'Insane Adivasi' Remark: How the Court Failed to Grasp the Deeper Prejudice Against Oppressed Communities

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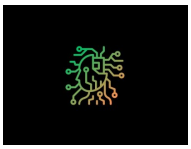

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For India's tribal communities, particularly in central India, the name *Adivasi* is a powerful declaration of their irrefutable indigeneity and sovereignty. Yet its meaning shifts with context: either as an affirmation of identity and dignity, or as an objectified bias from the so-called mainstream societies.

A recent ruling from Jharkhand high court symbolises this duality. The court rejected an FIR filed by an Adivasi woman against a government officer who referred to her as an "insane Adivasi," under the SC/ST (Prevention of Atrocities) Act (hereinafter PoA, Act). This rejection represents judicial myopia, failing to recognise the term's colonial, casteist misuse and the pervasive discrimination Adivasi communities still endure.

Two different intents behind saying "Adivasi": Pride and stereotype

The term Adivasi carries a deeply contested meaning. For Adivasi people themselves, it is a self-chosen identity rooted in resilience, connection to the earth, and a tradition of resisting erasure which is older than the modern nation-state. Many Adivasis proudly reclaim the word in their political, cultural, and economic assertion.

As Jaipal Singh Munda, famously declared in 1946: "As a jungli, as an Adibasi, I am not expected to understand the legal intricacies... You cannot teach democracy to the tribal people; you have to learn democratic ways from them."

His words framed Adivasi as a moral and constitutional claim to dignity and self-determination.

Yet, in everyday usage, Adivasi is often weaponised as an insult. Phrases like *"Yeh toh Adivasi log hain, inhe kuch samajh nahi aata* (These are Adivasi people, they don't understand anything)" or *"Aap Adivasi jaise kyun bartav karte ho?* (Why are you behaving like an Adivasi)" reflect colonial and casteist assumptions of backwardness and inferiority, reinforced by media and institutions that stereotype Adivasis as either pitiable or obstructive.

Furthermore, terms such as *Vanvasi* have been co-opted into a political project aimed at assimilating tribal identities into Hinduism.

The problem arises when institutions, even the courts, fail to differentiate between the pride in self-identification as Adivasi and the prejudice, unconstitutional vocabulary attached to its use by others. Not only does this perpetuate harmful stereotypes, but it also violates the constitutional promise of dignity, equality, and respect for all citizens regardless of background.

How the court missed the larger picture

The high court of Jharkhand quashed an FIR filed by Sunita Marandi, who was publicly insulted and called an "insane Adivasi" by a government officer. The reasons for the quashing find the judiciary even more detached from reality on the ground. The court's reasoning, that the term "Adivasi" doesn't appear in the Constitution (Scheduled Tribes) Order, 1950 for Jharkhand, and hence the case under the Act cannot be made out against the accused, demonstrates a troubling adherence to legal formalism at the expense of justice.

In its order, the high court conducted a "conjoint reading" of the PoA Act, along with constitutional provisions (Articles

341, 342 and Clauses 24, 25 of Article 366) to conclude that unless a community is specifically notified in the President's public notification as a Scheduled Tribe, its members cannot claim protection under the Act.

This rigid approach results in a preposterous situation in which India's tribal population who jointly acknowledged and self-defined as Adivasis for decades suddenly has their existence legally erased because of technicalities of administration. It is a proven tenet that laws must be interpreted in spirit, and not just in letter.

Moreover, the order creates a perverse incentive, now all one needs to do if one wishes to victimise tribal people is simply not employ the exact words used in the 1950 order and proceed with casteist behavior. This weakens the very purpose of the PoA Act, the purpose of which was to avoid systemic humiliation of such people.

Furthermore, the court noted the FIR didn't explicitly state Marandi's Scheduled Tribe status. Though in the FIR her caste was mentioned as Adivasi and did not explicitly state that she belongs to a listed Scheduled Tribe (ST), the court ruled that Sections 3(1)(r) and 3(1)(s) of the PoA Act do not apply. The court could have directed a verification of her status and instructed the police to be more sensitised in handling cases of atrocities against SC and ST communities. Instead, it chose the path of least resistance.

The quashing of the FIR by the court was based on a technicality. One of the reasons included the mistaken reference to a non-existent "SC/ST Act 2016" instead of the real 1989 law. This reveals a judicial attitude that prioritises procedural niceties over substantive justice bordering on the preposterous. The formalism of the court here creates a chilling effect under which trivial paperwork mistakes can override grave accusations of caste-based humiliation.

The PoA Act is not just an anti-discrimination law; it is a transformative tool to dismantle entrenched hierarchies and systemic violence against Dalit and Adivasi communities. Verbal casteist abuse reinforces historical exclusion and psychological harm.

By denying the criminality of such words, the judiciary not only fails the victim but also undermines the law's larger goal of social transformation and justice. This case marks a missed opportunity to affirm the dignity and rights of the historically oppressed.

What the Supreme Court says

The high court's decision contradicts the Supreme Court's well-established jurisprudence, which consistently holds that procedural technicalities must not obstruct substantive justice.

