

Evolving Heritage: A Case Study of Kalbelia and Jogi Nomadic Tribes and Their Relationship with State, Society and Markets

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Abstract

Though heritage, either natural or cultural, is inherited from the past, it is no more considered as inexplicable or simply 'inherited', especially when it is at the intersectionality of overlapping identities and oppressions. Heritage is complex and dynamic, shaped by the constant engagement with the realities around it – the citizens, the state, politics, power relationships, aspirations of its youth, economic needs, social identities and more. In this context, this paper looks at two inter-related nomadic tribes of the western Indian state of Rajasthan, the Kalbelias and the Jogis, which are caught on the crossroads of a range of contradictions that raise questions that are equally relevant for any other. How does a community's relationship with the state and society shape its own relationship with its heritage? Does celebration of a community's heritage by state and society automatically elevate its status and that of its members? Is the influence of commercialisation of a community's heritage a positive one? Within these contestations, what is the role played by patriarchy and casteism?

Context- The Question Of Past Or Future

Heritage takes shape at a juncture of the past, present and the future. It is not a passive process of simply preserving things from the past that remain, but an active process of assembling a series of objects, places and practices that we choose to hold up as a mirror to the present, associated with a particular set of values that we wish to take with us into the future. It is a possession - an object, or an idea that is expressed in an act - and is inherited from the past. But when claimed as an act of heritage, it can be used to define an identity in the present (Thapar 2018).

Though heritage, either natural or cultural, is inherited from the past, it is no more considered as inexplicable or simply 'inherited', especially when it is at the intersectionality of overlapping identities and oppressions.

In context of India, a gamut of laws and legislations, including the Constitution not only advise the state on conservation and protection of heritage, but also bestows upon citizens the right and duty to conserve their own distinct heritage (Constitution of India 1950, Articles 49 and 29). However, this is easier said than done. Heritage is complex; it is an engagement with the past in the present with an effort to understand what the future can look like. It is not static, but dynamic; shaped by the constant engagement with the realities around it – the citizens, the state, politics, power relationships, aspirations of its youth, economic needs, social identities and more. Thus, the concept of heritage is not set in stone and is vulnerable. In fact, the vulnerability within the concept of heritage increases manifold when it is the heritage of marginalised communities that is under discussion.

One such marginalised group is of the denotified and nomadic tribes (DNT-NT). According to the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, there are nearly 1,500 nomadic and semi-nomadic tribes and 198 denotified tribes, comprising of more than 150 million Indians (Cited in Shipurkar and Sinha, 2020). These tribes engage in a range of occupations from pastoralism to entertainment and from sellers and providers of services and goods to transportation. Colonial-era legislation, loosely called the Criminal Tribes Act, branded many of the communities 'born criminals'. Though the act was repealed in Independent India, the impact remained under a range of legislations that followed, deeply stigmatising the communities. The stigma is not just because of the laws, but because of larger mainstreamed narratives which supported the implementation of these

legislations. In addition, the deeply ingrained caste¹ structure in the Indian context made contestations stronger.

For example, the Criminal Tribes Act redefined the notion of crime, criminals, criminality, communities and cultures. Stigma against (DNT-NTs) continues till date and manifests in the form of discrimination, harassment, humiliation and punishments (Korra, 2017). Multiple incidents of violence by members of dominant castes and police against the communities continue to be reported even today. The Kheria Sabars, for instance, are still rounded up in dacoity and robbery cases, as are the Pardhis of Maharashtra and Madhya Pradesh; the Chharas of Gujarat report harassment on suspicion of bootlegging; the Nat and Bedia tribeswomen of northern India are regularly jailed for prostitution (Menon; De, 2011; Katoch, 2017; Chandrakanthi and Noopura 2018, p. 122-123; Chara, Sabar, Et Al., 2017, Viswanathan, 2002). Those who constitute first-generation office-goers or professionals report deep suspicion and insult by the wider society when they set out to look for jobs, and at their workplaces. (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume I, 2008, p. 21). Overall, like the other marginalised groups, DNT-NTs also form a substantial percentage of those arrested for different kinds of crime (Sonavane et al, 2020).

Praxis Institute for participatory Practices (Praxis), Partners in Change and National Alliance Group for Denotified and Nomadic Tribes (NAG-DNT) have worked extensively to document the stigmatisation and criminalisation against various DNT communities, of which many first-hand accounts bring out more such similar voices (Praxis 2017). In a Ground Level Panel organised by Praxis, one of the DNT panellists, Bhola Nath Sabar, narrated how he was wrongfully arrested by the police when he was just 15 years old, on grounds that he had alleged links to Naxals (Praxis Institute for Participatory Practices, 2017, p.3). Such harsh and discriminatory legislations and social stigma forced communities to reinvent their identities to escape from the stigma.

In this context, this paper looks at two inter-related nomadic tribes of the western Indian state of Rajasthan, the Kalbelias and the Jogis, which are caught on the crossroads of a range of contradictions that raise questions that are equally relevant for any other.

How does a community's relationship with the state and society shape its own relationship with its heritage? Does celebration of a community's heritage by state and society automatically elevate its status and that of its members? Is the influence of commercialisation of a community's heritage a positive one? Within these contestations, what is the role played by patriarchy and casteism?

Research Objectives And Methodology

The research looks at the addressing following objectives:

- To understand heritage at the margins and how it is shaped, while exploring the elements of dynamism that defines heritage, especially in the context of marginalised groups like the nomadic tribes of Kalbeliyas and Jogis
- To understand the role of state in the shaping of heritage through its seemingly contradictory policies – banning various traditional livelihoods on one hand and celebrating some livelihoods on the other
- To understand the challenges posed by commercialisation of intangible heritage – performative dance in the context of Kaleliyias and ritualistic music in the context of Jogis

¹ Any of the four main divisions of Hindu society, originally those made according to functions in society – the caste system embeds deep divisions in society. It has been used as a tool of oppression to maintain and perpetuate power relationships over millennia. (Discussed in detail later in the report)

- To explore whether and if yes, how gender and caste further influence these contestations

The study looks at a range of primary and secondary resources available and interviews with members of the two selected communities as well as experts. The primary sources included government commission reports, legislations, including those related to the Criminal Tribes Act of 1871. Secondary sources academic paper, media reports pertaining to heritage, culture, DNT communities, their history, criminalisation under British rule, and its continued burden after independence, stigmatisation, history and culture of Kalbelias and Jogis, intersectionality of gender and caste, among other things.

The interviews, though initially planned as physical meetings, were eventually conducted in the form of telephonic interviews given the COVID-19 situation. The interviews were conducted with members of the Jogi and Kalbelia communities and a folklore researcher. A total of 20 interviews were conducted, 12 with members of the Kalbelia community, 7 with members of the Jogi community and 1 with folklore researcher and artist Dr Madan Meena. Out of the 20 respondents, 7 respondents were women. A detailed list of the interviewees is given in Annexure I. Semi-structured interviews (format attached as Annexure II) with open ended questions were used to interact with all the interviewees to give scope for discussions. The interviews explored various aspects of the cultures of the communities, such as history, role of gender, influence of community leaders, relationship with state and society, access to government schemes and entitlements and change in cultural values and traditions.

At the outset, it is important to list out a few limitations in a study on this subject and the steps taken to address the same. While the study initially included plans for field interviews, the pandemic-induced lockdown prevented this from happening. All interviews were conducted by the research team remotely and each lasted between 30 minutes to an hour, given the availability of the respondents. Given the very specialised dialects that every different nomadic tribe speaks, the team took support from two community volunteers, one from each community, to conduct the interviews. To ensure data quality, one of the researchers was connected through telephone to support the community youth in collection of the data.

I. Marginalisation Of Denotified And Nomadic Tribes – A Historic Perspective

The 2008 Renke Commission report of the National Commission for Denotified, Nomadic and Semi-nomadic Tribes estimates that South Asia has the world's largest nomadic population, with roughly 10 percent of the Indian population consisting of Denotified and Nomadic Tribes (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume I, 2008, p.42). As per the report, there are nearly 1,500 nomadic and semi-nomadic tribes and 198 denotified tribes, comprising of more than 150 million Indians (Cited in Shipurkar and Sinha, 2020).



Distribution of De-notified and Nomadic Tribes across India
(National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume I, 2008)

The DNT-NTs are a heterogeneous community and have been involved in varied work. Their work can be classified on the basis of the occupations they follow (Bokil, 2002):

- Pastoralists and hunter-gatherer nomads (shepherds and small game hunters like the Dhangars, Kuruba and Pardhi communities),
- Sellers and providers of services and goods to the community (blacksmiths like the Ghisadi, stone dressers like the Wadar, transporters and salt traders like the Banjaras, roof-thatchers like the Chapparband),
- Entertainers (acrobats and jugglers like the Dombaris and Nats, snake charmers like the Madaris)
- Religious performers and astrologers (Masanjogis- performers of crematorium rituals, Gosains the sanyasis)

Quite evidently, the Denotified and Nomadic Tribes (DNTs) have occupied a very significant position in Indian society, taking into account their contribution to the socio-economic fabric of the country. A majority of the nomadic, semi-nomadic and denotified tribes had minimal land ownership practice as they were nomadic and moved from village to village on a seasonal basis providing their services and



A member of Gadia Lohar Community outside his temporary home, selling locally made tools and utensils made from Iron (Kochhar, 2020)



A member of Wadar community breaking stones using traditional tools (Shastri, 2017)



A member of Nat community performing acrobatics at Kala Ghoda Festival in Mumbai (Wonderful Mumbai, 2013)



A member of Sabar community weaving traditional basket out of locally available Kasi Grass (The Wire, 2017)



A member of Kalbelia community doing snake charming (Xavler, 2018)



A member Behrupiya community impersonating Hanuman, a Hindu god (The Statesman, 2017)

entertaining people in lieu of money. Their movement was caused by the limited demand for their traditional services in any one location for a prolonged period of time and they derived most of their subsistence from settled communities (Angelillo, 2013, p. 84).

