

Chhara assertion of heritage: Subverting mainstreamed notions of morality, legality

Authors: Anusha Chandrasekharan, Ananyaa Gaur, Ishani Ghorai, Nirmita Roychowdhury
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1. Introduction

Situated on the outskirts of Ahmedabad in Gujarat, Chharanagar is a large ghetto that houses roughly around 20,000 people from the Chhara community. The Chharas, traditionally a nomadic community of performers who roamed north-western India, are today, one of the most vulnerable and marginalised groups. Historically, the Chharas were known as Sansis in Delhi, Punjab and Rajasthan, Kanjar and Kanjarbhat in Maharashtra, and Adodiyas in Bhavnagar district of Gujarat (Bajrange 2011). They were



Entrance to Chharanagar in Ahmedabad

Photo: Budhan Theatre

one of the 190+ communities branded as ‘criminal’ under the Criminal Tribes Act of 1871, which was repealed after independence. However, though repealed, the Act came to be replaced by the Habitual Offenders’ Act, 1952. There are nearly 1,500 nomadic and semi-nomadic tribes and 198 denotified tribes, comprising 150 million Indians (Renke 2008). The Habitual Offenders’ Act, like its predecessors, continued to be used as a tool of oppression by identifying communities like the Chharas as people habituated to engaging in criminal activities (Sher 1965). The Chharas, who were brought under the Criminal Tribes Act in 1931 were moved into reformatory settlements in that decade with an aim to discipline them through hard labour (Friedman 2011). Chharanagar, situated in eastern Ahmedabad, stands testimony to the generations of Chharas who faced stigma, discrimination and oppression at the hands of society and state. On the other hand, Chharanagar has also seen many generations of Chharas “settle”, lead lives through socio-economic-cultural activities that aimed to reclaim their identity and the community’s narrative.

1.1 Branded ‘criminals by birth’

To go deep into the origin and history of state-defined identity of Chharas as a denotified ‘criminal’ tribe and Chharanagar as the ‘place’ they associate with, one needs to go back to 19th century British India. W.H. Sleeman, a British officer who was posted in India in 1831, observed that there had been a considerable number of nomadic tribes who were not part of the British ‘tax net’ and would keep on moving places. These tribes were identified as ‘suspicious’ by Sleeman and on his recommendation, the East India Company established ‘Thuggi and Dacoity Department’ whose fundamental role was to catch people from several nomadic communities because they were perceived to be dacoits and were

brutally killed later. Chharas are one of those communities who played a significant role in the historic 1857 revolt against the British Empire as messengers as well as suppliers and transporters of arms and ammunitions across the country. Post 1857, these communities came under the radar of British and were forced to stay in settlements primarily to bring them under the British tax net (Sahapedia, 2020). Having had the perception of wandering Chharas being dacoits and non-tax payers, the British administration felt justified to 'tag' them as 'born criminals', as proposed in Italian criminologist Cesare Lombroso's anthropological theory of crime. The popularised notion of born criminal through biological determinism claimed a person's criminal behaviour to be an unfree will that is biologically determined (Ellwood, 1912). Hence, as it propounds, if the father is a criminal – the child will automatically be a criminal by birth. Lombroso's theories being widely influential in Europe during 1870s, the assumption of 'born criminal' or thesis of hereditary criminality too have had a great acceptance in England and as strong believers of the theory, the British passed Criminal Tribes Act in 1871 to control the nomadic communities and 'rehabilitate' them. In 1931, Chharas were brought under the Act, 'tagged'¹ as criminals and rehabilitated in a newly formed settlement in Ahmedabad that is currently known as Chharanagar (Sahapedia, 2020).

But there had been no officially documented definitions of British-imposed idea of hereditary criminality, i.e. a stigma to the communities once demarcated as 'criminal' and palpable for generations. The generational continuity in the idea of hereditary criminality was often a product a colonial ethnography as only certain 'sections' of tribes were addressed as criminals and other sections as non-criminals (Bajrange et al, 2019). There are a few who argue that the continuing stigma associated with the Chharas is also because of the distorted history that is mainstreamed. Dakxin Bajrange (Bajrange), artistic director of Budhan Theatre, Gujarat, said in an interview, "The problem is that none would care to learn the historic perspective of this tag of criminality. Once upon a time, this wandering community of performers, gatherer-hunters was recruited by the erstwhile maharajas as foot soldiers to engage in hunting, skinning, plunder and sometimes strong arm action." Hence, that the official criminalisation has a historic purpose is not entertained. The tag of criminality affects the livelihood options available to them, although a considerable population from the community does not engage in any illegal activities.

"We got our freedom five years and sixteen days after India got independence. And we celebrate 31st August 1952 as our Independence Day", said Dr Ketananand in an interview as mentioned by Bajrange (2019). The pertinent question it raises is that the criminal tribes' freedom was 'delayed' by five years – while India got independence on 15th August 1947, why did the Indian government still let all Chharas be imprisoned? He was referring to the practice of settling people of the aforementioned tribes in the reformatory settlements. The celebration of independence for those Chhara leaders and their progeny who fought against the British governance, viz. Jalam Singh, Bacchu Jetha Tamanche, Dadubhai Bajrange, Paroshi, Thoriyalal Indrekar, would have been at stake till the legal status of Criminal Tribes was dropped. Therefore, not just the Chharas, but all people belonging to any of the nomadic and denotified tribes celebrate 31st August 1952, as Vimukti Diwas (Denotification Day) to commemorate the denotification of communities 'tagged' as criminals under the Criminal Tribes Act 1871 and associated legislations (Wadekar and Kade)². While history didn't recognise their contribution to India's freedom struggle because of their 'criminal' identity, the pervasive caste system and imposed lens of inheritable criminality made the larger society overlook them, demean

¹The Criminal Tribes Act 1871 provided the power to provincial governments to declare certain communities as 'criminal' tribes through published notifications in local Gazette (Bajrange et al, 2019).

them because of their occupations, invisibilise them in citizenship rights and continue to perceive them as potent ‘threat’ to the social order (Chandavarkar, 1998). In 1952, the Chharas were granted land near present-day Chharanagar for an enclosed settlement, yet the caste-based stigma continued to stick on.

1.2 Evolving heritage

ART OF DECEPTION Keeping the pretence of law enforcement and making the ‘criminal’ tribes the convenient scapegoat, many other devious crimes that took place were left unnoticed and unpunished (D’Souza, 2012). Chandavarkar (1998) says, “While in reality, crime went largely unreported and unrecorded, police reports and memoirs described in painstaking detail, crimes of savage brutality or extraordinary guile and cunning or those which reflected exotic customs and elaborate rituals. This was particularly the case with the criminal tribes and castes, whose supposed criminality was represented as an inheritance and a profession, inextricably connected to their lineage and genealogy.” Piliavsky (2011, 2015) claimed criminal communities to be the representatives of their own capabilities in thievery as an art that might have helped them secure employments. Bajrange in an interview with Newsclick shared his experiences, “My grandmother was a street singer, but my father was a thief and so were many Chhara men of his generation. Chharas were folk artists; street singing, dancing and acting used to be the primary source of sustenance for them. But, after being branded criminals, it became difficult for Chharas to earn by singing or acting. Even when the act of 1871 was repealed and Chharas were let out of prisons, the stigma of being criminals became a hurdle in earning by traditional means. But Chharas are artists, they found a way to use the art they knew in other forms, and that is how Chharas resorted to thefts by conning people. Chharas have never resorted to an act of violence like burglary or looting”. Unfortunately, their performance histories faced sheer negligence with regards to overemphasizing the caste-based stereotype of criminality across colonial and post-colonial times (Da Costa, 2019).