In Uday Shankar Triyar v. Ram Kalewar Prasad Singh (2006), the Court emphasised: "Procedural defects and irregularities which are curable should not be allowed to defeat substantive rights or cause injustice. Procedure, a hand-maiden to justice, should never become a tool to deny it."

This principle was reaffirmed in Dwarika Prasad (D) through LRs v. Prithvi Raj Singh (2022), where the Court stressed that justice must take precedence over rigid adherence to procedure.

Moreover, the SCI has, on several occasions, reaffirmed that caste-based verbal insults, when used in a derogatory and insulting form, are a crime under the PoA Act.

In Arumugam Servai v. State of Tamil Nadu (2011), the SCI held that while words like "Pallan" or "Chamar" denote specific castes, they are also often used in a derogatory sense to insult Scheduled Caste members. Justice Katju clarified that it is not merely the utterance of a caste name that constitutes an offence, but the intent behind its use to demean or humiliate. The law thus focuses on context and motive.

In light of this jurisprudence, using the term "Adivasi" in a derogatory and demeaning manner to insult a member of the Scheduled Tribe community may similarly qualify as an offence under the PoA Act.

It is often argued that the terms Dalit and Adivasi lack constitutional or statutory standing since they do not explicitly appear in the Constitution or relevant laws. This is a flawed view that ignores both judicial usage and broad social recognition.

The SCI itself has repeatedly used these terms, such as in Harjinder Singh v. Punjab State Warehousing Corporation (2010), which referred to "the poor, weak, 'Dalit', tribals and deprived sections of society". Similarly, in Ashoka Kumar Thakur v. Union of India (2008), the Court acknowledged the historic deprivations faced by "ex-untouchables and Adivasis".

These are not incidental mentions but part of substantive judicial reasoning, binding under Article 141 of the Constitution. Rejecting these terms, as the Jharkhand high court did, on the ground that they are absent from statute books reflects a reductive, overly literal approach.

By prioritising procedural technicalities over the core

injustice of caste-based humiliation, the court strayed from the transformative mandate of the PoA Act. This narrow interpretation diminishes the dignity of the complainant and weakens the constitutional promise of justice for the most vulnerable.

‘My identity has been made a joke’

An interview with Sunita Marandi revealed the deep injustices she has faced. When asked about her reaction to the recent High Court order, her first response was filled with pain: “They have played with my very existence. What does my identity mean if, even as an Adivasi, I have to prove who I am?”

Sunita expressed her deep dissatisfaction with the judgment, stating that it feels as though her identity has been stripped away.

“I look like an Adivasi, I dress like an Adivasi, I live my Adivasi identity every day – I belong to the Santhal community. What more do I need to prove? ‘Adivasi’ is a widely known and recognised term. For generations, we have been called Adivasi. How can the court say that calling someone ‘Adivasi’ in an insulting and derogatory way is not a crime?” she asked.

Describing the incident, she recounted how the official humiliated her in a cruel and degrading manner. “The way he spoke to me and insulted my identity was extremely disturbing, she said. She also added that after the FIR was filed, the concerned officer tried to contact her again allegedly in an attempt to harass her further.

Her struggle did not end there. When she went to the police station to file a complaint, she was met with indifference.

“My complaint was turned into a joke,” she recalled. Her case was registered only after several visits to the police station, and even then, no one seemed to take it seriously.

“I kept asking about the progress on my complaint, but they would simply say, ‘We’ve received your complaint.’ The higher officials never even contacted me,” she said.

Although the police knew she was from the Santhal community, they omitted her Scheduled Tribe status in the FIR. Worse, she was neither given a copy nor informed of its exact contents, she said.

Despite all this, Sunita remains determined. “If I get the right support, I will fight this battle to the very end. I want to appeal against this order,” she said, resolute in her pursuit of justice.

A call for deeper caste sensitivity

India, a nation built on the labour, resilience, and systemic oppression of Adivasis and Dalits, cannot truly fulfil its constitutional promise of dignity, equality, and justice unless its institutions uphold these values in both spirit and practice. Yet, even after 75 years of democracy, a glaring gap remains. The judiciary, bureaucracy, and executive often lack an empathetic understanding of the lived realities of historically oppressed communities.

Caste blindness persists at every level of governance, manifesting in the routine insensitivity and prejudice of officials, like the government officer who dismissed a Dalit woman's request for a wheelchair with the cruel remark: "Why do you need a wheelchair? The government has given you free ration – enjoy that." From local offices to the highest echelons of power, such attitudes reflect an entrenched systemic bias that still treats Dalits and Adivasis as second-class citizens.

This failure stems from the complete absence of caste sensitisation across the administrative apparatus, including judicial academies and institutions like LBSNAA. India urgently needs comprehensive, community-rooted training for its officials, that deconstructs caste biases, confronts structural oppression, and instills an anti-caste, rights-based ethos of governance.

Moreover, an educated judge or administrative officer must remain vigilant to the political narratives and power dynamics that insidiously erode the constitutional rights of oppressed communities. Only through such awareness can they resist these distortions and steadfastly uphold the Constitution's vision of justice and equality.

Justice for Adivasis and Dalit communities will remain elusive until institutions learn to see through the eyes of the oppressed.

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