The Colonial Hangover

During the nineteenth century, the British colonial rule in India witnessed an attempt to improve judicial control through the introduction of legislations, laws and rules. The period, also witness to a number of protests, strengthened the British resolve to find ways of quelling rebellion. The earliest revolt against the British Raj, the Sepoy Mutiny of 1857, was a turning point in the history of Britain in India, in which a sepoy (Indian soldier) in the employ of the East India Company named Mangal Pandey attacked British officers at the military garrison in Barrackpore (Wolpert, 2020). The mutiny soon spread to other parts of north India when sepoys rose up against the British in Meerut and then massacred all the British they could find in Delhi (McNamara, 2018). The number and intensity of revolts against Britishers just kept on increasing after that. Under a series of legal frameworks introduced in this period, many communities were branded as criminal tribes, capable of unspeakable horrors. Justified by a desire for self-preservation of colonial rule and the need to 'protect' their subjects, the British East India Company and later the Crown set about documenting the 'criminal' nature of some tribes like the *thuggees* and the dacoits (Piliavsky, 2015, 339-340). According to the author (p. 326), in the early 1870s, legal member of the Viceroy's Council, J. F. Stephen, described Criminal Tribes like this: *"The caste system is India's distinguishing trait. By virtue of this system, merchants are constituted in a caste, a family of carpenters will remain a family of carpenters for a whole century from now, or five centuries from now, if it survives that long. Let us bear that in mind and grasp quickly what we mean here by professional criminals. We are dealing here with a tribe whose ancestors have been criminals since the very dawn of time, whose members are sworn by the laws of their caste to commit crime ... for it is his vocation, his caste, I would go to the extent of saying his faith, to commit crimes."*

The concept of 'criminal communities', however, was not heard of the first time in 1871. According to Singha (1993, p. 85), it had already begun since 1772, when Warren Hastings introduced Article 35, which extended punishment of dacoity from the individual offender to his family and village. There are multiple reasons for the need felt for such acts – fear of mobile and resistant groups, racialised theories about caste, pre-existing and locally-rooted prejudices (Chandrakanthi and Noopura 2018, p. 121; The Conversation, 2016). Steeped in racism, a fear of a seemingly un-understandable 'other' and the need to discipline and control communities that seemed to threaten peace and order because of their nomadism, the Criminal Tribes Act was introduced in 1871 to "control and reclaim" communities "addicted to the systematic commission of non-bailable offences" (Piliavsky, 2015, p. 326). It started with few communities but later 150 communities ranging up to 60 million people were declared as 'Criminal Tribes' (Radhakrishna, cited in Chandrakanthi and Noopura 2018, p. 119). According to the authors, they were arrested without any intimation or valid reason; they were doubted for any crime that took place in the vicinity; their Right to live, Right to Speak, Right to Information and Right to Privacy were continuously violated. Separate 'Reformatory Settlements' were also established for boys, aged between four and eighteen, far from their families, where they were subjected to low paid work and compelled to report the guard rooms several times a day, so that they did not escape the premises.

Post-independence, the Act was 'de-notified', however, only to be replaced by the Habitual offenders Act, 1952, which proved to be far more aggressive and ugly in its applicability whereby the police was given full authority to search and extract fake testimonies for any act of crime committed in the area

where members of Denotified Nomadic Tribes lived. (Rana, 2011, p. 19-20). As Chara, Sabar, Et Al. (2017) explain, *“For our forefathers, without a doubt, it was a moment worth celebrating. They believed that future generations could live lives as nomads, free from discrimination. Unfortunately, the joy was short lived. The independent Indian political elite was no different from the colonial rulers. British-free India did not provide any space to the nomadic way of life, either in their policies or in their nation-building process. Despite being “denotified”, we are stigmatised and labelled as criminals. Narratives from the community show the extent to which this has affected individuals and the community.”*

Independence, But Not For Everyone

In 1952, these Ex-Criminal Tribes were given the status of Denotified Tribes or *Vimukta Jatis* by the Government of India. Even though the CTA was replaced by a series of Habitual Offender’s Acts, the basic thrust of the Act i.e. identifying certain tribal groups as “habitual offenders” or “born criminals” continues till today; their ‘legal status’ changed but their ‘social status’ that of criminality remained intact and was fossilised with the passage of time (Rana, 2011, p. 18-19). They continued to be ostracised by the society and ignored by policy makers.

Since a lot of the DNT communities were hunters and gathers dependent on forest produce for their livelihood, introduction of legislations like Wildlife Protection Act 1972, the Forest (Conservation) Act 1980, the Prevention of Cruelty to Animals Act 1950 led to a decline in their traditional rights over forests produce and resources. As Umang explains, for instance, the Forest Rights Act 2006 provides for recognition of traditional rights of the tribal people over land, forests and its products. However, for the grant of land back to the tribal communities, they needed to show the tribal certificate which they were unable to procure because for that they need to produce document related to father or grandfather, which obviously are not there. Thus, due to lack of official documents, these communities are scarcely able to assert rights over land and thus always hounded from their temporary localities either by villagers or the government officials [Arya, n.d.].

Lack of identity proof has been a major concern for most of the tribes. As the 2017 Idate Commission report explains, Nomadic families, in particular, had no permanent address and lacked official documents to prove their identities to the satisfaction of authorities to avail these benefits. Lack of identity proof means they are not able to access government entitlements and schemes across various aspects of living such as health, education, farming, land ownership, livelihood, etc (National Commission for Denotified, Nomadic and Semi-nomadic Tribes, 2017, p.67).

Another critical issue is in terms of official categorisation. A simple look into government documents such as the Provisional report on Status of Inclusion of Denotified, Nomadic and Semi-Nomadic Tribes among Scheduled Castes/ Scheduled Tribes and Other Backward Classes (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, 2016, p.1-44) shows that there is no Central list for DNT communities. They are listed under different categories in different states: Other Backward Castes (OBC), Scheduled Tribes (ST), Scheduled Castes (SC) in different states. Some are not classified under any of these categories and are therefore ineligible for any designated benefits. Not only was such categorisation not logical or uniform, but also the fact that they are listed as SC in one State and as ST in another and OBC in another means that the same community is entitled to different benefits, depending on the State of their residence (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume I, 2008, p. 1; Friedman, 2008).

Colonial rule or post-Independence, DNT communities have a long history of marginalisation, neglect and oppression. The communities meet with discriminatory and exclusionary treatment even after the removal of the identity of ‘criminal tribes’. Clearly, the Habitual Offenders Act tried to relieve such communities from the branding, but didn’t prove so beneficial and effective in giving a new, dignified identity and freedom from stigma and persecution. These communities continue to be at the periphery of society, living in spaces mostly outside villages where they lived in makeshift camps, moving from one place to another, trying to survive amidst the continued stigmatisation and marginalisation.



Members of Dafer tribe living in temporary encampments outside Advada village in Ahmedabad, Gujarat.

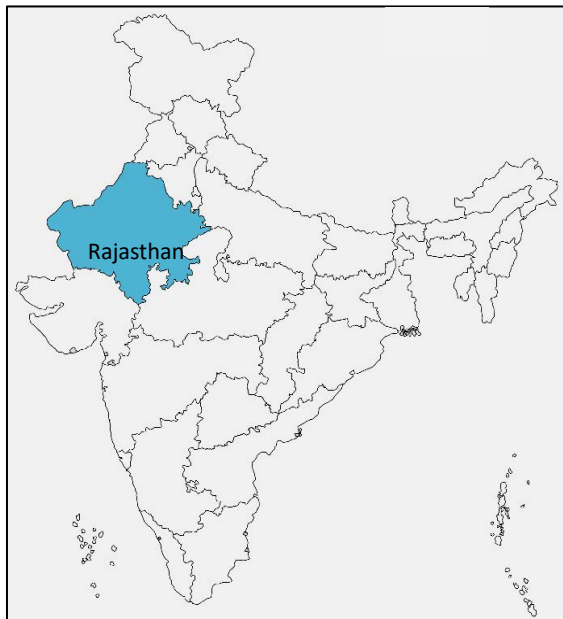
II. Who Are the Kalbelias and Jogis?

The Kalbelias and Jogis are two non-pastoral, non-hunting and gathering nomadic communities. They call themselves ‘service nomads’ - endogamous groups that traditionally offer specialised services to settled populations, such as ritual religious services, entertainment, traditional medicines and selling and repairing of certain household items (Angelillo, 2013, p. 84).

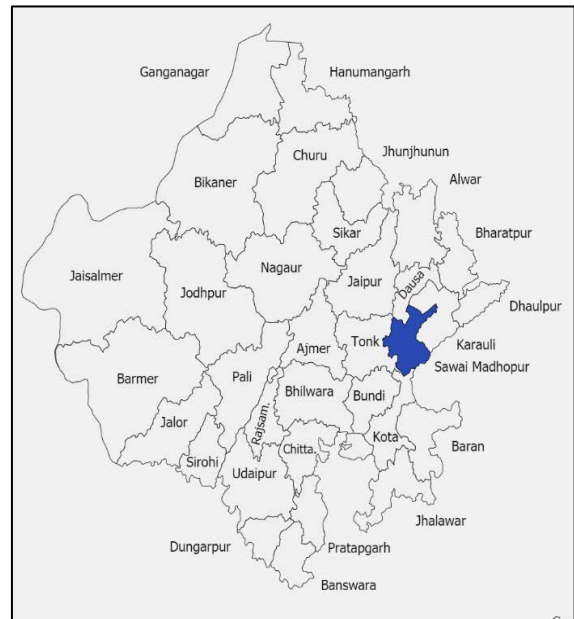
Spread across various districts of Rajasthan, the Kalbelias and Jogis consider themselves to be descendants of *Kanipav*, one of the nine *Natha*, the semi-divine masters of the practice of *haṭha*-yoga which inspired the *natha-yogin* movement, an important philosophical and religious tradition that established itself around the 12th century.