The ‘myth’ of Chharas’ born criminality continues to resonate in their sense of self, as Kalpana Gadgekar, herself a Chhara activist, explains in an interview, “You can say that our ancestors or our forefathers were criminals. My grandmother used to steal, but the way she used to steal is an art. They used to do it with such perfection that people would not get any hint of the theft happening. There used to be a different modus operandi – someone in the team will play the role of customer and someone will direct the process from outside. While asking the shopkeeper to show different items and buying one of them, the customer will pick up five other items without shopkeeper’s notice. This is the art. They used to use different code words in colloquial Bhatu language during theft. For instance, if there’s a police raid, the person directing the process from outside used to alert the customer saying *chiwar*, which means ‘other person’. This is what we define as ‘heritage’. Now, we are recreating that art of thievery in a positive form, through theatrical performances. Budhan Theatre in Chharanagar has given us a new direction in recreating the art of thievery”.³ Dakxin echoes the sentiment, “We are specializing in thieving. It is inherent. It is in our genes” (Johnston, 2014). By reproducing Chharas’ traditional occupation of theft, which is still a livelihood of many people in Chharanagar, theatre emerged as one of the critical means of asserting the criminal identity in a meaningful way against the mainstream imagination of continuation of problematic past.

THE LANGUAGE OF MUSIC “Chharas are well versed with many art forms, and most notably music”, says Bajrange (Sahapedia, 2020). Chhara children learn the skills of acting, singing and dancing.

³Interview with Kalpana Gadgekar, 2021

This is a children’s song reflecting forced isolation, colonial oppression and distress faced by their ancestors’:

“The land was ours
Even the rivers were ours
Our elders wandered the jungle and the plains
When we were hungry, we would beg
If we couldn’t beg we would steal

The British came
They made laws
They made us “born criminals”

The British came and oppressed us
They beat us till our skin was flayed
The British left and the police came
Freed from the camps, we were put in jails

The jungle disappeared
The land disappeared
The river disappeared
The river disappeared
The river disappeared”

Music used to be integral to Chhara marriage ceremonies. The community members themselves used to sing locally composed Gujarati songs. The bride’s family used to hire drummers, clarinet players and other musicians (apart from *dhol* and *shehnai*⁴, they used to make sounds banging kitchen utensils) from the known circle either within the community or at times from outside the community. The accompanying musicians used to get hired at the rate of Rs1-2 per person. The *baraat*⁵ heading towards to bride’s house used to be accompanied by the rhythm of music with songs, *dhol* and *shehnai*. One of the popular Gujarati marriage songs, as 75-year-old Gopi Sardar hums during the interview, goes

“Ganase gunjara paneru motu
paneru motu ghirnemoti ye maraganase gunjara
paneru moture phirne
paneru moture veerne”

(Meaning: The respectable groom has come home. We have blessed our daughter and sent her with the groom to her in-laws’ place)

These songs have taken a backseat in Chhara marriages of recent times, with loud contemporary DJ (Disc Jockey) music taking over. With progress in educational attainment and employment opportunities, Chharas spend a wealthier lifestyle which has had a great impact on their life choices and means of entertainment.

⁴In India, drum and clarinet respectively are known as dhol and shehnai.

⁵ The wedding procession in India is known as Baraat. It is customary for the bridegroom to travel to the marriage venue, often the bride’s house, accompanied by his family members, friends and well-wishers.

Kalpna points out the lack of knowledge of Bhanu language among the newer generation of Chharas, “The colloquial language and the code words we used to use are becoming endangered. Today’s younger generation does not understand these words when spoken by their mothers or other elder members of the family. For instance, if a guest comes home and the mother tells her daughter, ‘*Nubri, khimmi de*’ that means ‘Bring tea’ – the daughter doesn’t understand what it means. The major reason for this is education. Educated Chharas have moved out of Chharanagar and they do not speak in Bhanu language even in household conversations. Then, how will their children be able to learn this language? When the children do not know the language, how will they understand the code words? These code words used in Bhanu language is also our heritage and it is endangered.”⁶As mentioned earlier, code words play a significant role in thieving and Kalpna shared how the nature of code words has changed in due course of time. While earlier in a police raid, the code word *chiwar* was used to mean ‘other person’, now the word *tyargais* used to refer to the police. These code languages are not static, but under constant improvisation. People who still consider thieving as their means of livelihood improvise the code words as per need. For instance, if the shopkeeper figures out about the theft and identifies the thief and the person protecting the thief from outside gets to understand that the partner is in trouble – he says ‘*Bakri baraf kha gayi* (the goat has eaten the ice)’ to alert him. But in earlier time, the code word in this situation used to be ‘*Gobar me pair lag gayi*’ (... have stepped in heap of cow dung).

BREWING ALCOHOL IN A DRY STATE Brewing country liquor, though illegal in a dry state like Gujarat⁷, is inseparable to Chharas’ culture and integral to any occasion or event. “Country liquor is our tradition. Any event is incomplete without the consumption of locally brewed liquor – be it a birth ceremony, be it marriage or be it death rituals”, says Kalpna. Chhara marriage, locally referred as *dharais* unique in two ways – **one**, post the marriage, country liquor is offered to a stone representative of *Pancha Bhoota*,⁸ considered as the ancestors of Chharas. Then coins are thrown at the stone to make noise. It might be a mere ritual, but the same signifies that the groom has got married with a bang (‘*Maine shaadi aise nahin ki hu, maine bahu baja bajake layi hu*’ – I have not got married in secret, I have made much noise about it – as Kalpna elaborates). **Second** is the ritual of offering money to the bride’s family by the groom. Earlier, around 25 years back, the amount was Rs.610, which now has increased to Rs 2510. “These rituals are unique to Chharas and I haven’t seen these performed in marriages of other communities. And we consider this as our heritage”, Kalpna asserts.

It is important to mention here, that in most other cultures following the Hindu tradition in India as in some parts of the world, there is a practice of the bride’s side paying money / assets to the groom. While this may have started as a ritualistic symbol of the parents of the newly-weds contributing to their future, the practice of dowry became outlawed by the Dowry Prohibition Act of 1961 to stem the tide of untold violence against women by their husbands and their families. However, despite being banned, the practice continues with gay abandon and till date, incidents of dowry-related crimes are recorded.⁹ (NCRB 2018).

⁶Interview with Kalpna Gadgekar, 2021

⁷Liquor was banned as a mark of respect for the Father of the Nation, Mohandas Karamchand Gandhi after his assassination in the same year.

⁸According to Hinduism, Pancha Bhoota or five elements of life is the basis of cosmic creation. These five elements are - earth, water, fire, air and space.

⁹National Crime Records Bureau 2018 recorded more than 7000 deaths attributed to dowry each year between 2016 and 2018.

Among a few other cultural traits integral to the Chhara community is eating beef on the day of *Holi*¹⁰. The culinary habits have drastically changed over time with sedentary lifestyle. Earlier, when Chharas were accustomed to nomadic lifestyle, they used to consume whatever meat were readily available. For instance, preparing dish from every part of a goat's body was usual. While those food habits are not practised any more, the tradition of consuming beef on the day of *Holi* continues.

