In Pakistan's 2007 review under the CEDAW Convention, the Committee also informed about the absence of laws for the protection of women of the scheduled castes

Conclusion

The untouchables have historically faced significant challenges. Gandhi's insistence on political unity over separate electorates led to the Poona Pact, which many view as a betrayal to Dalits. Dr. Ambedkar had said, "There has been a great betrayal of Dalits in the Poona Pact." This pact made the Dalits once again the slaves of Hindus. Today, in both India and Pakistan, the untouchables are in a dire condition. Society is not ready to accept them as respectable citizens. The Pakistani government does not provide them with basic facilities like health and education. Dalit women in Pakistan are the most marginalized section of society. However, increasing literature on Dalits is raising awareness, and many NGOs and international forums are working for their upliftment.

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