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Indigeneity, caste, tribe and the limitations of decolonial thought in South Asian socio-legal studies: The need for a decolonial–debrahmanical approach

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Abstract

The dominant decolonial approach in Adivasi studies and South Asian socio-legal studies is broadly and primarily rooted in a critical study of the British colonial rule, epistemologies, laws and institutions, as they are considered to be the roots of social, cultural, religious, legal and political challenges faced by post-colonial India. Therefore, in common vocabulary, the decolonial or decolonisation approach is synonymous with identifying and dismantling the legacies of colonial rule and epistemologies. This paper highlights the limitations of the dominant decolonial approach in relation to post-colonial discourses vis-à-vis categories of caste and tribe. I argue that the classification of social groups into caste and tribe has more to do with Brahmanical epistemology than colonial epistemology. Subsequently, drawing upon Adivasi oral narratives from the field, this paper argues that there is a need to look beyond the prevailing decolonial approach and consider a decolonial–debrahmanical approach to address the decolonial challenges in post-colonial India.

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1 | INTRODUCTION

The dominant narrative regarding the category of caste and tribe in South Asian socio-legal studies is centred around the idea that these categories are primarily a product of the colonial exercise of knowledge-gathering undertaken by the British colonial state to reconfigure Indian society, or the larger South Asian society, for the purposes of colonial control.¹ This dominant narrative has been questioned by Adivasi,² Dalit³ and anti-caste thinkers and scholars, who argue for the pre-colonial roots of caste and Brahmanism's primary role in the construction of the categories of caste and tribe.⁴ However, despite the recognition of Brahmanical epistemology's central contribution to the formation of caste and tribal identities and categories, the focus in South Asian socio-legal studies has remained centred around a critical study of the colonial epistemology and corresponding laws and institutions, not the Brahmanical epistemology. This underpins the foundation of decolonial thought within South Asian socio-legal studies, where decolonisation is synonymous with a critical study and dismantling of colonial epistemology and corresponding laws and institutions.

¹ This analysis is based on Edward Said's critical analysis of colonial exercise of knowledge-gathering in reshaping colonies, see R. O'Hanlon, 'Caste and its Histories in Colonial India: A Reappraisal' (2017) 51(2) *Mod. Asian Stud.* 434; For details, see E. Said, *Orientalism* (Vintage 1978); A. Appadurai, 'Is Homo Hierarchicus?' (1986) 13(4) *AE* 745; R. Inden, *Imagining India* (Indiana University Press 1990); S. Devalle, *Discourses of Ethnicity: Culture and Protest in Jharkhand* (Sage Publications 1992); C.A. Breckenridge and P. van der Veer, *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (University of Pennsylvania 1993); B. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton University Press 1996); D. Hardiman, *The Coming of the Devi: Adivasi Assertion in Western India* (OUP India 1997); A. Skaria, *Hybrid Histories: Forests, Frontiers and Wilderness in Western India* (OUP India 1998); S. Guha, *Environment and Ethnicity in India, 1200–1900* (Cambridge University Press 1999); N. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton University Press 2001).

For an extensive list of colonial works on caste and tribes, see C. Bates, 'Race, Caste and Tribe in Central India: The Early Origins of Indian Anthropometry', in P. Robb (ed), *The Concept of Race in South Asia* (OUP 1997) 219.

² Adivasis are the de-facto Indigenous peoples of India, see, for example V. Xaxa, *State, Society, and Tribes: Issues in Post-Colonial India* (Pearson 2008).