MEMORIES OF STRUGGLE Chharanagar is a reservoir of memories of struggles emerged from the historic marginalisation and imposed 'criminal' tag that impacted the livelihood options of Chharas. Gopi Sardar (Sardar), two-times winner of the Mister Gujarat Body Building Championship recalls the struggles and discrimination he faced in workplaces because of his identity, "I used to work in an industrial factory. I was told that I am a Chhara, so I don't have the right to work. I was forced to leave work. Then I managed to get work in a soft drink company's manufacturing unit by hiding my identity. But there as well, I couldn't hide my identity. When they came to know who I was, I was told to not come to work. They also accused me of being a thief and said I had gone there to thief. After being sacked from there, I somehow managed to earn through daily wage labour like working in a musical band and other menial jobs". Sardar, being from an artistic community, managed to survive by making music his occupation. No matter what discrimination and stigma he faced in workplaces, Sardar was an established actor too, who played the lead character 'Draba' in Badal Sircar's play *Spartacus* directed by Sindhi director Prem Prakash in 1975 (Chari, 2015). Reiterating Bajrange and Roxy Gadgekar's statements of Chharas being born artists, as "acting is an inherent gift their people possess" (Faleiro, 2005), Sardar's case is a brilliant example of how the 'criminal' stigma emerged into staging of real lives and a source of employment.

CHHARAS TODAY Quite a significant proportion of Chharas, near about 20 per cent, still brews illicit liquor for sale, even though it is a crime in Gujarat. Around 35-40 per cent are lawyers while some (hardly 10-15 people) are involved in petty businesses like selling jaggery, vegetables and kerosene. Nearly 20 per cent are insurance agents and 14 per cent are involved in a range of occupations like doctors, engineers and services. 12-15 people are full time performance artists and gradually, many new generation youths are getting involved in film-making. But the only sustainable way of changing the face of the community in eyes of Bajrange, is the art of theatrical performance. Five per cent people are still into thieving as means of livelihood¹¹.

The questions of who they are, to whom they belong thus are inextricably bound in personal and social identities of Chharas, which is perceived to be at threat. The mainstream notion of Chharas' problematic past assumes their identity to be 'unsafe' and at contradiction from mainstream notions of morality and legality – thus reflecting in the continued marginalisation of the community in multiple spheres of life and livelihood, disparaging remarks by the 'state' (indicates to police and mainstream audience as referred by Bajrange, 2011), police brutalities and false allegations. Identity is constantly subject to change under various historical and social circumstances, with past experiences governing the present and old certainties of class, culture and one's sense of life being rooted or grounded in the past. It's hence imperative to produce new subjects from old discourses to assert the imposed 'criminal' identity through a cultural form, which is also inherent to the community. 'Retelling' of the

¹⁰Holi is a Hindu festival celebrated during spring, also known as festival of colours.

¹¹The percentages of population in different occupations are rough estimates shared by Kalpana Gadgekar in an interview, 2021.

problematic past by ‘acting like a thief’¹² as elaborated by Kalpana Gadgekar is also to establish their claim over place and landscape. Traditions, cultural traits, myths and memories of past, as mentioned above are embedded in the lived experiences of Chharas while theatre has been a strong effective tool to enact their social identity in the context of legal claim over their inhabited land.

In this context, a review of the reports (UN 2016, 2019, 2020) of the United Nations Special Rapporteur in the field of Cultural Rights throws up the following crucial areas of importance among others: (a) the human rights approach to cultural heritage obliges one to take into account the rights of individuals and communities in relation to such object or manifestation; (b) the issue of ‘intentional’ destruction of cultural heritage; and (c) the concept of cultural rights defenders.

2. Research Methodology

Research question: The research question was evolved based on a secondary review of literature suggested by Chhara community leaders, years of engagement with the denotified tribes, including the Chhara community, to understand better their challenges and strengths, as well as discussions with members of the National Alliance Group of Denotified Semi-nomadic and Nomadic Tribes and sector experts.

The broad research questions the case study aims to address is their search for identity, land rights and claim for land as heritage through theatre. The case study thus is an endeavour to unbundle the ways the present-day Chharas own and celebrate their ‘problematic’ identity and using the same to revive social relations, give voice to the narratives of the powerless, and also find ways of negotiating with state and society. Through this, the case study tries to examine each aspect of cultural rights listed above by looking at how the community leaders / activists view the destruction of cultural heritage; and thereby explores the concept of cultural rights defenders among the Chharas¹³. The case study discusses what heritage means for the Chharas and how community activists play a role in shaping identities and preserving histories to shape the present and the future.

Research objectives: The research initially aimed at locating land as heritage. Through the discussions with a range of stakeholders, the research objectives delved deeper into the questions of Chhara heritage itself. The case study aims to

- Understand the assertion of Chhara identity by the community
- Understand the conflict posed by heritage with mainstreamed narratives determined by dominant castes and class and those in power
- Locate the role played by land in binding Chharas together – so is land equal to heritage in this context?
- Determine the role played by Chhara youth in reclaiming their identity

Research framework: Data collection includes both primary and secondary sources. Four community members and leaders as well as three experts have been telephonically interviewed by the research team for gathering empirical evidences around the case. The interviews have been analysed through narrative analysis method. In support of the evidences to put it in a structure, a robust literature

¹²Acting Like a Thief is a short film about a Chhara tribal theater group in Ahmedabad, India. The documentary reveals how the Budhan Theatre has transformed the lives of adults and children within the community.

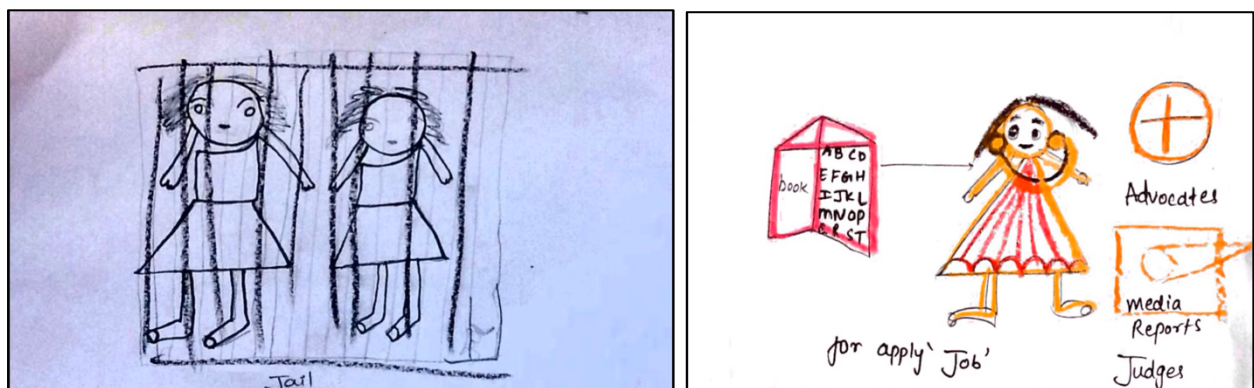
¹³ Special Rapporteur in her Report, 2020 on Cultural Rights Defenders makes a recommendation (Para 78c) that one role of the state is to raise the profile of cultural rights defenders and give this concept and the work of these defenders greater visibility;<https://undocs.org/en/A/HRC/43/50>

review has been done by the research team including reviews of research articles published in national and international journals, newspaper articles, news on different digital platforms, study guides, Budhan theatre web portal, articles on E-resource platforms and few others. The research team also consulted participants on a number of occasions to understand the case in detail. The team prepared this draft report after multiple iterations with community leaders and comments from other development practitioners.

Data gaps and limitations: Despite the case study being a narrative-oriented and intense observation-based project, the research team encountered various challenges. COVID-19 pandemic, the norms of physical distancing and restricted movement even at local levels took away the scope of travelling and engaging with community members in Chharanagar itself. The team solely had to rely on telephonic conversations whereas didn't get a chance to watch the plays performed by Budhan Theatre. This may limit the scope of interpretation.