Jogi is a generic name which subsumed within itself a large number of nomadic groups. It includes both Hindus and Muslims and communities involved in a large number of occupations. *Saperas* / *Kalbelias* (snake charmers), *Chakkivale* (grindstone makers) or the *Chabdivale* (basket-makers) are just a few of the sub-castes within the Jogis. Gradually, as the groups of Nath expanded and divided into different sects, it led to the formation of a large community, and subsequently, it became a distinct caste (Meena, 2018) after the 12th century. Many men use “nath” as their middle name and their occupational caste (Kalbelia or Jogi) as their surname, for example ‘Kishan Nath Kalbelia’. For this case

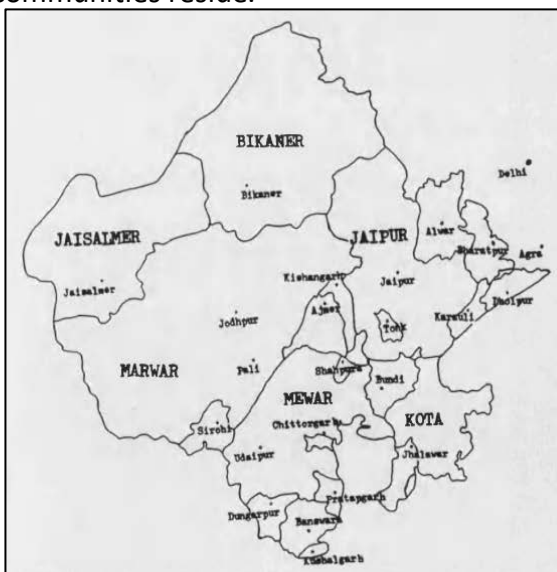
study, we will be referring to Jogi, the caste/community, also called Bhopa/Bopa, rather than the broader definition of Jogis that includes various sub-groups.



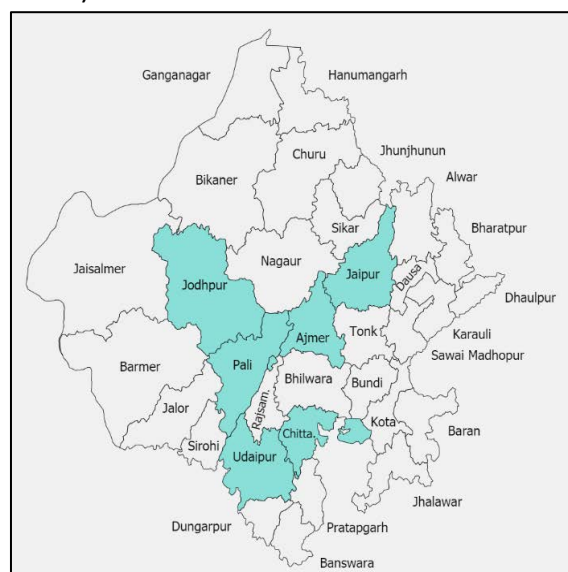
Map of India highlighting the state of Rajasthan, where the Kalbelia and Jogi communities reside.



The Jogis are concentrated in and around Sawai Madhopur in Rajasthan (Meena, 2018)



A historic map - As per the Kalbelias, they still identify themselves according to the area of Rajasthan in which they live or originally came from based on the ancient princely kingdoms of Rajasthan - the Delhiyale area, stretching from Delhi and embracing Jaipur, the Marwarvale area, embracing the region of Marwar, and the Mewarvale area. (Robertson, p. 27)



The present map of Rajasthan marking areas where Kalbelias are concentrated now – Ajmer, Chhittorgarh, Jaipur, Jodhpur, Pali, Udaipur. (Angelillo, 2013, p 79)

Jogis' Oral Heritage - Singing Glories Of Gods And Kings

For the Jogis, the key source of earning money was to sing devotional songs in temples or at auspicious occasions. They played traditional instruments such as *Pungi* - (a wind instrument), *Khanjari* (percussion), *Sarangi* (string instrument), *Manjira* (metallic clappers) and *Chimta* (tongs), and *Mashak* (wind instrument) and sang religious songs during rituals and ceremonies in temples or in homes. Belief in the Nath philosophy is widespread among the rural folk. Communities from various neighbouring villages would especially invite the Jogis on occasions such as *jagarans* (religious night-long awakenings) to sing devotional ballads. This is their legacy, which they are extremely proud of - they have a distinctive status among all other Jogi sub-castes and consider themselves to be higher in the hierarchy because of this link to the divine.

Being descendents of *Natha*, they believe that they had been given the gift of singing. Budkesh says "*Hamare kanth mein bhagwaan virajman hai*" (god is seated in our vocal cords). "*All Jogis are god-gifted with the art of singing*", he adds. They do not have any book in which the songs they sing are written. These songs are a part of the oral intangible heritage which is passed on across generations.

This is a unique quality of all DNT communities – there is no written literature for the heritage of most of the communities. The customs, values, cultural knowledge, etc., are passed on from one generation to the next orally and through enculturation (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume I, 2008, p.86). Due to lack of literature and documentation of the oral heritage, even for the Jogis, it becomes all the more important for it be preserved.



A Jogi community member playing Sarangi

The Jogis sing only during Hindu festivals or rituals, typically auspicious Hindu days or months when they are especially invited by people from other villages for night *jagarans* (religious night-long awakenings) to sing ballads of religious and moral teachings (Meena, 2018). The group of Jogi musicians in a troupe, who can range from three to eight, usually sit in a circle singing and playing the instruments. They never performed publicly, or for alms or even in front of tourists. They felt that the respect and admiration they had earned among other communities would be compromised by such action.



Mud huts of Jogi community scribbled with names like 'Shiva', 'Gorakh Nath' and 'Yogi' (Meena, 2018)

Being worshippers of Shiva, the destroyer of the cosmos and one of the holy triumvirate of Hindu gods along with Vishnu and Brahma, the stories around his life are of great significance in the ballads sung by Jogis. One of the important ballads that they sing around Shiva's life is *Shiv-Parvati Ka Byavla* illustrating the challenges in the marriage of Parvati with Shiva. Another ballad related to Shiva's life is *Shivji Mahrya*. Similarly, *Narasimha-ki-Katha* is also sung by them. Narasimha is the part-lion and part-man incarnation of Vishnu, the preserver of the cosmos in the holy triad.

After Shiva, the tales of saints or the Rajput warriors and rulers, who renounced the world and had become ascetics, find mention in these ballads. Some of the ballads which are sung around these saintly figures are *Raja Bharthari ki Katha* and *Raja Gopi Chand-ki-Katha*. Bharthari and Gopichand are said to be an uncle-nephew duo who ruled in Rajasthan. Jogis also sing tales of generous dacoits, one such being *Dukha Dahadi*, and of two brothers *Roop Basant*. Some of the Jogi also sing *Baba Ramdev ki Katha* (about Ramdev Pir, a Hindu folk deity of western Rajasthan who was a ruler during the fourteenth century A.D.), and tales of their holy saints like Baba Guru Gorakh Nath, Baba Jalandar Nath, and others. *Shiv-Parvati Ka Byavla* is the longest ballad that takes about three to four nights to complete. The rest could be completed within one night (Meena, 2018).



A group of 3-8 Jogis sing together, playing musical instruments (Meena)



Sarangi, a string



A Jogi community member playing *Mashak*, a wind instrument



Khanjari, a percussion



Pungi, a wind instrument



Manjira, metallic clappers



Chimta, tongs

Kalbeliyas' Tryst with Death – Charming Snakes For A Living

'Kal' means death. The name "Kalbelia" suggests the tribe's dominance over poisonous snakes, and the fear of death. The traditional occupation of the community has been catching snakes and trading snake venom. In any village, if a snake entered a home, a Kalbelia would be summoned to catch the serpent and to take it away without killing it. The Kalbelia men carried cobras in cane baskets from door to door while their women begged for alms. Before the ban on snake charming, snake charmers received alms by performing – they sat on street corners, calling out to people to watch the snake

'dance' to the 'sound' and movement of the *been/pungi* (flute), take pictures and put some donation in the baskets. The performance at times also included handling of snakes or performing other acts. The poison from the snakes was, of course, removed beforehand. Their attire consisted of a *kurta* (upper garment), *lungi* (lower garment) and a traditional colourful *pagri* (turban). However, not all Kalbelias were snake charmers. Among the Delhivale, Marwarvale and the Mewarvale, the Delhivale were more prominently into snake charming, while others were also service nomads, says Kishan Nath Kalbelia, a male community member. Today, with the ban on snake charming, the Kalbeliyas resort to begging, rag picking and working as daily wage labourers (Angelillo, 2013, p. 84).



Snake charmers sitting on the streets, playing *pungi* and making snakes 'dance' (30 Stades, 2020; Deccan Herald, 2020.)

Traditionally, the women from Kalbelia community were not allowed to work beyond the boundaries of their homes, and were confined mostly to household work. Much like in other parts of the country and world, patriarchal notions of maintaining 'purity' and 'protecting' women from 'other' men are central to the patriarchal notions in the community (Robertson, p. 72). In the past, Kalbelia women were allowed to dance only during the celebration of some Hindu festivals and their performance was bound to an inter-communitarian and intercaste fruition (Angelillo, 2013, p. 89). They danced and sang at celebrations and occasions, as many of the community members also iterated during conversations for the case study. They performed at rituals, weddings and festivals, but never for external audiences or tourists. Dancing for the public was considered a taboo, and was also not lucrative enough to attract them.



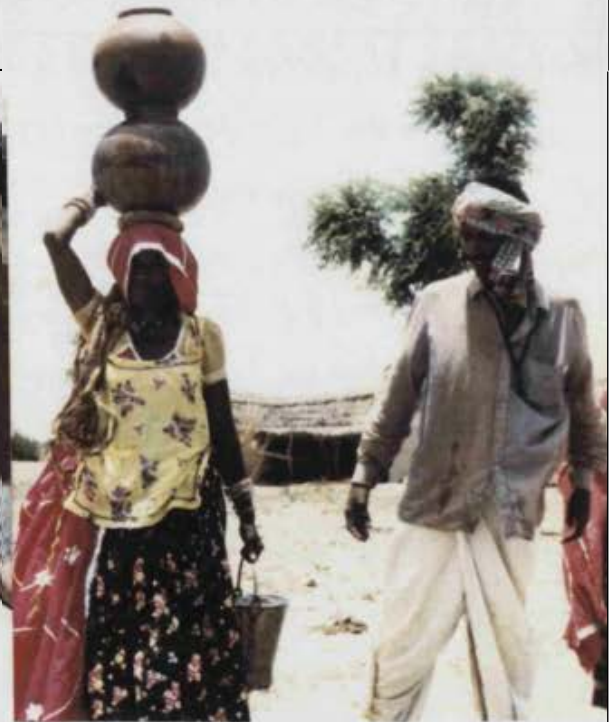
Dishes are cleaned with sand



Child care.



Spreading smooth mud outside the hut.