³ Dalit is a self-identified term used by erstwhile 'untouchables' who have been historically subjugated and oppressed by the Hindu caste system. The word 'Dalit' literally means 'broken' or 'crushed', see S. Paik, 'Mahar-Dalit-Buddhist: The History and Politics of Naming in Maharashtra' (2011) 45 *CIS* 217. Historically, Dalits have used self-identified terms such as the Adi-Dravida, Adi-Andhra, Adi-Dharam, Adi-Hindu to claim their rights in the Indian nation as the original inhabitants of the land. Dalits claim of being the original inhabitants is centered around reclaiming pre-caste identities, see G. Aloysius, *Nationalism Without a Nation in India* (OUP 1997); G. Omvedt, *Dalits and the Democratic Revolution: Dr. Ambedkar and the Dalit Movement in Colonial India* (SAGE 2014); C. Jangam, 'Dilemmas of Dalit Agendas: Political Subjugation and the Self-Emanicipation in Telugu Country, 1910-50' in R.S. Rawat and K. Satyanarayan, *Dalit Studies* (Duke University Press 2016). In the Constituent Assembly debates, Adivasi leader Jaipal Singh Munda while arguing for the rights of the original inhabitants of India, remembered how historically the original inhabitants of India have been enslaved by the Indo-Aryan's and argued that "Sir, I do not consider my people a minority. We have already heard on the floor of the House this morning that the Depressed Classes (Dalits) also consider themselves as Adivasis, the original inhabitants of this country. If you go on adding people like the exterior castes and others who are socially in non man's land, we are not a minority", see Constituent Assembly Debates (1946) 1 Lok Sabha Secretariat 144. For detailed discussion on Jaipal Singh Munda's arguments in the Constituent Assembly, see P. Parmar, 'Undoing Historical Wrongs: Law and Indigeneity in India' (2012) 49 (3) *Osgoode Hall LJ* 491.

⁴ For B.R. Ambedkar's analysis of caste see, for example *Castes in India: Their Mechanism, Genesis and Development* (The Indian Antiquary 1916), *Annihilation of Caste* (Navayana 1936). Also, see P. Mukherjee, *Beyond the Four Varnas: The Untouchables in India* (Motilal Banarsidass Publications 1988); Aloysius, op. cit., n.3; S. Sarukkai, 'Phenomenology of Untouchability' (2009) 44 *EPW* 39.

For discussion on category of 'tribe', see Xaxa, op. cit., n.2; J. Bara 'Alien Construct and Tribal Contestation in Colonial Chotanagpur: The Medium of Christianity' (2009–2010) 44(52) *EPW* 90; V. Damodaran, 'Colonial Constructions of the "Tribe" in India: The Case of Chotanagpur' (2006) 33 *IHR* 44.

I argue that South Asian socio-legal studies have overlooked the problems of Brahmanical epistemology as the ‘original’ epistemology which has led to the formation of caste identities, caste hierarchy and the formation and stigmatisation of tribes in South Asia.⁵ Additionally, socio-legal scholars have risked conflating the Brahmanical tradition with the ‘greater’ Indigenous tradition of South Asia that is evident in their emphasis on Brahmanical texts, such as the *Dharmashastras*, as sources of India’s Indigenous laws.⁶ This is the same *Dharmashastras* that envision a caste-based hierarchically structured society in which the rights and duties of individuals and communities are strictly determined by birth.⁷ One significant consequence of these oversights is the misappropriation of decolonial discourse by Brahmanical forces, which is evident in their call for replacing the Constitution of India and the legal system with an Indigenous framework rooted in the Brahmanical knowledge system.⁸

This paper highlights the limitations of decolonial thought in South Asian socio-legal studies by demonstrating that the classification of society into caste, tribe, and a caste-based hierarchical structure is originally a Brahmanical vision, which was strengthened and institutionalised at pan-South Asia level by the colonial state in collaboration with Brahmin and non-Brahmin upper-caste Hindu elites. Subsequently, drawing upon Adivasi oral narratives from the field, this paper argues for the need to move beyond the prevalent vocabulary on decolonisation and include a debrahmanical approach in Adivasi studies and South Asian socio-legal studies broadly.

2 | METHODOLOGICAL CONSIDERATIONS

In this paper, I draw upon Adivasi, Dalit and anti-caste studies, along with Adivasi and Dalit oral stories and narratives, to highlight the limitations of the decolonial approach as understood and employed in Adivasi studies and South Asian socio-legal studies broadly.

Generally, in sociology, anthropology, history, religion and law, Adivasi and Dalit oral stories and historical narratives are studied using the ‘counter-storytelling’ framework.⁹ I argue that this methodology has limitations in South Asia’s context, as it grants Brahmanical stories, myths and narratives the status of ‘greater’ or ‘original’ stories while framing Adivasi and Dalit narratives merely as ‘counter-narratives’.¹⁰ Drawing on Adivasi, Dalit and anti-caste critiques, I argue that

⁵ For example, G. Guru, ‘How Egalitarian are the Social Sciences in India?’ (2002) 37 EPW 5003; D. Dwivedi, ‘The Evasive Racism of Caste and the Homological Power of the Aryan Doctrine’ (2023) 11(1) CPR 209; U. Bagade, Y. Jogdand, and V. Bagade, ‘Subaltern Studies and the transition in Indian History Writing’ (2023) 11 CPR 175.