3. Facing Stigma and Exclusion

Despite the Indian Constitution having a provision to include entire population in welfare programmes, the government has continued to ignore involving the De-notified and Nomadic Tribes (NT-DNTs) in direct beneficial programmes. Bajrange (2011) says, "90% of the 20,000-strong population has completed primary education and every house has at least one graduate. Yet, unemployment is rife. Some Chharas attribute this to the discrimination faced by the community". Golden, an aspiring lawyer, spoke about how she was detained overnight in a police station after being picked up from a market on the suspicion of theft (digital story of Praxis 2017 – See image below).



Screengrabs from digital story – Ab Kuch Kar Batana Hai (It's time we proved ourselves) by two young women from the Chhara community – Golden and Jaishree – Praxis 2017

"If a lawyer is not spared, how will be the less educated people", Golden asks. Very few Chharas have been able to access job opportunities and avenues for mainstream livelihoods. A majority engages in daily wage jobs or marginal employment in surrounding affluent colonies. Rarely anyone has a job of permanent nature. The historic assumption of father being criminal makes the child a born criminal as evident in British official T.V. Stephens's account, "People from time immemorial have been pursuing the caste system defined job-positions: weaving, carpentry and such were hereditary jobs. So, there must have been hereditary criminals also who pursued their forefathers' profession" (D'Souza, 2012) – the Chharas are left with no choice, they tend to get involved in crimes for survival reasons. Therefore, driven by constant economic need, a few of them continue to be drawn into

activities that are on the wrong side of the law: petty theft, occasional robbery and brewing liquor. Now, because of these few errant, with the criminal tag associated with the community, the entire community and the residents get branded as criminals. A vicious cycle is, thus, perpetuated and sustained: criminalisation leading to unemployment, and unemployment leading to crimes¹⁴. As a result, they continue to be excluded by the society at large when it comes to matters of regular jobs, marital alliances and access to resources. Above all, it leads to denial of dignity for the community. So, seven decades of the official scrapping of the Criminal Tribes Act has not really changed much in their lives. Unfortunately, mainstream society perpetuates the exclusion through a common narrative: ‘such communities are beyond repair and can never give up their ways’, as indicated in the 2013 police book on the Chharas (According to officials, the Police Book on Chharas is only for private circulation among police¹⁵).

With the existing stigma and ‘criminal’ tag, the globalization process has made development scenario more complex in case of nomadic and Denotified tribes’ socio-economic and cultural life and livelihood resources. People have lost their traditional livelihood due to the stigma attached to it and lack of required skills leads to no job opportunities. Even there are instances of educated people returning to illegal activities to make ends meet, as in the case of journalist Roxy Gagdekar Chhara’s father, who was trained as a lawyer but couldn’t succeed so had returned to illegal activities, running one of the largest and most successful liquor-brewing establishments in Chharanagar. Instances of rejection of teaching jobs offered to a Chhara woman with a postgraduate degree in English literature with the fear of parents’ objection on having a Chhara teacher, turning down job offers to responsible qualified Chhara candidates with the imagined threat posed by their Chhara relatives, forcing out a journalist’s family from down-town apartment with sheer denial of having Chhara neighbours (Friedman, 2011) are not of those one-off isolated incidents. Chharas have constantly been denied citizenship rights and according to Marshall’s (1977) concept of components of citizenship right, the community neither has civil rights [individual freedom, right to liberty and justice] nor is encouraged to exercise their right to participate in political decision making [being in political authority in local/regional level] nor are socially accepted to live a dignified life.

The criminal tag stigmatises children in school and largely, lack of education among parents pushes children into traditional occupations. As stated in the National Commission for De-notified, Nomadic, and Semi Nomadic tribes Report 2008, those who are educated mostly studied till 10th standard (Madane, 2016). The new economic development policies, laws and associated stigma with criminal activities made them difficult to sustain traditional livelihood choices. Lack of significant political representation from Denotified tribes excludes these communities in policy decisions and from budget provisions. Though there exists Development and Welfare Board for Denotified, Nomadic and Semi-Nomadic Communities under the Ministry of Social Justice and Empowerment, union budget doesn’t have much to offer to these marginalised communities. Establishment Budget for this board has been increased from Rs. 1.24 crore to Rs 5 crore in the financial year in 2021-22. There is also a scheme for Development of Denotified Nomadic Tribes, which has been allocated Rs 10 crore in the current year but the detailed budget of the ministry does not show budget for this scheme for the year 2021-22 (Ahmad 2021).

¹⁴“This became a vicious circle. Chharas, who wanted to quit being a thief, couldn’t as they had to pay debts. And many a times, it was the high-handed behaviour of the police that would push Chharas into the world of crime,” says Bajrange (Dhar, 2018)

¹⁵<https://timesofindia.indiatimes.com/city/ahmedabad/police-release-book-on-chhara-community/articleshow/18359268.cms>

4. The Chharanagar space

When there is everyday stigma, there is bound to be everyday struggle; victimisation, harm, coping, defence or even violent offence. The land of Chharanagar has witnessed spatial exclusion (through rehabilitation in 1931) and their struggles which is a testament to their histories. While being ghettoised as a colony of criminals, the space helps them reinvent their identities and to keep their traditions alive. The residents do have that affinity to the land for this has become the safest place for them.



Chharanagar

Pic. Budhan Theatre

Chharanagar has been in existence since the 1930s. While for the residents of Ahmedabad, it is a haven of criminals; the residents have an entirely different opinion of the space. According to Bajrange, “This land is not just a measure of security, but something that has been passed on to us by our ancestors, with lived history. It is something they can pass on to their future generations that they will inherit and preserve as heritage”. Younger members from the community made a museum in 1998 with whatever resources were available, and with support from Bhasha Research and Publication Centre and displayed old photos and costumes. On being asked what they consider as heritage, Atish Indrekar, a youth theatre activist with Budhan Theatre said, “Our settlement here, where my father and grandfather have lived, this is my heritage. Purani Panchayat ki jagah (the place where the community elders used to sit), that is our heritage. Graves of our ancestors, where temples were built, poetry was written, their photographs, our language Bhatu. All these old stories are our heritage.” Further, it is clear that there are also many members from the community, who understand and reiterate the importance of their special skills – from liquor-brewing and their skills of deception. Their gratitude to the occupation is apparent when they say, “We owe our education to brewing and deception, for shaping up our future. Thus, we consider this equipment too as our heritage”, says Indrekar in an interview, talking about the equipment which their mothers and grandmothers used in their country distillery.



Photographs of the settlement over the decades
Pic Budhan Theatre



The space of Chharanagar is a reservoir of memories of the community, which would keep their identity alive. “Chharas were traditionally wandering performers who would camp at places, sing and dance to earn, and move on. But those performances got lost once the sedentary way of living came into being (Bajrange 2011). Chharanagar is the space that keeping their art forms alive.