Fetching water.

Kalbelia women doing household chores (Robertson, p. 207)

III. Nomadism Versus Settled Life

Today, many nomadic communities live on the outskirts of cities and towns, particularly in barren fields and railway stations (Indian Institute of Dalit Studies, 2015). The Kalbelias, too, have been living in tents, camps and *kachi bastis* (squatter settlements) on the outskirts of various parts of Rajasthan for many years now. They slowly started to settle down for better access to livelihood opportunities after the ban on snake charming and took up alternative jobs such as that of agricultural labourers, begging or rag picking (Roberson, p. 50).

Even though they are much more sedentary now, the members of the Kalbelia community still consider themselves to be a *ghumakkar jāti* (nomadic tribe). “*Hum ghumantu the, hum ghumantu hain,*” (we were nomadic and we are still nomadic) states Kishan Nath Kalbelia, adding that 70-80 per cent of the people still do not own lands, houses or government identification documents and live in *deras* (camps/makeshift homes) beyond the villages. “*We live in temporary homes in one place without regular supply of electricity or water till the time we are usually warded off by the police*” says Surma Bai, a woman from the same community.

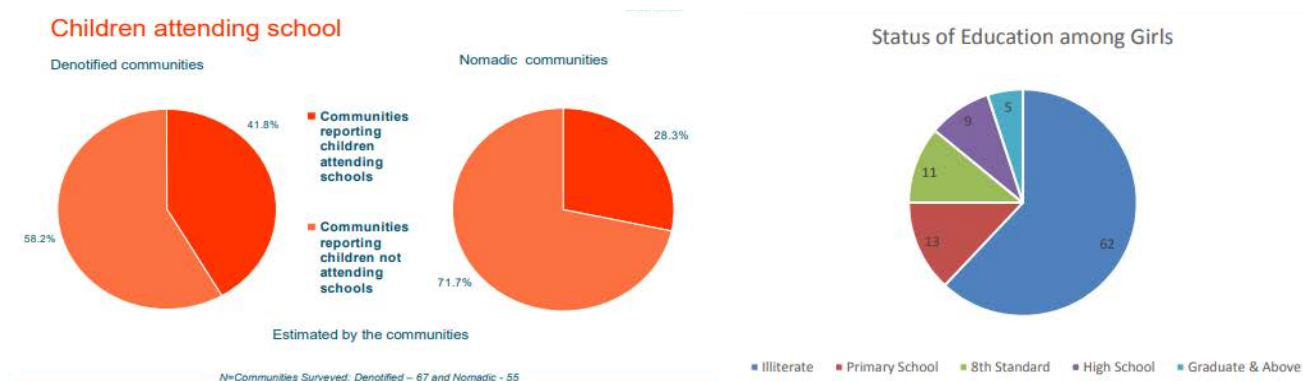


A Jogi settlement of 14 to 18 families (Someday Elsewhere)

Much like the Kalbelias, most of the landless Bhopas / Jogis too lived in tents on the outskirts of the city or villages (Kulshrestha, 2020). Some of the Jogis started settling down a few generations ago and owned small pieces of land. Budkesh Jogi, a community member from Jhonpra village says that his great-grandparents were settled in this village and were involved not only in *gana-bajana* (singing religious songs), but also in agriculture and goat rearing. Since then, for three generations, they have continued living in the village. According to him, the only noticeable change that has taken place across these years is in the cultivation pattern – while they cultivated mainly *jowar* (sorghum), *makka* (maize), and pulses such as *urad* and *chana*, Budkesh additionally cultivates *gehun* (wheat), *sarson* (mustard), *mungfali* (groundnut) and *til* (sesame). The key difference here is that while the older generation grew crops for sustenance, the younger generation grows cash crops for an additional income. This has particularly been the trend in his village due to availability of water for irrigation.

Due to their mobile nature, the Bhopas could not get educated and most of them were, and continue to be illiterate (Madane, 2016, p.1729). In fact, a study done by the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (Volume II, 2008, p. 28) across the country shows that

only 42 percent of the Denotified communities and 28 percent of the nomadic communities reported children attending schools.



Pie Diagram showing the percentage of children attending school from DNT communities (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume II, 2008, p. 28)

Pie Diagram showing the percentage of children attending school from DNT communities (National Commission for Women, p. 54)

Girls from these communities are more marginalised when it comes to access to education. In a study done by the National Commission of Women with DNT communities in Delhi, 62 percent of the female respondents interviewed were illiterate. Only 13 percent were educated, up to the level of primary school. The percentage of girls in the category of graduate or above was found to be as low as 5 percent (p. 54).

Even if the children want to go to school, prevailing economic, political, educational and social systems do not allow them to, and even if they do, the dropout rates among DNTs are very high. The reasons for drop outs include, poor educational infrastructure, distance from the school facility, lack of hostel facilities (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, Volume I, 2008, p. 80) coupled with the discrimination they face at the hands of students from other communities as well as teachers (National Commission for Women, p. 40) (Praxis - Institute for Participatory Practices 2015, p. 10). Also, due to their poor economic condition, children are forced to earn money at a very young age to support the family (National Commission for Women, p. 45). The criminal tag, especially pushes children away from schools. According to a report by Praxis, children face discrimination and verbal abuses from teachers as well as other children (Praxis Institute for Participatory Practices, 2017, p.7).

IV. A Complex Relationship with State: From Being Outlawed to Being Celebrated

As detailed in Section I, the criminalisation and discrimination of DNTs continued even after Independence when the Criminal Tribes Act, 1871 was replaced by the Habitual Offenders Act, 1952. The problems for most DNT-NT communities only increased post-independence. The aspirations of a new nation to 'modernity' were juxtaposed with traditions that were seen as conflicting with mainstreamed narratives of modernity. For example, enactment of laws such as the Wildlife Protection Act of 1972 affected communities that used animals in a range of ways. For example, the Kuchband community of the northern Indian state of Haryana, whose occupation was traditional healing using horns and bones of animals, were pushed to take up odd jobs such as making muzzles for cattle, mending shoes going door to door. Finally, with a decline in demand for even such services, they resorted to begging and rag picking. (Praxis India, 2017)

The Wildlife Protection Act of 1972, passed in order to protect flora and fauna, declares “Wild animals, etc., to be Government property” and “no person shall, without the previous permission in writing of the Chief Wildlife Warden acquire or keep in his possession, custody or control or transfer to any person by way of gift, sale or otherwise or destroy or damage such government property” (The Wildlife Protection Act, 1972). This Act made no concessions for communities like the Kalbelias, in view of which their traditional livelihood of snake charming became outlawed. All kinds of snakes used by the snake charmers, especially the Indian Cobra, were under the purview of this law.

Advocates of the Wildlife Protection Act argue that these legislations protect forests and wildlife from ‘illegal encroachments’ (Bandi, 2017). However, they do not acknowledge that long before the word conservation was coined, the communities dependent on these resources for their living have been managing and conserving them using indigenous techniques.

From Snakecharming to Dancing Like Snakes – the Transformation of Kalbeliyas

Such Acts directly impacted the snake charming Kalbelias and the community was forced to leave their traditional livelihood and look for other alternatives. It is important to mention here that the Kalbelias are not known to have killed snakes. In fact, the Cobra, also called *Naga* or hooded serpent, holds a lot of significance in the mainstream Hindu Culture as well - it is worshipped and it is considered a sin to kill or maim them. Hindus worship snakes in temples as well as in their natural habitats, offering them milk, incense, and prayers. Several myths, beliefs, legends and scriptures are associated with snakes (Jayaram). The *Naga Panchami* festival is dedicated to worship of images of serpent deities and live snakes during *Shravan*, fifth month of the Hindu calendar (Times of India Astrology, 2020).



The *Sarpakavus* (serpent groves) in many parts of Kerala are maintained and protected by Hindu families (Devika, 2020).

In the book *The Sun and the Serpent* written by religious historian C.F Oldham, serpents are described as demigods who are ‘the celestial serpents belonging to Surya’ (the sun god). Oldham says: “It is to these ancient deities, rather than to the great gods of the Brahmins, that the Hindu people first turn in times of trouble. To the Naga, they pray for rain for their crops... they pay their vows in time of pestilence or famine. To these also, they offer the first milk of their cows and first fruits of their harvest.” (as cited by B. Devika, 2020)

The Kalbelias have an indefinite relationship with the snakes where they are treasured (NCERT, 2020, p. 18). “They feed them milk, meat and eggs and release them into the wild after a few months of capture. The captured snake is brought home and a pooja (worship ritual) is performed in which the snake charmer (sapera) vows to release the snake at an appointed date. The snake is treated like a pet, fed and kept warm. The sapera knows that the body temperature of the snake must be kept low. So, in summer, he liberally sprays water on the snake to keep it cool and in winter, offers his own bed to keep it warm” (Down to Earth, 2003). “Jab rozi roti hi unhi se ata tha, dhyam toh rakhna hi padega varna pet kесе bharega” (we earn our bread and butter from snakes, it is but natural that we will take care of them), adds Kishan Nath Kalbelia, a community member.

However, as opportunities for continuing their traditional occupation fell apart, and with no rehabilitation options provided by the government, the community had to look for alternate means of survival. This is how one of the most popular folk-dance forms prevalent in Rajasthan - the Kalbelia dance, took centre stage in the 1980s and 1990s. This dance form swept the national and international imagination. The community came to be identified by the term ‘gypsy’ primarily due to their nomadic background, their occupation as musicians and snake charmers, and their marginal position in Indian society (Angelillo, 2013, p. 84; Joncheere, 2015, p. 71). It is believed that the Kalbelias are related to gypsies living in different parts of Europe and West Asia (Toth, 2016, p. 9). It was precisely this Western, romanticised perception of the Gypsy as a nomadic, poor “noble savage” naturally talented in music that initially stimulated the ‘creation’ of Kalbelia identity as dancers (Joncheere and



Kalbelia dancers showcasing their swirly moves.