⁶ M. Galanter, ‘The Aborted Restoration of ‘Indigenous’ Law in India’ (1972) 14(1) CSSH 53; R. Lingat, *The Classical Law of India* (Munshiram Manoharlal Publishers 1973); W. Menski, *Hindu Law: Beyond Tradition and Modernity* (OUP 2003); L. Rocher, *Studies in Hindu Law and Dharmaśāstra* (Anthem Press 2012).

⁷ D.R. Davis Jr., *The Spirit of Hindu Law* (Cambridge University Press 2010).

⁸ See, for example J.S. Deepak, *India that is Bharat: Coloniality, Civilisation, Constitution* (Bloomsbury India 2021); A. Sengupta, *The Colonial Constitution* (Juggernaut 2023).

For discussion on Hindutva appropriation of decolonial discourses, see A. Sen’s ‘Decoloniality and Right-Wing Nationalism in India: The Case of J. Sai Deepak’, in G. Hull (ed), *Intellectual Decolonisation: Critical Perspectives* (Routledge 2024); A. Kunnummal, ‘Islamic Liberation Theology and Decolonial Studies: The Case of Hindutva Extractivism’ (2023) 14(9) Religions 1080.

⁹ For origin and importance of counter-storytelling framework, see, for example R. Delgado, ‘Storytelling for Oppositionists and Others: A Plea for Narrative’ (1989) 87(8) MLR 2411.

¹⁰ B. Narayan, ‘Demarginalization and History: Dalit Re-Invention of the Past’ (2008) 28(2) SAR 169; M. Sen, ‘Between Religion and Politics: The Political Deification of Mahishasur’ (2022) 52(4) Religion 616.

it is Brahmanism which has historically employed the ‘counter-storytelling’ framework to construct a Brahmanical vision of Indian society and civilisation, a vision anchored in *varna* order.¹¹ This was achieved through the appropriation and Brahmanical ‘colonisation’ of Indigenous historical figures, deities, cultural symbols, cults and so on.¹² For instance, scholars have argued that the mythical characters of Ram and Yudhishtira, as depicted in the Brahmanical epics, the *Ramayana* and *Mahabharata* respectively, were conceptualised to counter and erase the legacy of Indigenous historical figures such as Emperor Ashoka.¹³ Furthermore, Brahmanism has demeaned and demonised Indigenous social groups and figures, as seen in the stories of Ekalavya, Shambuk, Shabri, King Bali and Mahisasura, among others.¹⁴

Therefore, instead of studying Adivasi and Dalit oral stories and narratives as ‘counter-stories/narratives’, there is a need to study them as normative sources of India’s Indigenous history and epistemologies.¹⁵ I employ the framework: Indigenous peoples’ stories are normative sources of Indigenous history, laws and epistemology as explained by Adivasi, Dalit, anti-caste and Indigenous scholars from around the globe.¹⁶

3 | CASTE AND TRIBE: COLONIAL CONSTRUCTS?

Post-colonial critiques argue that the category of caste and tribe and associated attributes, as understood today, are the product of colonial epistemology. In the context of caste, it is argued that pre-colonial Indian society was made of diverse social identities, with caste being one among

¹¹ Varna can be loosely translated as ‘category’ or ‘class’. In Brahmanical worldview, society comprises of four Varna’s (caste-classes). In descending order of hierarchy, the four Varna’s are Brahmin, Kshatriyas (kings, rulers), Vaishyas (merchants), and the bottom are the Shudras (servants, slaves). Outside these four Varna’s are the Ati-Shudras (untouchables/Dalits) and Adivasis, who are considered polluted and hence placed outside the Varna system. Rigveda, the earliest of the Brahmanical corpus (from Vedas to Upanishads to Brahmanas to Dharmashastras to Ramayana/Mahabharata to Puranas, and so on) provided the original theory of division of society into four *varnas*, see, B.K.Smith, *Classifying the Universe: The Ancient Indian Varna System and the Origins of Caste* (OUP 1994); B.R. Ambedkar, *Riddles in Hinduism* (Education Department, Government of Maharashtra 2016).