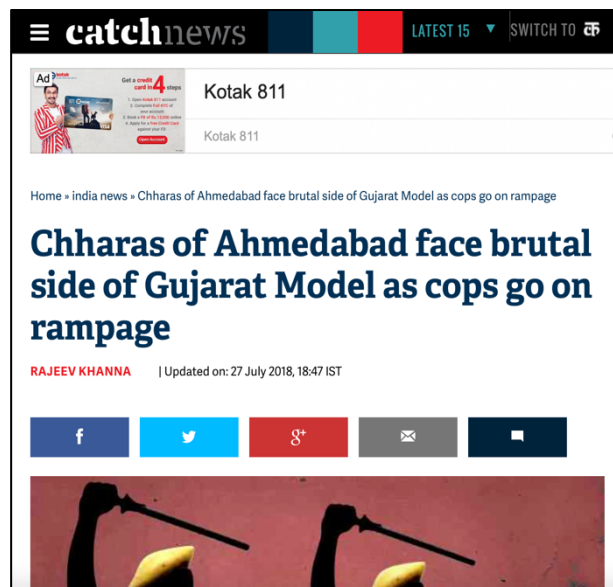
Their claim of Chharanagar as heritage comes from the encompassing meaning of the land. For mainstream society, Chharanagar might just be a piece of land. There have been many instances where an entire piece of city-land is considered as heritage by the UNESCO World Heritage List: Edinburgh. Land is, at the end, also an inhabited shared space that houses memories and oral traditions. Indrekar says, “For the Chharas, for example, as long as they were wanderers, they could not have had a ‘built’ temple as they owned no land. At best, they had encampments on the edges of old kingdoms. On settlement since the 1930s, this community has a piece of land on which their temple building, idol making, prayer rituals and other religious practices are evolving over the last

many years". The current property rights regime is centred around private property right. "The right of individual community members over the land in which they reside; and the community's right over places within Chharanagar, where their memories are housed, is now vital. Within Chharanagar, there are old buildings, structures and temples that represent them. The community does not have legal authorisation or claim over their land. The entire community always feels vulnerable, as there is a constant threat of getting uprooted from their space" (Interview with respondents, 2020). A settlement, which is in existence for ninety years, has not been authorized to ensure every individual gets right over the houses they reside. Is this not reflective of political and administrative apathy towards the community? Is this not because of the stigmatisation associated with criminal tag? How should one understand this act of the State in not giving ownership rights and legal titles of their land to the Chharas? If this act is related to community's identity and culture, why should this not be seen as 'intentional' destruction of cultural heritage of the community by the wider society? Probably, is this not a case of expression of 'intention' in such a routine way, that the intrinsic violence in it has gone unnoticed? Why can't the community allege that the intent to not recognize community identity and their heritage is operating sub-consciously in the mind of the society and the state?

Some may even argue that it is a consciously planned regimen. The property right if granted to the residents would legally legitimize individual residents as property holders, but the fact that they are living in solidarity in a ghettoized location makes it pertinent that there would also be a legitimation of the community, its culture and its heritage. Is that the fear that the state has? There is a constant fear that exposition of such heritage can perhaps happen more visibly due to their settled existence on a piece of land now. The mainstream may not view a temple of such a marginalised community as heritage. A piece of land and the community's right over it have implication on legitimation and de-legitimation of cultural facts. The mainstream may not understand it. Many of the large places of worship of the mainstream society today might have been built in less than legal manner, on lands that were acquired or occupied by tweaking land laws and through funding that might have bordered on extortion from the masses in the name of donation. For them, the mere presence of the place of worship legitimises their ownership of that land. So, the common notion of land as a physical asset does not lead most of us to think that some could even consider it 'heritage'.

Chharanagar in Ahmedabad, to anybody who has heard of them, is associated with alcohol. Brewing of alcohol leads to frequent harassment of Chharas but the illegality has not affected their notion of explaining their heritage. Hence, even though from elite side of the spectrum, this land appears as heaven or criminal activities, but from the lens of the stigmatised community, this space is a solidarity space which community members use as safe space to communicate, strengthen and rebuild relationships among each other. Though the mainstream notion of moralities imposed on Chharas has a historical connotation, as seen in British army officer Lieutenant General George MacMunn's 1932 book 'The Underworld of India' where he used derogatory words for all criminal tribes and even described nearly every tribal women as "hopelessly immoral" (D'Souza, 2012) – the space, to Chharas is non-judgmental, free from mainstream morals and ethics and a manifestation of power in the community members being together, which sends a message to the other society that anything happens to one member, the entire community is with the person. Chharanagar's theatre artist and cultural activist Atish Indrekar's filing of FIR against eight police officials from Sardarnagar police station based on assault and wrongful arrest was wholeheartedly supported by Chharanagar residents. Supporting Atish's claim of police brutality on a sudden midnight raid on July 26 2018, the Chharanagar residents alleged that it was the police who attacked them and booked 29 of them arrested under multiple charges of robbery, rioting and attacking on duty public servants. After Atish filed FIR against the police at the magistrate's court, the police made an attempt to negotiate the

situation, he says, “The police tried to get us to withdraw our cases by saying that they would drop all charges against some of us. But we told them to drop charges against all 29 of us, since we have CCTV footage to prove that none of us were involved in the violence. They refused, so we did not withdraw our cases” (Johari, 2018). Atish and other community members’ refusal to negotiate with police for dropping of false charges on some of them reflects their collective responsibility towards the community members – if allegations are left to continue on ‘some’ of the Chharas, entire Chharanagar raises voice in solidarity with those accused. This collective consciousness against colonial imposition of born criminality showcases their interdependency in local power structure.



RIGHTS

Lawyers, Theatre Personality Among Many Arrested in 'Brutal' Police Action in Ahmedabad

Police raided area dominated by the Chhara tribe claiming it was against illegal liquor sales. Locals say they were targeted indiscriminately.



Image above shows a snapshot of the news articles in Frontline (Aug 2009), CatchNews (July 2018) and The Wire (July 2018) talking about the police attack on Chharas

5. Framing an identity

The *criminal* identity associated with Chharas is an identity that has become crucial to the community. What informs the primary identity of a community is definitely contested. It is not merely about what

it should be, but also about what it is, and how it is perceived from within the community (by members, leaders and activists and outside). Further, a particular way of defining an identity might be true, but may not necessarily be the primary identity; the notion of what is primary is also often contested. Further, while deliberating on identity of a community, the challenge is also on the assumption of “community”. This assumption, on the one hand, facilitates, securing the rights of community members to enjoy and practise their culture with others, but on the other hand, can deprive the rights of dissenting or disempowered individuals within these groups¹⁶. The community is not a monolith, but at the same time, those leading the preservation of community’s heritage often need to build a collective and strengthen the collective identity to engage with overall marginalisation. Neither the community as an organised presence of individuals nor the collective identity gets formed all of a sudden.

As discussed, the process of framing an identity for the nomadic and denotified tribes was not a sudden, post-independence event. The 1871 Act (and later the de-notification of about 190+ communities) was a simple strategy to give the police more powers to arrest and monitor their movements – being born in one of those listed communities made a person ‘criminal’. D’Souza (2012) argues, India seemed to the British a hair-raisingly volatile place entangled with diverse castes and communities autonomously functioning as self-governing entities and following varied lifestyles and social norms and hence, the entire model of ‘criminalising’ was to preserve law and order in the colonial regime. For not having had a sedentary lifestyle, these tribal communities were even more difficult to demand subservience from and thereby, it was simply easier to bring the visible targets under one spectrum and ‘frame’ their identity as ‘born criminals’.

