

## Guilty until Proven Innocent : The Case of Gulab

**Mittal Patel**

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24 year old Gulab was taken from Sanand to Anand by the police. Belonging to the Iyava village, his family belonged to the Dafer community that had been declared a criminal tribe before 1952. Today, it is a 'denotified' tribe. His father is Latifbhai who is employed as a guard at the farms. One day, a quarrel broke out between Latifbhai's brother and Gulab. This uncle-nephew fight took a horrible turn when a person from the Darbar community tried to intervene and was hit on the hands by a stick. This led to a complaint being filed by the man from the Darbar community against the father and the son. They were immediately arrested and released on parole subsequently. But they had to turn up regularly at the police station for 'hazri'. One day when they went to Sanand police station for a routine reporting; there they were arrested and blamed for a robbery that had taken place in Anand. The two pleaded their innocence.



Latifbhai called up Ahmedbhai at Vijapur. Ahmedbhai was a one time criminal who had left his criminal activities and was actively participating in social service and creating public awareness among his own Dafer community. After listening to Latifbhai, Ahmedbhai called some officers known to him. They subsequently called the Sanand police station and Latifbhai was released.

But, he was told that Gulab has committed theft and, since they had clinching evidence to support this, they would not release Gulab.

Latifbhai returned home with a heavy heart and wondered what he would tell Gulab's wife and his four year old daughter. While walking back home, he remembered his old days when he was involved in petty crimes and how he had always wanted to keep his kith and kin away from such a life. Why then was Gulab in custody today? The deplorable reputation and the past baggage that the Dafer community had carried was something he did not want his son to bear. He called Ahmedbhai again, who asked him to be patient. Yet, his mind was constantly filled with concern and worry for Gulab, who would be at the receiving end of police beatings at the police station.

Latifbhai called me up and explained his precarious situation. I could not boast of links with the police forces and I pondered over what I could do to save Latifbhai and restore his happiness. I called up Shri Toliya, an acquaintance in the police who was a DSP and explained the case to him. He told me he would look into the matter and get back to me. Later that evening, Latifbhai called again and his voice was full of fear and said Gulab's remand was accepted. I asked him to be patient but, in a heavy voice he firmly told me that the word 'remand' was enough to strike terror in his heart recollecting his own days when he faced a similar situation when he was accused of, or caught stealing. He stated that once the police had registered people as criminals, that blot would remain on them for the rest of their lives. Moreover, the police had always had the tendency to exploit uneducated people such as Latifbhai. He told me that he did not like to steal and live a life of dishonesty but circumstances forced him to do so. He was also aware that one day he would have to answer his God for his crimes and that very thought made him feel highly uncomfortable. But, when there is no food in the house with small children crying around, what one could do, he candidly asked. There is no employment of course.

"Once a thief in the police records, one is always a thief; and so one day I was unfairly arrested by the police for stealing when I had not really done anything," Latifbhai told me. "They stripped me down to my underclothes and beat me red and blue. My mouth bled and I fell unconscious. When I tried to remove the last piece of cloth on my body, my skin would come off along with it. It is impossible to escape police without any permanent scar on your body. After that beating, I started limping and anybody in my place would have done the same after the manner in which the police treat the people."

We should not take Latifbhai's case in isolation. We must study its socio-economic roots. The police considers the whole Dafer community as criminal including young children. Prior to independence, the Dafer community may have been a criminal tribe in the eyes of the British, but their skills were used as mercenaries by the local rulers and princes especially in battles against one another. They had been a target of exploitation even then. The Crown and the Princes have gone today, but the new order has continued to exploit them. In pre-British times

their utility lay in the fact that they were constantly used in proxy warfare by one king against another to create unrest and destroy villages of the opposite kingdom.

When the British made inroads into and then established themselves in India, a range of tribes such as Dafers, Miyanas, Sandhis, Thebas, Chunvalia Koli among others were left without patrons when all Kings swore allegiance to the Crown. Now they sought to create their own livelihood. Another blow came when they were declared criminal tribes under the Criminal Tribes Act, 1871. As per the Act, twelve communities from Gujarat and two hundred of them all over India were declared 'criminal tribes'. Also as per the Act, every person from these tribes was a born criminal who had to report to the police station everyday once he or she turned eighteen. Their settlements were cordoned off and there was constant police surveillance. They could not leave their settlements for more than a day, and they carried the blemish and stigma of being criminals and law breakers for life. All their social links were broken and nobody wanted to have relations with them. They had very little option for work and were most often employed as guards of the farmlands, a practice that continues even today. When their work or utility was over, they were removed from the fields. Hence, there was no constant shelter as well.