¹² Omvedt argues, ‘the ability of the Brahmins to appropriate existing cults was one of the major factors behind their eventual historical success’, see G. Omvedt, *Buddhism in India: Challenging Brahmanism and Caste* (Sage India 2003) 48; V. Nath, ‘From Brahmanism to Hinduism: Negotiating the Myth of the Great Tradition’ (2001) 29 Soc. Sci. 19. For discussion on cultural appropriation and law, see S.E. Merry, ‘Law, Culture, and Cultural Appropriation’ (1998) 10 YJLH 575.

¹³ For example, P. Olivelle, *Ashoka: Portrait of a Philosopher King* (HarperCollins India 2023).

¹⁴ R. Munda, in *Adivasi Astitva aur Jharkhand Asmita ke Sawal*, contextualises Adivasi history through Sanskrit texts, such as the Upanishads, Ramayana and Mahabharata, in which Adivasi communities are depicted as Asur, Nishad, Dasyu and Rakshas. Also, see Bara, op. cit., n.4; H.S. Shekhar, *The Adivasi Will Not Dance* (Speaking Tiger Books 2015); B.R. Mani, *Debrahmanising History: Dominance and Resistance in Indian Society* (Manohar Publishers and Distributors 2005); P. Ranjan, *Mahishasur: A People’s Hero* (Forward Press Books 2016).

¹⁵ Doniger argues that low-caste narratives have been historically erased by the Brahmins, see W. Doniger, *The Hindus: An Alternative History* (Viking Press 2010) 39.

¹⁶ For importance of Adivasi and Dalit oral stories, memory and narratives, see, for example R.D. Munda, *Adi-Dharam: Religious Beliefs of the Adivasis of India* (Sarini and Birs 2000). To understand the importance of oral stories, memory and narratives in Indigenous socio-legal-political vocabularies around the globe, see, for example J. Borrows, *Drawing Out Law: A Spirit’s Guide* (University of Toronto Press 2010); V. Napoleon and H. Friedland, ‘An Inside Job: Engaging with Indigenous Legal Traditions through Stories’ (2016) 61(4) McGill LJ 725; A. Hanna, ‘Going Circular: Indigenous Legal Research Methodology as Legal Practice’ (2020) 65 (4) McGill LJ 671.

them, often fluid rather than rigid.¹⁷ Additionally, it is contended that caste is a result of colonial officials and orientalist's reading of the Sanskrit Hindu texts, who mistook the textual for reality and solidified caste identities through caste surveys and census.¹⁸ Similarly, the origin of the category of 'tribe' is attributed to the colonial dilemma of classifying the people who did not fit within the known social, cultural, ethnic and religious categories were living in hilly forest areas, surviving on rudimentary agriculture and following 'animistic' religions.¹⁹ It is argued that to differentiate this group of people from the rest of the Indian society, British anthropologists fused the idea of race with caste to create the rigid category of tribe.²⁰ Consequently, the category of 'tribe' has been declared a product of colonial theories and practices and a product of European racial theories.²¹ However, this dominant thesis of caste and tribe being a colonial invention with no pre-colonial social reality fails to confirm the Adivasi and Dalit experience and their historical understanding of social categories in South Asia.²²

Dalit and anti-caste scholars, based on historical, sociological, political and experiential perspectives, argue that though there were regional variations in the caste system in pre-colonial India, the hierarchical pattern was broadly uniform and consistent across all regions for over a millennium.²³ At the top of the social hierarchy were the Brahmins, followed by literate, land-owning castes in the middle, and labouring and 'polluted' castes, *Shudras* and *Ati-Shudras*, at the bottom, and the entire caste structure was legitimised and sanctified by Brahmanical tradition.²⁴

Similarly, there are Adivasi and non-Adivasi scholars who emphasise that though the category of tribe came into being during the colonial period and hence could be called a colonial construct, the meaning underlying the category of tribe is far from being a colonial construction.²⁵ Emphasising on the role of Hindu texts, Adivasi scholars Xaxa and Bara argue that the way tribes have been categorised in the colonial texts, the "Sanskritic and Hindu religious texts and traditions describe and depict tribes in a similar fashion."²⁶ It is argued that it would be a mistake to claim that the characterisation of 'tribe', tribal attributes or 'tribalness' was absent in pre-colonial India since the

¹⁷ Inden, op. cit., n.1; Cohn, op. cit., n.1; Dirks, op. cit., n.1; G.E. Marcus, *Rereading Cultural Anthropology* (Duke University Press Books 1992) 34.