Though the notification of ‘criminal tribe’ imposed several controls on Chharas’ movement and lifestyle, it is argued that various forms of mobilisation had successfully identified the particularities of Chharas as a community that had a history of movement against the 1871 Criminal Tribes Act. Further, the identity claimed by these tribes did not necessarily reject their ‘criminal’ associations, instead used this identity as a basis to negotiate inclusion within the evolving citizenship frameworks of the late and then post-colonial state. The shared experiences of freedom fighting, movements and misrecognition were used as tools to deploy community histories, strengthening the links across ethno-geographical boundaries. Distinctive narratives of freedom fighting by the ‘criminal’ tribes had not only been part of larger anti-colonial force, but also formed the political strategies of the cotemporary DNT movements. The ‘traditional’ community skills including those considered as ‘criminal’ (like thieving) were commonly used as popular anti-colonial ethnic traits to invert the notions of criminality and illegality. They embraced, and thus celebrated their criminal identity as extending forms of protests to reclaim their cultural spaces (Bajrange et al 2019). To understand the contested nature of the identity of the Chharas in this larger context, it is important to look at how the shaping of different identities is occurring.

Firstly, one of the primary identities that community is associated with is the brewing of alcohol that is a mainstay at Chharanagar. Empirical information indicates that an estimated 60 per cent of the population i.e. approximately 15,000 people in Chharanagar are engaged in brewing of alcohol (Faleiro, 2005; Friedman, 2011) while the Bombay Prohibition Act, 1949 declared Gujarat (then part of the Bombay Presidency) a dry state. The continuing practice of brewing of alcohol has had an adverse effect on how the community, and therefore also the primary identity of the community, is perceived by others. The residents of Chharanagar, as a whole, are vulnerable to being perceived as

¹⁶ Para 17, Report of the Special Rapporteur in the field of cultural rights, 2016

being located on the wrong side of the law. It is also pertinent to note here that while illegality of alcohol-brewing is operating on the one side, there is also a pride about the kind of alcohol that Chharas brew, not only within community, but also among the residents in the city. Chharas are famous for making alcohol from jaggery, vegetables and fruits (Gulshan 2019). The community is repeatedly targeted over this practice. Chhara women who brew alcohol at home find it more profitable to pay a small bribe to keep the police at bay, rather than exploring livelihood alternatives, which they have experiences, is hardly enough to fend for their families. In Chharanagar, it is largely women who brew the liquor and pass on the knowledge to their daughters.

Chharas acknowledge the role of thievery by their elders in educating them but are at the same time belligerent about how the community is being associated with the identity of those who engage in *petty* crimes. Around 20 per cent of residents are involved in petty criminal activities because of the absence of job opportunities (Faleiro, 2005; Friedman, 2011). There is potentially a link between how the wider society builds an association between Chharas, who used to be engaged as entertainment performers, and the art of deception; and the Chharas being engaged in thievery. Society does not see the close associations of art and of crime as an aberration (Friedman 2011). The dependence of this segment of community on crime was also attributed to the skills of Chharas as performers. Some actually trace the history as other way round: “Having been brought under the Criminal Tribes Act of 1871, the Chharas found themselves increasingly unable to earn because of social stigma. Eventually, they used their artistic skills to thieve” (Dhar 2018). Further, the presence of illegal brewing in Chharanagar became a convenient justification for many residents of Ahmedabad to believe and start declaring that the colony is a ‘haven for criminals’(Satheesh, 2018).

However, the crucial factor is the way the state machinery, especially police officers, bureaucrats and society lend their weight behind such a perception. Bajrange says, “In the case of Chharas, the popular perception is of suspicion and they are regularly booked under the Habitual Offenders’ Act”. As late as 2013, the Gujarat Police circulated a book documenting the Chharas, typecasting how they look, the clothes they wear, their attitude and their propensity to crime (Dayal 2013). Many a times, repeated police oppression and violence entrenched the Chharas deeper in crime. As in the case of many other nomadic tribes, several legal provisions too have contributed to depriving the Chharas of their traditional livelihoods and access to resources. This begs the question, which does society and state refuse to ask themselves, “How else could they survive, if not by turning to crime?”¹⁷ asks Bajrange.

Notwithstanding the formation and reinforcement of the ‘criminal’ identity referred to above, there is a simultaneous emergence of and strengthening of another identity – that of a so-called aspiring community, that has accessed modern education and aspires to professional occupations, similar to that of many in the so-called mainstream society. Notwithstanding criminal stereotypes and the resultant stigmatisation, which makes it impossible for them to secure mainstream jobs, each successive generation has tried to educate their community members so that they find employment and survive in the city in the so-called respectable way, as understood by the mainstream society. The Chharas are proud of their high gender ratio and the status of education among the community (Gulshan 2018). Here, it would be interesting to mention that there would be at least 200 lawyers in Chharanagar (Raval 2019). However, it needs to be reiterated that educated Chhara youth who find it difficult to find employment, because of the deep-rooted stigma faced by their community, opt to study and practise law (Bajrange 2011).

¹⁷Interviews with respondents

Amidst the engagement between the identity of ‘criminal’ and of a community aspiring for modern education and livelihood opportunities, since the year, 1998, there has been an active attempt by community members to safeguard and record their history, and to pass on their culture and tradition to the younger generations. Budhan theatre, which was set by literary critic, linguist and tribal activist, Dr Ganesh Devy in 1998, has evolved into a community-led theatre group. The group aims to do plays that not only entertain, but also “unsettle people’s hearts and minds” in the words of Bajrange (Sahapedia 2020).

The way community theatre activists and their themes have become visible throughout Chharanagar is an interesting phenomenon that could not be ignored. Starting from the first play staged by the group, *Budhan*¹⁸, in 1998, they have not restricted themselves to stories of Chharas, but have expanded the cause to the nomadic and denotified tribes across the country. The presence of a resilient activist community, which is engaging with stereotypes, while trying to safeguard the cultural identity of the community; and using heritage to fight the stereotype of criminality – is an important facet of Chharanagar. It is important to understand the existence of these parallel distinctive identities; and there is no need to problematize the same, for the community is basically struggling to build different pathways to confront the everyday stigmatization they face owing to criminal stereotypes. On one hand, there are state actors repeatedly violating the human rights of a community because of deep-seated prejudices, and on the other, is a community subverting these very prejudices to assert their identity and speak about the rights of other oppressed like them.

6. Theatre as a means to an end

The emergence of Budhan theatre in Chharanagar, Ahmedabad Gujarat in the year 1998 leading to presence of an organised way of safeguarding and recording the history of Chharas is an important milestone, especially because of the participatory approaches they follow. It is a community-led theatre group, in which a range of theatre actors from the Chhara community take part.

Indrekar, one of the community leaders said in an interview, “Our dialect is preserved here and we solve domestic fights with performances and stories that are part of our heritage. We are also trying to generate multiple employments through theatre. Budhan Theatre group has given us an identity through which we spread stories of oppression faced by the de-notified communities in India. This can also be seen as a means of protecting the heritage”. The role of Budhan theatre is significant for many reasons. One, they help the community revive the memories around the land of Chharanagar that has witnessed their struggles and is a testament to their histories.

First and one of the most notable plays of Budhan Theatre, *Budhan* [also known as *Budhan Bolta Hai* or *Budhan Speaks*] scripted by Dakxin Bajrange is a distinct experiential expression of being stigmatised since birth because of the colonially imposed identity. The play raises two pertinent and precisely, political questions to the so-called elite mainstream audience – “Are we second class citizens?” and “We need respect”. The audience here is believed to be the ‘state’ with whom the

¹⁸The first play was the story of the police brutality and oppression of the Sabars in West Bengal, a state in the eastern part of the country.

Chharas never had a chance to share their tales of distress and sufferings. Budhan being a realistic



A play being performed by Budhan Theatre

Photo: Budhan



play received great appreciation from people who were earlier afraid of Chharas and used to have a negative impression about them. The audience cried out, hugged the actors, shook hands and became enthusiastic and inquisitive to know more about their lives, struggles and everyday encounters. The best reward has been social and political allies that Budhan Theatre successfully made an emotional bond with. Later in 2007, the troupe was invited by the state police officials at Karai Police training academy to perform the play Budhan where nearly 100 trainee police officials and some high-ranking police officials were in the audience (Bajrange, 2011).