Vandeveldt, 2016). As far as the Kalbelia dance is concerned, Joncheere, a Belgian anthropologist who has spent the past decade researching the Kalbelia community, argues that this 'heritage' of the Kalbelia dance is, in fact, a constructed identity (Joncheere, 2015, p. 73). Regardless, a tradition which was kept under wraps became a global spectacle. The construction of identity occurs over a period of time and is influenced by multiple factors. As described in section II, the Kalbelia women traditionally were confined to the boundaries of household work and dancing was performed only during festivals such as Holi and Diwali and occasions such as marriages. The key driving force behind resorting to dancing was the shutting of doors to their traditional livelihood. The Kalbeliya dance form was inscribed on the Representative List of the Intangible Cultural Heritage of Humanity in 2010. It got name and fame, not only to Rajasthan, but also to India. It has become the mainstay of tourist activities.

The Magical Success Story of Gulabo Sopera



Gulabo Sopera performing the Kalbelia dance. (Facebook, 2020)

One of the best examples of the success of the Kalbeliya dance form is Gulabo Sopera - the woman who is given the most credit for bringing international recognition to the community through her dance. Buried at birth in an attempted infanticide, she survived to become the global ambassador of the Kalbelia dance form. Once spotted for her talent by representatives of Rajasthan tourism department in Pushkar, she soon began performing on television, in shows in India and abroad and in the Bollywood film industry (Karelia, 2020). She serves as the president of the All-India Kalbelia Community. Today, she is treated as an institution, a hallmark of the state with a plethora of national and international awards. She has visited 165 countries as a visiting faculty at institutions in various countries (Ginnare, 2020).

Gulabo is credited with creating many of the energetic and graceful Kalbelia dance moves replicating the movements of a serpent acrobatically. Although the traditional dance costume – black *ghagra-choli* and *dupatta* with colourful motifs – were similar, she is also credited for modifying them and making them more colourful with varied patterns (Rawal, 2020). In 2016, she was awarded the *Padma Shri*, India's fourth-highest civilian award, for her efforts in drawing global recognition to the folk dance. Thus, as the 'gypsy movement' gained momentum and the Kalbelia dance form started attracting the national and international attention, more women started performing the dance. The fame started from her and has spread to over 50 women, such as Kanchan Sopera, Moru Bhai, Saubati, among others. It is after the success of Gulabo and few others like her that the Kalbelia dance shifted from a ritualistic to a performative art and dancing in front of outsiders gained acceptance.

Global Fame no Protection Against Stigma and Violence

This story of success and fame does not, however, extend to the Kalbeliyas as a tribe. They continue to be stigmatised by the duty bearers for various reasons, most importantly the baggage of the criminal tag.

Begging for alms was common practice in the Kalbelia community. In fact, they are also known as traditional beggars, says Madan Meena, a folklore researcher (Engage Network, 2020). *“The world has a perception of Kalbelias as dancers, but the police have a perception of Kalbelias as criminals”*, he added. Even if the theft is carried out by some people, the whole community is labelled as criminals. In July 2011, 36-year-old Shyamlal allegedly committed suicide in Kelwa police station of Rajsamand district of Rajasthan after facing brutal torture at the hands of the police, who sought some information about an absconding relative. Such torture of Kalbelia males by the police is commonly reported. They are mostly persecuted and convicted for crimes they have not committed because of the impression of being a criminal tribe (sbltr, n.d.). All members of the Kalbelias community interviewed for the case study reiterated the fact that they are harassed by those who are meant to protect them – *“Sunte hi nahi hain, vyavhaar ki baat toh baad mein aati hai”* (they do not even listen to us, how they behave with us is a distant question - Dhanesh Nath); *“seedha fasa k band kardete hain”* (they put us behind bars straight away - Pappu Nath); *“abhi bhi humein darr hai, kahin bhi kuch bhi hota hai toh sabse pehle ghumantu jaatiyon ko band karte hain* (We still live in fear. If anything happens in any part of the city, the nomadic tribes are caught).



Two newspaper clipping showing how an entire community is labelled and stigmatised even if crime is committed by a few individuals. The first one reads: Interstate Kalbelia gang kingpin held along with five others. Admit to 25 instances of murder, dacoity and theft. (Dainik Bhaskar, 2020; Times of India, 2012)

Governments who have ratified the UNESCO’s Convention for Safeguarding of the Intangible Cultural Heritage and who nominate heritage elements, are obligated to ensure that necessary measures, including legal and financial, are undertaken to safeguard them. Unfortunately, neither has the government taken any such steps, nor has there been any constructive follow-up or monitoring resulting from UNESCO recognition, particularly in relation to funding and upliftment of the community. (Joncheere, 2015, p. 85).

The result is that the community is still largely backward, nomadic and oppressed. In spite of gaining recognition nationally and more so internationally, the government has taken no steps to support the

communities. *“The government has never paid heed to our needs”, “they only play vote bank politics”, “they have not given us our rights”, “the government has been raping us for years”,* are some strong sentiments echoed by the community members. The least the community expects and hopes from the government is to open cultural institutions in which the Kalbelia and Jogi heritage, along with other local art forms, especially from DNT communities, can be taught. The least it will do is to preserve the culture, and at the same time provide occupation to community members, who feel ignored, abandoned and cheated. Kishan Nath Kalbelia said that he even made a *Samiti* (committee) and demanded the government to open an institute/cultural centre to keep the culture alive. But all the efforts went in vain as the government did not even bother to reply. *“Let alone our heritage, the government has not even supported us as a marginalised community. We have been living on this land for over 100 years now – my grandfather first settled on this land – and yet the land has not been allotted to us; we are still landless on paper. I requested one government after the other, but the process gets stuck at the Gram Panchayat level each time. The members of other communities such as Dangis, Brahmins, Baniyas, etc. do not allow land to be allotted to us citing that we are ghumantu and could leave anytime”* he added.

This is true of other traditions from the margins, too. For example, while the *gaana* tradition of the transgender groups are celebrated by their inclusion in the Ministry of Culture’s List of intangible heritage in India, the plight of transgender groups is a never-ending saga of discrimination and oppression. For communities that are marginalised by identity, occupation, gender, caste, etc, the systemic discrimination operates through the existing stereotypes and dominant narratives.

In today’s time, when individuals are recognised only by an identity document, for communities like the Kalbeliyas and other DNT-NTs, ‘illegality’ is an integral part of their identity. These communities do not have any rights over their place of stay in spite of living / using these areas for many years. Living on the outskirts anyway means the denial of basic entitlements such as drinking water, electricity, ration card. These communities hold no significance even for vote bank politics (National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, 2008, p. 2). They have historically been facing marginalisation, which has further promoted their social, political and economic exclusion. Their access to opportunities, rights, rehabilitation and resettlement have been systematically blocked. Their cultures, values, identities, livelihood and traditional knowledge as heritage holders have been ignored and their constitutional rights have been violated by the ones meant to uphold and protect them. Worse, they are invisibilised by the absence of an attempt to count them as denotified or nomadic tribes and by subsuming them into existing caste and class groups. The demands for a census of the DNT-NT groups have gone unheard for decades and there seem to be no indications of change (Praxis Voices from Margins webinar series, 2020).

V. Commercialisation of Culture: Victim of Nexus or of Market?

The UNESCO (United Nations Educational, Scientific and Cultural Organisation) Convention for the Safeguarding of the Intangible Cultural Heritage indicates that safeguarding intangible heritage is of vital importance “as a mainspring of cultural diversity and guarantee of sustainable development” (Text of the Convention for the Safeguarding of the Intangible Cultural Heritage, n.d.) UNESCO’s Representative List of the Intangible Cultural Heritage of Humanity contains 13 entries from India, out of which three are performing-art forms - the Mudi yettu, a ritual theatre of Kerala; the Chhau dance, a tradition from tribal parts of West Bengal, Odisha and Jharkhand; and the Kalbelia folk songs and dances of Rajasthan (Srivathsan, 2016).



The Mudiyetu, a ritual theatre of Kerala; the Chhau dance, a tradition from tribal parts of West Bengal, Odisha and Jharkhand; and the Kalbelia folk songs

‘Creating’ a Heritage

The thought behind creating such a list was that it would provide better visibility for such intangible heritage, help spread awareness about their significance and offer international assistance to promote and preserve them. A look at the Procedure of inscription of elements on the Lists and of selection of Good Safeguarding Practices (UNESCO Procedure of Inscription) shows that UNESCO has strict inclusion criteria and protocols for any intangible heritage to be included in the list. UNESCO, an organisation that was created with the intent to protect and preserve the world’s most important natural and cultural treasures, has been accused of being reduced to a mere marketing tool. As Osborne (2014) says “The World Heritage emblem has come to represent a grandiose marketing tool – fodder for ‘things to see before you die’ coffee-table books.

The fact is that contested identities and the local contexts in which they are constructed and/or modified, deliberately or otherwise, are often heavily influenced by global cultural forces (Terzić, Bjeljic, 2015, p. 1). Intangible cultural heritage reflects national identity as something unique, and is particularly attractive to tourists. Joncheere’s investigation of the nomination process for the Kalbelia dance suggests that the Kalbelias’ past was manufactured to suit the commercial interests of folklorists, the state and the tourism sector, and how this constructed heritage of Kalbelia dancing actually fails to meet UNESCO’s definition of intangible cultural heritage (Joncheere, 2015, p. 75). Kalbeliya dance is artificially portrayed as a traditional art form based on the everyday life practices of the community, although in fact it is a performing art that was consciously designed for external spectators and stage performances and thus not related to everyday life.

It is easy to see why governments and even businesses want the Heritage stamp – cashing in on tourism. The promotion of ethnological elements is very common in the tourist industry and the most recognisable ethnic elements become the focus of a destination. The combination of those elements can create a tourism ‘brand’, but in addition, some of its forms are often positioned on the tourist market as souvenirs.

Chokhi Dhani, an extremely popular theme restaurant celebrating traditional Rajasthani cuisine is one such example. Opened in Jaipur in 1989 with the intent of preserving and celebrating Rajasthani folk culture in a tourist-friendly environment, *Chokhi Dhani* (meaning fine village) has expanded to include a huge 22-acre resort and event park in its original location (Singh, 2014). From getting *henna mehendi* to riding elephants and camels, from eating traditional meals to watching folk dances and songs, it

offers a wholesome 'Rajsthani' experience. However, the concept of cultural preservation through commodification raises complicated questions around identity and authenticity of indigenous heritage.