¹⁸ Dirks has been supported by Debjani Ganguly, Sanjoy Chakravorty and Sumit Guha arguing that the British invented 19th century caste and tribe, see J. Raj, 'Post-colonial Caste, Ambedkar, and the Politics of Counter-Narrative' (2024) 35(2) HA 310, at 313.

For a critique of postcolonial argument that caste-based census was a colonial innovation, with evidence of caste-wise enumeration in pre-colonial India, see N. Peabody, 'Cents, Sense, Census: Human Inventories in Late Precolonial and Early Colonial India' (2001) 43(4) CSSH 819.

¹⁹ For example, Skaria, op. cit., n.1; Guha, op. cit., n.1; B.G. Karlsson and T.B. Subba, *Indigeneity in India* (Kegan Paul 2009).
²⁰ id.

²¹ S. Das Gupta and A. Prakash (eds), *De-Centering Dominant Narratives in India: Alternative Perceptions of History and Development* (Fabrizio Serra 2018); V. Damodaran and S. Dasgupta, 'Special Issue: Multiple Worlds of the Adivasi. An Introduction' (2022) 56 Mod. Asian Stud. 1353, at 1365.

²² Bara, op. cit., n.4; C. Jangam, 'A Dalit Paradigm: A New Narrative in South Asian Historiography' (2015) 50 Mod. Asian Stud. 399; Bagade, Jogdand and Bagade, op. cit., n.5.

²³ For caste in early pre-colonial India, see, for example D. Cherian, *Merchants of Virtue: Hindus, Muslims, and Untouchables in Eighteenth-Century South Asia* (University of California Press 2023).

²⁴ See, for example Aloysius, op. cit., n.3.

²⁵ For example, Xaxa, op. cit., n.2; Bara and Damodaran, op. cit., n.4.

²⁶ Xaxa, id; Bara, id.

categorisation of forest dwellers as wild and barbaric people in need of civilisation predates the colonial period.²⁷

Besides noting the contribution of Hindu texts, scholars have equally noted the central role of Brahmin and non-Brahmin upper-caste elites in the making of the colonial epistemology vis-à-vis caste and tribe.²⁸ They argue that the categorisation of the population into Brahmins, Kshatriyas, Vaishyas and Sudras was based on the Brahminic theory of caste classification and was done by the colonial state with the approval of Sanskrit scholars and others well versed in the Vedic tradition.²⁹ Similarly, the socio-legal construction of various tribes and low-castes as hereditary 'criminal' communities, and stigmatisation of Adivasi and Dalit women as 'sexually available, obscene, loud and morally corrupt', was primarily based on Brahmin and non-Brahmin upper-caste perceptions of Dalit and Adivasi communities.³⁰ Thus, the knowledge the British colonial state created vis-à-vis caste and tribe was significantly shaped by the information provided by the Brahmin and non-Brahmin upper-caste elites who were assisting and guiding the colonial ethnographic and anthropological projects on caste and tribe.³¹

While the central contribution of Brahmins, non-Brahmin upper-caste elites and Sanskrit Hindu texts on colonial understanding of caste and tribal identities is acknowledged, there exists a lack of systematic critical scholarship in South Asian socio-legal studies on Brahmanical epistemology which could help us understand its historical role in making of caste identities and tribal stigmatisation in South Asia. To fill this gap, it is crucial to critically examine the Brahmanical Hindu texts, stories and narratives to understand how the Brahmanical worldview has historically impacted social identities, hierarchies, laws and governance in South Asia.

4 | BRAHMANISM: CONSTRUCTING SOCIAL IDENTITIES SINCE ANCIENT TIMES

To understand Brahmanism's historical role in the construction of social categories and identities, it is essential to consider its journey in South Asia. There is a consensus that Brahmanism originated with the Indo-Aryans or Vedic people or Brahmins.³² The emerging scholarship on Brahmanism argues that before migrating into India, the Brahmins were primarily settled in the north-western part of South Asia, the area comprising present-day Afghanistan and Pakistan.³³

²⁷ R. Ranjan, *The Political Life of Memory: Birsa Munda in Contemporary India* (Cambridge University Press 2022) 19; id. Damodaran, *op. cit.*, n.4.

²⁸ For roles of Brahmin and non-Brahmin upper caste Hindu elites in production of colonial knowledge, see, for example R. Rocher, 'The Career of Rādhākānta Tarkavāgīśa, an Eighteenth-Century Pandit in British Employ' (1989) 109(4) JAOS 627; P.B. Wagoner, 'Precolonial Intellectuals and the Production of Colonial Knowledge' (2003) 45(4) CSSH 783.