While Budhan is a dramatisation of the custodial death of Budhan Sabar of the denotified Sabar tribe of West Bengal, portraying Chharas' sufferings and posing political questions about their citizenship rights, their second play *The Death of Pinya Hari Kale* is based on the custodial deaths of Rajendra Powar and Kale respectively (Faleiro, 2005). This time as well, the play performed in Baroda city auditorium was applauded by audience including Justice Venkatachaliah, Former Chief Justice of India. Justice Venkatachaliah with 300 other 'elite class' audiences were deeply moved by the enactment of Pinya Hari Kale's interrogation and brutality by police (Bajrange, 2011).

Budhan Theatre's other notable play *Another Balcony* is a partial improvisation and partial scripted amalgamation of Jean Genet's play of the same name [Balcony, 1958] and Mahasweta Devi's short story 'Mahdu: A Fairy Tale' [2000]. Budhan's adaptation of the play portrays the refusal and destruction of hegemonic constructions of creative economy in order to reimagine and reinvent what it actually means to consume heritage. The play offers to highlight the structural place of 'hunger' at the intersections of hungry Dalits, rural and tribal communities, their lands and labour. Though the play challenges the colonial caste-based construction of 'criminality' embodied among Chharas, it still raises the question whether such performative approach can re-establish Chharas' relation to their inhabited land. Even if the upper caste audience, precisely to Chharas, the 'state' appreciate the creative expression of *Another Balcony's* critique towards state violence, Chharas' ability to reclaim their settlement land as spatial extension of their cultural heritage remains at a confused state due to upper caste control over land, labour and casteist state (Da Costa, 2019).

The theatre makes a point that land has provided them a space to reinvent their identities and to keep their traditions alive. The question of land rights becomes an important consideration for the theatre as well as the community as the contest over the land appears synonymous to the contest of identities and of citizenship. With the land, what Chharas fear is that they would lose are their identity and the history, and thus the agency that could talk about their heritage. Chhara's hunger for theatre as Da Costa (2019) states is "a political desire that leads them to not only challenge their criminal history reproduced through colonial law, but also to resist state criminality itself". The trial performances take place within communities' living spaces amidst women, children, Dalits, Muslims agricultural workers as modes of solidarity and community formations.

With an aim to build the next generation and keep their history of oppression alive, children are actively involved in theatre and trained by senior actors to perform skit plays on issues they encounter in everyday spaces. Issues like child marriage cleanliness, consequences of consuming alcohol, widows' social problems, consequences of being thieves, discrimination in schools, importance of library, exploitation by community council, police brutality on their parents have emerged as themes of the children's' plays. In spite of mere 'entertainment' that Denotified tribes are historically associated with, the aim has always been using the art of theatre to bring social change within the

community. Post 2002, children's theatre took shape of a self-oriented autonomous process that started receiving invitations from child rights organisations for performances.

Budhan Theatre, to a large extent, uses theatre to make the mainstream recognise land as not merely a piece of land in the popular creative economy discourse that is gaining traction in India (Mitchell 2001, Da Costa, 2019), but as heritage that has helped in consolidating the other cultural aspects of the community which by themselves do crave for recognition as heritage. It is trying to engage with heritage using an art form, i.e. the theatre, the heritage mainstream understands. While the hegemonic creative economy discourse in India relies on caste supremacy and projects 'heritage' as upper caste property – Budhan's theatrical performances through victimhood talk about the marginalised Chharas' creative ways of engaging with the social injustice and police atrocity to make the audience feel culpable of historic injustice against the Chharas (Bhatt, 2017). With that they are trying to mainstream 'land rights', which none identify heritage with, as heritage. Now, the activities of Budhan theatre over nearly four decades of its existence have the potential to be seen as forms of the contemporary heritage of the community. In their work, rests the need to secure legitimacy of the communities to exist, survive and develop: and for that they have seen in theatre a means.

The relationship of land with culture is very distant in the imagination of state and society. Whenever land is involved, the Government departments that get into the fray would include the revenue and estate department, urban development, water and sanitation department, and the police from the law-and-order angle whereas the forest department if the area is a classified forestland. However, it is extremely rare to see an intervention from the department of culture or one related to tribal welfare.

Budhan Theatre in Chharanagar that aims to be a 'cultural expression of all Denotified Tribes (Seetha and Muralikrishna 2007) and not just the Chharas, faces rampant attacks from state machinery because of the critiques of police brutality the plays portray. Bajrange's 2004 arrest, though believed to be pressed on false charges, was considered as a conscious attempt by state to silence the Theatre's stinging critique of police atrocities (Friedman, 2011;2013). The state machinery of culture does not recognise culture as an outcome of a contest of heritages of different sections. Moreover, they push back the communities with contested identities and heritages from upliftment.

With 600 years of existence when UNESCO decided to bid its nomination on Ahmedabad as World Heritage City, the UNESCO sent a letter to Ahmedabad Municipal Corporation asking for significant heritage spots in the city. Instead of highlighting the socio-economic and cultural fabric of Ahmedabad, the civic body sought relocation of centuries old Gujar Bazaar [Sunday flea market] and communities from Gulbai Tekra and Chharanagar because people there seemed to be 'threats' in the city's facelift. This leaves a clear indication that the state neither considers these urban pockets as city's heritage to be preserved nor values their lives. As protest against the unfair decision of Ahmedabad's civic bodies, the local community leaders took this displacement issue to UNESCO but UNESCO redirected their pleas to Ahmedabad Municipal Corporation. As the leaders failed to get any favourable response from the civic authorities, academicians from premier institutions like IIM, CEPT, NID had taken up the issue for the cause of these centuries' old settlements (Nayudu, 2010). Therefore, culture at any point of time would probably be those belonging to the mainstream, precisely people with power. Isn't it true that the challenge to the mainstream culture will never be allowed to be seen as an issue of culture but would be reduced to a law-and-order problem?

7. Conclusion

It is said that all people have culture, and that cultures are human constructs constantly subject to reinterpretation (Human Rights Council, 2016)¹⁹. Similarly, Chhara community has a vast ‘culture’ ingredient in the art forms like singing, theatre and liquor brewing around their lived experiences, which become content of these art forms. They have history of art forms, which they want to preserve. They were traditionally wandering performers who would camp at places, sing and at times dance to earn, and move on. These materials are part of their performative tradition, which was also a source of their livelihood historically, with clientele often being from dominant non-community. The now sedentary way of settled living is not compatible with these livelihood options. It is not clear whether the disappearing commercial value of these songs and dance performances made them settle for sedentary life or the other way round, that is, their choosing for a sedentary way of life, made them go beyond these options? But, the songs and art of singing associated with the community is crucial to help them relive their memories, which are important for strengthening community identity. The survival of these art forms, however, does not seem to rest on the current economic system, but, unfortunately, the burden seems to be on their voluntary agency to preserve their culture.