India may have been independent in 1947 but it was only in 1952 that the community became a 'denotified' tribe and they could stop their visits to the police station. After almost eighty years they breathed an air of freedom. But, the situation on the ground remains different. Even till date, they are required to register themselves with the police. The police often misuse this and they are linked to almost any crime that occurs in the neighborhood. Even today, after



a crime is committed, the first thing the police look for is whether there is a Dafer settlement nearby. And if there is one, it is burnt down, the men folk are imprisoned and those women and children who try to resist are beaten and manhandled.

It is due to this, Latifbhai thought, that his son was taken away. The past still haunts him and his people. Ahmedbhai, after leaving behind the world of crime took to reform his community and helping his people; he would take criminals to the police stations, make them admit their crimes and after them spending the required time in custody ask them to leave the world of crime. I asked Ahmedbhai to speak to the police about Gulab's innocence but they refused to believe him at all. The criminal wanted was Gulab Mussa while Latifbhai's son was Gulab Latif yet the police did not listen. Since Dafer children were denied any kind of education, Gulab has no educational certificates or even a birth certificate or ration card to prove his exact identity.

In 2007 these communities were given voting cards at the initiative of the Organization to support Nomadic and De-notified Tribes (Vicharta Samuday Samarthan Manch – VSSM). I remembered that they had got Identity cards at that time. Chief Electoral Officer Shri Vinod Babbar and the Principal Secretary Shri RM Patel had helped us in this task. The task was not easy; the Dafers were removed from their villages leaving them with no place or permanent address. They were also prevented from having their photographs taken. Latifbhai who filled up the forms was pressurized by the villagers. The Sarpanch agreed after a lot of persuasion but Latif was told not to seek any land rights at all from his village. I took the Identity card of Gulab to the police station and asked for his immediate release. Not only did they oblige but also pleaded not to take up the matter further and gave him Rs. 200/- to go back safely.

Gulab was released finally but the period inbetween was tense both for me and Latifbhai. Whenever I went to his settlement, Gulab would always be there to receive me. He would always express his desire to educate his daughter. Looking at his innocent face and his innocent talk, I was often troubled and worried. Gulab may have got justice and was able to think about educating his daughter and about life beyond prison but there are many Gulabs out there. It is the need of the hour that society becomes more sensitive and proactive and fights for the rights of these people as they too have a right to live decently in this country.

## **TO BE OR 'NAT' TO BE**

The Nat community has been traditionally involved in the occupation of staging various tricks and stunts to entertain people. Earlier, in Rajasthan, they catered only to the ruling class and not to the commoners, which gave them the title of 'Raj Nat'. Sometimes they also entertained the upper caste people. There is much folklore as to why they shifted to Gujarat from Rajasthan. It is said that when the Moghul Emperor Akbar captured Chittor from Rana Pratap, the Rana vowed never to enter Chittor again till he defeated Akbar. With him the Nats also



migrated out of Rajasthan. Another story goes that it was a severe drought that made them move down to Gujarat. In Gujarat, the task of entertaining the upper castes was in the hands of the Bhavaiyas and the Nat Bajanias. When the Raj Nat community moved to Gujarat, they requested these two communities for a space to coexist, but were refused. Finally, they had to

ask the Turi community (who played for the Dalits) for some space to co-exist. In response they were given some villages to function in, in the Jhalawar region of Gujarat. But they were also bound by caste hierarchies. They kept their settlements away from the Dalit settlements, where they went only to perform but had no other relations with the Dalit families.

Earlier, they had matrimonial alliances with the Nats who had stayed back in Rajasthan; but, once the Nats in Rajasthan came to know that the Nats in Gujarat were entertaining Dalit families, they cut off all matrimonial ties with them.

Natwarbhai Kehani of Sedla village in Surendranagar district says that in Gujarat their population is 7000. When his forefathers went to Rajasthan for their community conference



and complained that despite being Raj Nats they were not treated equally they were told that they were no longer Raj Nats but were now 'Dhedha' Nats (untouchable); that their connection with the Raj Nats had ceased to exist. Their association with the Dalit families had cost them this ostracism. Today, officially they have been classified as OBC families. However, Shankarbhai of Tokrada village of Surendranagar district complains, "Our plight is pitiable. The Government refuses to give us SC status and the Nats of Rajasthan do not count us as their own people. We live among the Dalits today, drink their water and marry their women; and now even the Dalits have developed a tendency to look down upon us. We have repeatedly asked the Government to give us the SC status and we have even held rallies for that but the government is in no mood to listen. Hence, our plight is really pitiable."

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