Kalbeliya Fame, But Without the Baggage of Criminal Tag

A very interesting outcome of the thesis to understand Commercialisation of *Chowkhi Dhani* done by Singh was that the lone family that has been performing Kalbelia dance for tourists at the place for the past 20 years did not in fact belong to the Kalbelia community. They were from Indore and had learnt the dance steps on television, and had been performing there for so many years as they were always trying to 'improve the dancing' (Singh, 2014).

'Manufactured' Consent

In early 2020, the Rajasthan Government joined hands with UNESCO for a three-year long project to "promote music, art and craft forms, and other intangible cultural heritage of the state to spur socio-economic growth of several artist communities" (Times of India, 2020). Capacity building, preservation and promotion of handicraft, embroidery artists, Langa and Manganiyar musicians, Kalbelia artistes, pottery and terracotta artists have been identified as the key objectives of UNESCO's association with the state tourism department. Even though there are rigid criteria to be included in the list of both world heritage sites and intangible heritage list, the governments have the power to create a strong case, often trying to 'prove facts' and disregarding the real culture and heritage of a community, showcasing dominance of ideological and cultural appropriation.



Joncheere spent years tracking down the organisations and people from the Kalbelia community involved in the nomination process (Joncheere, 2015, p. 85). Many of the members did not even know they were signatories and were largely unaware of the dance's "heritage" status. Dhanlakshmi Kalbelia, a female community member also adds "*zyada logon ko nai pata hai. Jo bachhe school jaate hain sirf unhe pata hai kyuki hamari kitab mein likha hai. Bade logon ko nai pata*". (Many community members are not aware about the inclusion of Kalbelia dance in the UNESCO list. Younger generation

that goes to school is more aware, because it is taught in our school curriculum, but the older generation is not aware). Thus, participation, as defined by the Convention, of the heritage bearers is often minimal. Cultural heritage recognition does not constitute an inclusive, unbiased process: rather dominant sectors such as tourism or product-driven industries may exert considerable influence on ultimate ICH – Intangible Cultural Heritage - decisions (Eichler, 2020, p. 6).

Similar issues have also been observed in other countries, in China for example, where creation of so-called ICH Exposition Parks, Cultural Theme Parks, Ecological and other Museums has either led to the fossilisation or to the commercialisation of a heritage or to both (Demgenski, 2017).

BALANCING ACT – THE RITUALISTIC PERFORMANCES OF JOGIS

Unlike the Kalbelias, the Jogis were not at the receiving end of such international appreciation and recognition. Whether or not they got such opportunities is a different question, but more importantly, they did not want to commercialise and ‘dilute’ their heritage. *“There is a ritualistic sacredness attached to their ballads and music which they did not want to lose. Even today, they are respected and valued among other communities, who continue to invite them to sing at jagarans, in spite of technological innovations,”* says Madan Meena.

Budkesh Jogi is one of the first persons from the community to perform for a group of tourists. But, he says, that was because the driver of the tourist van was his relative who requested him to perform, and also because of his excitement to see ‘foreigners’ and perform in front of them. He was happy with the special treatment and respect he got. *“Acha izzat vala kaam tha, anand agya. Wo log tanker mein bitha kar ghumaya bhi”* (It was a nice respectable experience, I felt good. They made me ride with them in their van, too). He earned almost double than what he would have earned in a *jagaran* and even got a good tip. However, he was also aware that the tourists could not understand a single word. They were just happy to listen and jam to the tunes. He got some more requests to perform at other places, but did not want to continue to perform for outsiders for two reasons – one, to not drift away from the culture of performing only ritually in order to sustain their value, and two, he would rather perform for people who understood what they were singing in order to connect with them.



Audio recording being done of the
Bharthari-ki-Katha at Amliwala, Bhairon Ji
Shrine, village Banda (Meena, 2018)

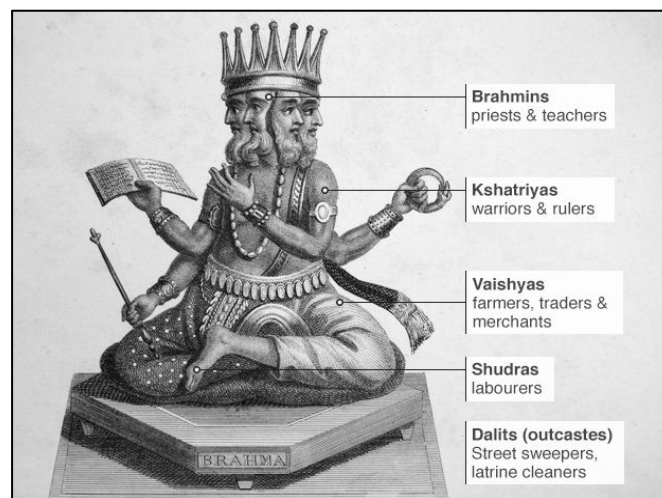
For a single night’s programme, the Jogis charge a *dakshina* (fee) of Rs 11,000, excluding the tips they get from devotees. Commercial organisers offer less, be it for their performance or for art forms of

other communities such as *kathputli dance* (string-puppet dance), says Budkesh. However, as it was a group of foreigners willing to pay double the amount, he went along with one other person. There have been few singers from the community, who have been recorded on cassettes and CDs/DVDs, which has led to a rise in their demand locally, in turn increasing their respect in the communities and providing them the opportunity to charge higher fee.

Budkesh performed for tourists for the first and last time in 2017. Unlike Kalbelia dance, which has transitioned completely from its original form, there has not been any major change in the ballads sung by Jogis, except for an increase in tempo and beats, according to him.

VI. Intersectionality of Caste and Gender

Indian society is defined by its caste system of social stratification. This system, which divides Hindus into rigid hierarchical groups based on their *karma* (work) and *dharma* (the Hindi word for religion, but here it means duty), is generally accepted to be more than 3,000 years old (BBC, 2019). It is perhaps the world's longest surviving social hierarchy. According to the system, there are four principal *varnas*, or large caste categories. In order of precedence, these are the *Brahmins* (priests and teachers), the *Kshatriyas* (rulers and soldiers), the *Vaisyas* (merchants and traders), and the *Shudras* (laborers and artisans). A fifth category falls outside the *Varna* system and consists of those known as "untouchables". They are often assigned tasks too ritually polluting to merit inclusion within the traditional varna system (Human Rights Watch, 2001).



The Indian Caste system (BBC)

There is a long history of caste-based discrimination in India with the ones at the bottom of the ladder. Even though the Scheduled Castes and the Scheduled Tribes (Prevention Of Atrocities) Act, 1989, later amended in 2015, makes discrimination on the basis of caste punishable, the reality is far from that. There are numerous accounts elaborating the nature and extent of these discriminations, highlighting how they are a feature of the Indian society and labour markets (Bob, 2007; Mosse, 2018; IDSN, 2016; Sarkin, 2012; Waughray, 2010). The National Crime Records Bureau in its 2017 annual report stated that 40,801 crimes against SC/STs took place in 2016 (p. ix). However, a report in The Wire adds that many crimes, including those where the alleged offender was a public official, would be recorded under “other IPC sections,” thus reducing the number of crimes reported under the SC/ST Atrocities Act (2018).



Members of the Dalit community were thrashed for skinning dead cows in Una in 2016, essentially because cows hold a holy significance for Hindus (Gopinath, 2018).

The Constitution of India legally recognises social classification of marginalised and backward communities under three main categories - Schedules Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC). The DNTs were not identified as a separate group. Instead, in 1965, the Lokur Committee, set up for the revision of the Scheduled Castes and Scheduled Tribes list by the Government of India, divided the pre-independence list of Denotified and Nomadic Tribes into the above three categories.

Casteism Knows no Heritage or Culture

Aware of the anomalous situation of the communities being listed as SC in one State, ST in another, and also OBC in another, the committee stated, *“This anomalous classification appears to have had its origin in the fact that members of the denotified and nomadic communities possess a complex combination of tribal characteristics, traditional untouchability, nomadic traits, and anti-social heritage. The type of development schemes usually designed for Scheduled Castes and Scheduled Tribes have not benefited the denotified and nomadic tribes to any significant extent because of their relatively small numbers, and their tendency to be constantly on the move. It is also clear that while these communities may possess some characteristics usually associated with the Scheduled Castes and Scheduled Tribes, the dominant factors which govern their life are their anti-social heritage and tendency to move from place to place in small groups. We are inclined to feel that it would be in the best interest of these communities if they are taken out from the lists of Scheduled Castes and Scheduled Tribes and treated exclusively as distinct group, with development schemes specially*

designed to suit their dominant characteristics.” (Department of Social Security, 1965, pp. 16, 17). In a significant suggestion for the uplift of DNTs, the National Commission for Nomadic Tribes chaired by Dada Idate said the Centre should carve out sub-quotas for DNTs across the reserved categories of SCs, STs and OBCs, to enable them to take advantage of job opportunities (Ghildiyal, 2018). *“DNTs are part of these reserved lists but they get nothing. The Centre should carve out sub-categories for DNT-SC, DNT-ST and DNT-OBC, with dedicated sub-quota for them,”* Idate said. The historic discrimination faced by the Dalits and adivasis is very different from the criminalisation and related stigmatisation faced by the DNT-NTs and it is high time this was acknowledged.

The Kalbelias fall under the SC category as per the Central Government’s list (However, many men use ‘Jogi/Yogi’ as their last name due to the cultural value attached to the name. This title falls under the list of OBCs in the state of Odisha (Government of Odisha, 2011). This contradiction often results in the rejection of their application for caste certificates there.

The Kalbelia community members also face discrimination at the hands of other castes. *“Gujjar, Meena humare upar dabav daalte hain-tum toh sarkar zameen pe pade ho. Humko dara k humse Rs 10-20,000 lelete hain”* says Surma Bai (The members of upper castes such as Gujjars and Meenas pressurise us and scare us saying that we are living illegally on government land, and extort money between Rs 10,000 and 20,000 from poor people like us). All the community members interviewed unanimously agreed that the practice of untouchability still exists. *“wo hamare saath khana nahi khate”* (They don’t eat food with us), says Surma Bai. *“Humari zameen pe per nahi rakhte”* (they don’t step on our land”, adds Saira Bai, another female member. However, they also added that the situation had started to change slightly since the time their children started getting education.

The Jogis, on the other hand, said that they do not face any discrimination from people of other castes or communities, probably due to their association with religious rituals.