7.1 Baggage of history

The nomadic life with camp-based survival and the songs and dance at the periphery of the habitation and the kind of clientele that they used to get probably had one form of social acceptance. A combination of all these also led to some of them historically getting into petty theft and occasional robbery. These were apparently not *the* occupations of predominant members of the community in the past or in the present. But, some of these tags culturally come as baggage: nomadic, singing and dancing performances, masculine clientele, criminality- they all have begun to be associated as interrelated concepts. The criminality tag never left them even after they living a settled life, for the criminality was not attached to the persons- but to the combination of the caste or tribal identity, and the singing-dancing tradition that they were involved in for petty commercial purposes, along with their nomadic way of life. The case study actually shows that Chharas acknowledge and accept even such characteristics of the community – criminal tag, illegal brewing – which are against the mainstream norms; many even wear them with pride. It is important to note here that a history that is associated with a community is a complex mix of a number of factors. Change in one of them does not necessarily relieve them of certain tags that are of the nature of indignity. Now, the key question is whether the community’s constant attempt to preserve their memories and the history has resulted in their continued stigmatisation or is the attempt a reaction to the stigmatisation; or both? Nevertheless, one thing is clear that the community does not have the power to make the wider society forget about the past, real or distorted, of the nomadic community, which constantly becomes the mode for stigmatisation? In such a scenario where heritage is itself a tool used by the mainstream to oppress, does not the state have a conscious and deliberate role to acknowledge this deviation and find ways of preserving heritage of a marginalised community with dignity?

7.2 Caste as a barrier to mainstreaming

Caste, no doubt, has an important role to play. In the context of nomadic versus settled population, a settled population is definitely a more politically mainstreamed category, with access to land, power, jobs etc. The assumption was that ‘settled’ life world would allow Chharas to integrate with the

¹⁹ Based on engagement with the members and leaders of the National Alliance Group of Denotified, Semi-Nomadic and Nomadic Tribes, February 2021

mainstream. However, it did not, primarily for the reason of the caste; and there is no mainstream occupation linked to the caste. Which means, they have to carve out one of their own – and what would not work is the singing and dancing, for their required camp approach. The leftover occupations are often ‘illegal’ ones or illegalized ones. The denial of regular jobs, marital alliances and individual property rights ensured that there is a socially recognized othering, which also means Chharas had no option but to consolidate their identities and preserve them. The ‘othering’ was not based on occupation that once you change your livelihood options, one would integrate into the mainstream, but based on caste, so literally you would be denied any other occupation or mobility based on marital relationship. So, the nine decades of settled existence did not provide them socio-political power. Chharas’ basic claim of building a cultural and community centre on the settlement land of Chharanagar and engaging in creative ventures out of their violent heritage of labour camps remained under the radar of Municipal government’s silence (Da Costa, 2010). For they are denied legal rights; and what they are being robbed off is their owned history- full of community memories, that they need not just as heritage, but also as ingredient that could keep the community together. The contradiction of land as heritage – it seals the shift of nomadism to settled life on one hand, and on the other, it is the space where the memories of the past are kept alive through theatre.

7.3 Land, today, is the manifestation of Chharas, what they are and what they were

The community has listed songs, stories, their memories of struggle for centuries as important for retaining community identity, then why did they mention land as their heritage? Especially, when ‘land’ is, ironically, the critical requirement for the shift from nomadic life to settled life. They cherish memories of their nomadic life, then why do they mention land? In protecting the ‘land’, they are not craving for the private property institution, but the space called Chharanagar, a land that inhabits their shared memories and traditions. The land is also the place where the last nine decades of evolving culture located, a culture that is built on their culture, and possibly a kind of hybridization with the mainstream *sanskriti* (culture). Since the 1930s, land has seen their temple building, idol making, prayer rituals and other religious practices, that have been evolving over the last many years. For the current generation, Chharanagar is not only a place symbolizes their recent history but also the bridge to their past. Importantly, the land is also the place that houses the memories of the struggles of people to retain the land. A struggle that continues in many forms, with one form being the Budhan Theatre.

Does this explain what this community’s heritage is? First, it is important to understand the marginalization experience of the community. In this case, the various shifts in the history of the community have not helped them to alleviate indignity; there is a constant othering- based on caste, occupations- which also influence the kind of life they live and culture they need to constantly remember in the context of the interpretation of their culture that would be thrown into them. Often the dilemma is to erase the past to ‘receive’ dignity; or to consolidate the past to fight indignity. The land is the space where the community members negotiate this dilemma sometimes by force, often silently, and most times in a pluralistic way. While people would take different pathways, there would be constant reinforcement of the culture by the culture itself, which gives the land a ‘life’; and culture, a ‘living being’. It is difficult to pinpoint one heritage here in a singular way-

- that aspect of culture that is of further past (songs, dance, memories);
- or that space which houses their current past (Chharanagar);
- or that aspect which is vulnerable and eyed by the powerful (land).

Probably, when the community says land as heritage, they mean all the three.

7.4 Human Rights Defenders as Cultural Rights Defenders

The Budhan Theatre redefines the struggle for human rights from the lens of culture. Firstly, it uses 'art forms' embedded within community as a way to claim and protect the right over the land. Secondly, it has taken up the mandate to safeguarding and recording the history of Chharas within the community, and thereby educates the community about their heritage. Finally, it is integrating the land rights with the cultural rights; and thereby exposing how inter-related they are. Interestingly, the UN Special Rapporteurs report on Cultural Rights Defenders, 2020, says, "Cultural rights are essential to the struggles of indigenous peoples for human rights, including the right to self-determination and land rights". The report recognizes these defenders as Cultural Rights Defender, for the purpose to explicitly name, clearly identify, and seek to empower and raise the profile of an existing, often ignored, subcategory of human rights defenders, so that they are afforded the rights and protections that status entails. The objective is to raise awareness about the work of cultural rights defenders, with a view to enhancing the attention and assistance they receive. It would be interesting to study and analyse the role of Budhan Theatre activists over the last two decades from the lens of cultural rights defenders. What is interesting is that their two decades of work of facilitating a culture of preserving of cultural heritage using the human rights approach centred around land is itself beginning to emerge as the contemporary heritage of the community. Budhan theatre surely requires the recognition as the Culture Rights Defenders as described by the UN Special rapporteurs on Cultural Rights.

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Annexure 1

In-depth interviews of community leaders

- Kalpana Gadgekar, theatre activist
- Gopi Sardar, 75 years old artist
- Dakxin Bajrange, theatre activist and director of Budhan Theatre
- Atish Indrekar, actor and theatre activist

Guidelines for interview

1.	What is heritage according to you?
2.	What would you recognise as heritage of your community?
3.	Why are you considering these as your heritage?
4.	How do you see Budhan Theatre impacting your life?
5.	Would you consider it as an alternative to earn livelihood?
6.	What are the reasons of pursuing theatre as career?
7.	Do you consider Budhan Theatre as your heritage?
8.	Why do you consider it as your heritage?
9.	Do you think that your family members will recognise it as your heritage?
10.	Do you think that most of your community members will recognise this as a heritage of Chhara community?
11.	Why do you think that they will consider it as your heritage?
12.	Why do you think that they will not consider it as your heritage?
13.	What challenges do you face as a community leader?
14.	Do you think enough participation from the community is there in the theatre?
15.	Do you think so called guardian institutions will recognise Budhan theatre group will recognise as heritage of the community? Why?
16.	Do you think state will recognise Budhan theatre group will recognise as heritage of the community? Why?

Discussions with members of the National Alliance Group of Nomadic and Denotified Tribes

- Mayank Sinha
- Vikas Yadav
- Pradeep Narayanan
- Dheeraj

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For further information, contact our Office:

Centre for Architecture, Urbanism & Global Heritage

Nottingham Trent University
Arkwright Building, Shakespeare Street
Nottingham, NG1 4FQ
United Kingdom

E-Mail: cuagh@ntu.ac.uk
Phone: +44(0)115 848 4690