Women from lower castes suffer multiple discriminations at the intersection of caste and gender. They are denied justice, access to education, health, water, food, sanitation and other basic services, and are often forced into slavery and prostitution (Kundan Welfare Society, p. 32; IDSN, 2019). From a gender lens, the fact that patriarchal attitudes and structures guide the interaction between gender, morality and livelihood, is evident across the world. This is especially relevant in the field of dancing. Women who dance for a source of livelihood are considered to be morally low in many societies (Agnes, 2005; Fadel, 2015; Hubbard and Colosi, 2015), and efforts are made by the society and state to control them. In 2019, the Supreme Court of India, quashing several provisions of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurant and Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016, said “it cannot be denied that dance performances, in dignified forms, are socially acceptable and nobody takes exceptions to it.” It added that a particular activity, which was treated as immoral few decades ago, may not be so now as societal norms keep changing with time (The Economic Time, 2019).

Sanitisation of a Dance Form of Courtesans

Women who dance are often considered to be of immoral behaviour. The most common example in the Indian context is that of Bharatnatyam dancers. The dance form was performed by devdasis, or courtesans, also referred to as ‘hereditary dancers’, who occupied a place of power and prestige, through the practice of music and dance in temples, courts and public spaces. The devadasi system was abolished starting in the 1920s, after a campaign led by nationalist forces against its “immorality” and the suspicion that the women were “prostitutes” (Janardhanan, 2020). Pillai, a Chennai-based Bharatanatyam dancer adds, *“They termed the reform measures a human-rights violation as the devadasi community was disenfranchised and denied their right to livelihood based on art. But the entire community was targeted by the government and criminalised, the term devadasi itself now having become a slur word. We were treated like a morally fallen sect, and this label eventually cancelled our right to dance and access to our own heritage. Then, the art was opened up for others, upper-caste Hindus.”* The sexual exploitation and oppression of devdasis is also not unknown (Jayaraj, 2020). *“At the end, the patrons, who victimised the devadasis, got off scot-free. Sabhas or concerts were funded by the same upper caste men who engaged with devadasis. But their reputation was intact”* says Pillai (Mohan, 2018).



A Bharatnatyam dancer
(Binu, 2018)

A Gender Lense: Can Heritage be Truly Empowering?

For Kalbelia women, becoming a professional dancer meant bearing the stigma of being of easy virtue in the local society (Just History, 2018). Earlier, the role of Kalbelia women was concentrated majorly to household chores and raising of cattle. As discussed previously, traditionally the dance was performed only ritualistically. However, as Gulabo Sopera became increasingly recognised and as demand for the Kalbelia dance increased, more and more women started to perform for an audience.

Gulabo, and the many women who followed suit, had to break a lot of gender stereotypes and community bondages as women who dance in public were suspected morally (Wickett, p.6).

When asked about the impact of commercialisation on the dignity of women, the four respondents from the Delhiwal region (the sub-groups of Kalbelias who were primarily into snake charming traditionally and adapted to the reinvented culture the most) gave a positive response. They felt that the commercialisation of dance had not affected their dignity. It had, in fact, led to the upliftment of their position in the community *“pehle hum ghar valon k same hi naach gana karte the. Ghar ke aadmi gana gaate the, dhol bajate the. Ab esa kuch nahi hai”* (Earlier, the dance was performed only in the presence of family members – they played traditional instruments while the women danced. Now, however, there is no objection if we dance in front of an audience” says Rekha Kalbelia, a female community member. “With respect to any incident of sexual harassment they may have faced while performing, Dhanalakshmi Kalbelia, another female from the community says, *“humari bohot izzat hoti hai. Humare saath kisi ne ched-chad nahi kiya”* (The Kalbelia performers are respected within the community and outside. We have never faced issue of harassment or abuse”.

On the other hand, the eight respondents belonging to the Mewarwal region (the sub-groups of Kalbelias who did other jobs apart from snake charming, such as stone grinding, and were more reserved about taking up dancing) felt that women were objectified and harassed during these dances, due to which the number of women from their community in the profession was lesser *“daaru pi ke battamizi karte hain, nach karna kamm hogaya hai”* (men drink alcohol and misbehave with women due to which dancing has reduced), said Ramesh Nath, a male community member. However, when members of both communities were asked whether the women performed with men other than their own family even at shows, their answer was a clear “no”. As much as freedom and dignity they may have earned, performances for outsiders were done only under the presence and supervision of the families’ men.

Similarly, the Jogi women have never sung at *jagarans*, or even in front of outsiders. They sing only occasionally, mostly at festivals or ceremonies *“Shaadi-byah mein mahila gaati hain. Jab bacha hojata hai uss time kapda chadane jaate hain, tab gaati hain”* (Women sing at marriage functions, or during ceremonies related to child birth), says Priya Jogi, a female community member.

Instances of sexual molestation are not uncommon among dancers, especially those who dance at occasions locally. For example, in Madhya Pradesh, on the birth of a male child, villagers call upon women from the Bedia community, a DNT community, to dance first at a temple in near Ashoknagar, and then in front of the whole village, where they are often molested by male members. *“It is a common religious practice which has the sanction of the community”* says Madan Meena (Engage Network, 2020). *“It is the celebration of molestation, not a religious practice”* he adds.



In the first video grab, two men can be seen getting closer to the dancing woman from the Bedia community; in the second one, the dancer can be seen trying to push away a man who was trying to get close to her. (Engage Network, 2020)

Indian society is steeped in the concept of morality of women. In the Hindu mythological tale of Shiva defeating goddess Kali in a dance competition is an illustration of how even goddesses have to accept defeat in order to guard their identity. In the contest, Kali manages to dance in perfect tandem with Shiva but loses when she is restrained by feminine modesty from imitating Shiva's intentional pose of raising his right foot to the level of his crown. It is this victory that earned Shiva the title of "Nataraja", the king of dance (Makhija, 2010, p. 19). Women who dance for a living are perceived differently. Their alternative lifestyle of dancing and singing contradict the image of Sita (a Hindu goddess) - the self-sacrificing woman whose life and sexuality was embodied in marriage and motherhood. The women who took up dancing chose to confront the moral dilemma and socio-economic challenges facing their community. However, this confrontation seems to be placed within certain boundaries of patriarchy. On one hand, the women were allowed to dance and earn livelihood, and on the other hand, they could, and continue to dance, only in the presence of male members of the family, who usually play instruments. While they may have gained international fame, at home, their lesser known sisters face the brunt of the patriarchal moralities that see women who perform in public as public property.

A Gradual Decline

Unfortunately, the harsh reality for the heritage of both communities is that it is seeing a downfall in demand, and hence, supply. It would be safe to say that the situation for Kalbelia folk dance could be slightly better owing to its international recognition as an intangible heritage. The Jogi folk songs are taking a major blow, with only 5-6 folk singers left in the community who know all the folk songs. Pondering over the reason behind this downfall, Budhkesh Jogi blames lack of demand from consumers. Rajesh Jogi, a male community member adds, "*koi program aate hi nahi hai ab*" (there are hardly any programmes for us to sing at now).



Temporary encampments are visible behind an interviewee -
Dhananath Kalbelia

Another research by Khandelwal (2017), additionally points out to a shrinking interest in the youth to learn the culture and take it forward, which was also supplemented by Pradhan Jogi, another male community member "*yuva gaana bajana nahi seekhna chahti*" (the younger generation is not interested in learning folk songs) – which is because it has become unsustainable to make a living out

of it. As a result, most people in the community now are either involved in farming, or they work as daily wage labourers in agricultural fields and mines, as the occasional ritualistic *mandlis'* (congregation) are not enough to sustain their livelihoods.

As per community voices collected during the case study, the number of Kalbelia dancers in every village has also reduced, due to a decrease in demand for the dance, as well harassment faced by the dancers. Apart from dancing, majority of the Kalbelias, especially the non-dancing sub-groups, are either dependent on begging, or they are rag pickers or daily wage labourers working on agricultural lands or in mines. Even the dancing sub-groups do not depend solely on it, as it is more of a demand-based work, and either beg or work as labourers and rag pickers. *"Zyadatar log ke paas abhi bhi zameen nahi hai, gaon k bahar dere mein rehte hain"* (Most of the people still do not own lands and live in *deras* (camps/makeshift homes) beyond the villages" says Kishan Nath Kalbelia. Due to their nomadic nature and lack of education and awareness, they do not have government documents and are not aware of government schemes and how to avail them. The same situation persists for as well, highlights Bhajan Jogi. In fact, the expenditure of the budget allocated for schemes for the development of the DNTs has been below the budgetary allocation since the past six years, showing the inability of DNTs to avail of funds and resources meant for them (Shipurkar and Sinha, 2020).

Commercialisation of heritage has also opened opportunities for middle men to thug the poor community members. When they are invited for any performance, be it in a hotel or a fair, these thugs stake claim to majority of the money. As Kishan Nath adds, *"even for community women who get the opportunity to perform on stage, 50 per cent of the money is taken by the middle men, 25 per cent gets spent on food, etc and the dancers get only the remaining 25 per cent; such is the monopoly of the market."*

The Impact of a Pandemic

In terms of loss of livelihoods, people from no caste or class were spared in 2020 during the COVID-19 pandemic. However, as it was very evident, the pandemic had a disproportionately larger impact on the poor and most vulnerable and marginalised people, including DNT communities. A number of studies were carried out by Praxis India to understand the impact of the lockdown on most marginalised communities such as Dalits, DNTs, Muslims, women, etc. (Community Collect, 2020). Based on surveys done with 100,000 families in 11 states, it was found that Dalits and DNT-NTs were one of the worst impacted, with three out of four hamlets being pushed deeper in debt.



Some Kalbelia dancers tried to adapt to the online world as the new normal. Even though they faced several challenges, such as living in mud huts or tents with patchy electricity, non-existent wifi and complete technological illiteracy, they have been trying their best to adapt, learn and grow in order to take dance classes online in a desperate attempt to survive (Global Times, 2020).

Conclusion

1. Kalbelias are traditional snake charmers, who are now largely engaged in begging, rag picking and daily wage labour. They slowly started to settle down for better access to livelihood opportunities. However, when they say: *"Hum ghumantu the, hum ghumantu hain"*, it is about a way of life, which resonates about not only how they peek at their own life but also about how they feel others are locating them. In this case, it is also an assertion about their identity, which itself echoes their cultural past and related presence. Similarly, Jogis now have settled lives, engaging in a variety of occupations, including agriculture and goat rearing. However, Jogis are traditionally into singing devotional songs and playing musical instruments. In their case, the content of *ballads* they sing provide insights into

the Gods they pray and saints they revere. It is interesting to see the way they have woven Gods, rulers, saints and also generous robbers into their ballads, which together help them to be moral teachers for other communities. The burden they have to ensure sustaining this character of religious and moral performers is to ensure that their performances are not reduced to those linked to begging or even those with commercial incline. The absence of literacy among people and the fact that these ballads and culture have been passed on for generations through oral tradition does require an active effort to conserve these art-forms and history intrinsic to them.

2. Over the decades, different laws criminalised their work, without paying heed to their right to livelihood. The Wildlife Protection Act, 1972 did not see Kalbelias as victims from the lens of livelihood. The state never understood the relationship between Kalbelias and snakes. However, in the 1980s and 1990s, the Kalbelia dance-form took a global stage; and Kalbelia community itself started being called as gypsies for the reasons of their nomadic nature, being snake charmers and musicians, and of course being at margins. Gulabo Sapera, a community artist performing Kalbelia dance became an institution by herself. A number of other community dancers followed her to fame; and thus the dance form itself moved from ritualistic to performative art-forms. Community women artists performing in front of outsiders were no longer a taboo, although subjected to certain rules and conditions. Along with the mainstreaming of the dance form among recognised folk arts, the begging for alms among the community members was also common. They constantly face harassment from Police owing to their so-called criminal status. On the other hand, Jogis continued to have their presence among those who perform only for religious purposes. Possibly, owing to this reason, their interface with criminality is minimal.

3. Kalbelia folk songs and dances of Rajasthan is one among the 13 Indian entries to UNESCO's Representative List of the Intangible Cultural Heritage of Humanity. The UNESCO lists these to safeguard these forms for their importance as the mainspring of cultural diversity and guarantee of sustainable development. An investigation by Joncheere reveals that one, the nomination process of Kalbelia folk form is an outcome of the commercial interests of folklorists, tourism sector and the state; two, the dance-form was consciously designed for stage performances for external spectators; and three, it was artificially portrayed as traditional artform; and finally, the dance form as heritage of the community is a constructed identity, occurring over last few decades; and is being echoed as national heritage. The key learning here is that the concept of heritage has a potential to have nexus with the tourism industry, especially in a scenario when the State envisions making its geography a tourist destination through the promoting of its cultural forms. In other words, the participation of communities is not embedded in the identification and nomination process for the list of cultural heritage, and what results is actually a beginning of new heritage formation among particular vested interests within the community and outside.

4. Incidentally, the folk forms of Jogis, with all their ballads, which have a long history, and their link to religious rituals, could not make entry into international spaces of cultural heritage. Was it about the ritualistic sacredness attached to their ballads, which disallowed commercialisation for the tourism industry, owing to which the state never noticed the importance of the art form? Or was it about lack of opportunity for them and not being at the right place at the right time?

5. At the intersection of caste and gender, one notes how heritage in itself is subject to the politics of what is 'acceptable' and what is not. Thus, even within the realms of performances, a performative style that is ritualistic and provides access to the divine is acceptable and is even placed on a higher pedestal, while one that is associated with entertainment, automatically does not help its practitioners transcend caste-related stigma. Worse, when the providers of entertainment are women, even international fame can barely cloak the disrespect for 'dancing women'. That global fame will bring acceptance within the caste structure at home cannot be assumed. In fact, on the

other hand, it may lead to further oppression – on the grounds of how can someone from a lower caste / status become more famous?

6. The oppressive relationships of the market are not alien to heritage, manufactured or otherwise. Accepting the argument of a constructed heritage, the question arises as to why the market which determined the packaging of the heritage (Kalbeliya dance) was unable to provide dancers a good livelihood and with dignity. Until and unless dignity of labour is recognised and dancers are seen as workers with rights to proper remuneration, protection from sexual and other forms of violence, social security, livelihood opportunities and an opportunity to practise one's heritage with dignity, there can be many theses written with no actual change in the plight of the marginalised.

Way Forward

India is a land full of traditional knowledge and culture. Unfortunately, with the death of every elderly person, this pool of knowledge and heritage is also dying. The Kalbelias and Jogis are caught on the crossroads of a range of contradictions due to their complicated relationship with the state and its machineries, cultural institutions such as UNESCO, as well as the society at large.

Firstly, the need of the hour is to conduct a separate census of Denotified and Nomadic Tribes and to form of a permanent commission to look into their issues. Policy development for the DNTs are being hindered by the dearth of data on these communities. Having detailed information will help policy makers develop better schemes specific to the needs of these communities.

Secondly, the government should be more definitive in its criterias for promoting some heritages while conveniently excluding others. Why is that the ballads of Jogis could not reach the fame and recognition as Kalbelias? Could it also be because dance is visually more appealing, and hence possibly attracts a larger audience.

At the end of the day, feeding an empty stomach is important, during which preservation of culture often takes a backseat. Be it the Kalbelias who transitioned from ritualistic to performative art or the Jogis whose heritage is fast diminishing due to a decrease in demand, they were willing to give up their heritage and resort to alternate means of livelihoods in order to sustain themselves and their families. A framework for the preservation of heritage needs to be built in such a way that creates community ownership, educates and motivates the younger generation to learn it, preserves the heritage and most importantly, sustains the community. For this sustenance of heritage, it is important that the community sees some incentive – there has to be some economic viability attached to the preservation of heritage in order to keep people motivated and to help them recognise the value of that heritage.

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Annexure I – List of Interviewees

Kalbelia Community

S. No.	Name	Age	Gender
1	Dhanalakshmi Bai	20	Female
2	Dhananath Kalbelia	40	Male
3	Kishan Nath Kalbelia	60	Male
4	Mohan Maharaj	32	Male
5	Pappu Nath	45	Male
6	Ramesh Nath	33	Male
7	Rampal Shikhar Dalelpura	25	Male
8	Rekha Bai	55	Female
9	Resham Bai	25	Female
10	Sahira Bai	60	Female
11	Surma Bai	35	Female
12	Swaji Nath	50	Male

Jogi Community

S. No.	Name	Age	Gender
1	Antar Jogi	50	Male
2	Bhajan Jogi	35	Male
3	Budhkesh Jogi	35	Male
4	Pradhan Jogi	40	Male
5	Priya Jogi	30	Female
6	Rajesh Jogi	45	Male
7	Tusan Jogi	60	Female

Annexure II- Questionnaires

Kalbelia Community

A. HISTORY AND BACKGROUND

2. Please tell me about yourself-your name, age, family members, etc.
3. Describe more about the community you belong to. What were some of the traditional occupations within the community? (from the perspective of a Denotified and nomadic tribe)
4. Since the community members were traditionally snake charmers, what changes occurred in your lives and livelihoods after it got banned by the government? What alternative sources of livelihoods was the community forced to take up?
5. What occupation were your grandparents and parents get involved in? Is your occupation same as that of your parents? Why/why not? What changes in occupations have taken place across generations?

B. KALBELIA DANCE

6. Describe the Kalbelia dance – What is the history around it?
7. What part did men play in the dance?
8. How often was it performed? When was it performed? Occasionally or regularly?
9. Did all the community women dance?
10. How many women dance now? Has there been any change in the number? Why/why not
11. Have there been any conscious attempts to preserve the heritage and tradition - musical instruments, oral history etc.

C. COMMUNITY LEADERS

12. Who are some of the community leaders who helped visibilise the Kalbelias?
13. For women interviewees- How many more women followed the footsteps of the community leaders? What was the perception about women and dancing before market opportunities opened up? Did it change after that?
14. What has been the influence of these leaders on the community? Did they turn around to look back at the community and support others? Why/why not?

D. RELATIONSHIP WITH STATE

15. How is the community's relationship with the state? (Police, government officials and departments, local government functionaries).
16. The government played a key role in providing a platform to the Kalbelia dancers. Has it provided support to those who were not into dancing?
17. Are you able to access government schemes/documents? Are there any issues you face?

E. CHANGE IN LIVING CONDITIONS

18. What have been the changes in the community over the past 2-3 generations?
19. What factors have played a role in this change?
20. How do other communities perceive your community?

Jogi Community

A. HISTORY AND BACKGROUND

1. Please tell me about yourself-your name, age, family members, etc.
2. Describe more about the community you belong to. What were some of the traditional occupations within the community? (from the perspective of a Denotified and nomadic tribe)
3. Since the community members were traditionally snake charmers, what changes occurred in your lives and livelihoods after it got banned by the government? What alternative sources of livelihoods was the community forced to take up?
4. What occupation were your grandparents and parents get involved in? Is your occupation same as that of your parents? Why/why not? What changes in occupations have taken place across generations?

C. JOGI FOLK SONGS

5. Please tell us about the Jogi community's traditional folk songs (What is the history surrounding them? How often were they performed? When were they performed? Occasionally or regularly? Was the whole community involved in singing traditionally?)
6. Were all the community members involved in singing? What were the occupations of the people who did not sing?
7. What are the roles men and women play in these performances?
8. How many people sing now? Has there been any change in the number? Why/why not?

D. COMMUNITY LEADERS

9. Are there any community members who visibilised Jogi culture? (Are there any singers from the community who have been recognized internationally or locally? What happens when one person becomes more in demand?)
10. What has been the influence of these leaders on the community? Did they turn around to look back at the community and support others? Why/why not?
11. Have there been opportunities for the community to take their skills beyond the local communities, such as to tourists? Did they take advantage of such opportunities? Why/why not? Do you think taking advantage of these opportunities will weaken the culture?

E. RELATIONSHIP WITH STATE

12. How is the community's relationship with the state? (Police, government officials and departments, local government functionaries).
13. Are you able to access government schemes/documents? Are there any issues you face?

F. CHANGE IN LIVING CONDITIONS

21. What have been the changes in the community over the past 2-3 generations?
22. What factors have played a role in this change?

F. SUSTAINING CULTURE

23. How do other communities perceive your community?

24. What is the value in sustaining culture? Is it more important than the economic upliftment and existence of a community?
25. Have there been any conscious attempts to preserve the heritage and tradition - musical instruments, oral history etc.

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