²⁹ Bates, *op. cit.*, n.1, at 9.

³⁰ See, for example J. Hinchy, 'Conjugalities, Colonialism and the 'Criminal Tribes' in North India' (2020) 36(1) Stud. Hist. 20.

³¹ See, for example N. Peabody, 'Knowledge formation in Colonial India' in D.M. Peers and N. Gooptu (eds), *India and the British Empire* (OUP 2012) 75; A. Memon, 'English in Taste, Indian in Blood: Caste Hegemony in the Making of British International Legal Thought' (2024) LRIL 1.

³² J. Bronkhorst, 'The Historiography of Brahmanism' in Otto et al. (eds), *History and Religion: Narrating a Religious Past* (De Gruyter 2015); G. Flood (ed), 'Introduction' in *The Wiley Blackwell Companion to Hinduism* (2nd edn, Blackwell Publishing 2003); A. Porpora, *The Roots of Hinduism: The Early Aryans and the Indus Civilization* (OUP 2015).

³³ Indo-Aryans migrated to the north-western region of South Asia between 1500 and 1200 BCE, see Porpora, *id.* Indo-Aryans or Vedic people or Brahmins started further migrating deep into India amidst the changes and chaos brought by

This is evident in the descriptions provided by the Vedic people about their land of residence, which the grammarian Patanjali and others called *Aryavarta*, the ‘land of the Aryas’.³⁴

It has been found that at the time of the composition of the *Rigveda* and Buddha, the boundary of *Aryavarta* was limited to the east of the *Sapta-Sindhu* (the land of seven rivers) region, that is, Panjab.³⁵ However, by the end of the second century BCE, the boundary of *Aryavarta* has been found to be extended till the point where the river Ganges and Yamuna meet, that is, Prayag.³⁶ Therefore, for the Indo-Aryans or Vedic people or Brahmins of the second century BCE, the region east of the confluence of the Ganges and the Yamuna, that is, the territory constituting the present-day eastern Uttar Pradesh, Bihar, Jharkhand and beyond, was still non-*Aryavarta* or a non-Brahmanical foreign territory.³⁷ This gradual expansion of *Aryavarta* from the north-west to the eastern part of India raises questions about the dominant narrative that Vedic people or Brahmins have been forever Indigenous to India and that their socio-cultural, religious and philosophical tradition – rooted in Brahmanical texts, stories and narratives – has been the default great tradition of India, and all Indians have been Hindu since time immemorial.³⁸

4.1 | Indo-Aryan migration and the classification of Indigenous groups

It has been observed that as the Indo-Aryans or Vedic people or Brahmins were migrating from the north-west to the eastern part of India, they encountered diverse Indigenous social groups whom they described based on various characteristics, including physical appearance, language, occupations, culture, religious beliefs, social order and the regions they inhabited.³⁹ Based on the descriptions of the non-Vedic groups as found in Brahmanical texts, it has been argued that the general attitude of the Indo-Aryans towards the Indigenous groups was not friendly.⁴⁰ The Indo-Aryans saw the Indigenous peoples through a lens of ‘us’ versus ‘them’.⁴¹ Subsequently, the early Vedic or Brahmanical texts are found to contain derogatory descriptions of Indigenous groups.

There are many terms in Brahmanical texts which help us understand Indo-Aryan’s contempt towards Indigenous peoples. For instance, the term *mlechha*, a Sanskrit word for foreigners and barbarians, was used by Indo-Aryans to describe Dravidian and Munda-speaking populations of northern India.⁴² *Mlechha* was explicitly used by the Indo-Aryans to distinguish themselves

the Alexander’s invasion of north-western part of South Asia i.e areas comprising present day Afghanistan and Pakistan, for detailed discussion, see J. Bronkhorst, ‘The Rise of Classical Brahmanism’ in K.A. Jacobsen (ed), *Routledge Handbook of South Asian Religions* (Routledge 2020); J. Bronkhorst, ‘Rethinking India’s Past’ in A. Mattoo and H. Tiwari (eds), *Culture, People and Power: India and Globalized World* (Shipra Publications 2014).

³⁴ Bronkhorst, id.

³⁵ M.M. Deshpande et al., *Aryan and Non-Aryan in India* (University of Michigan 2020) 254.

³⁶ J. Bronkhorst, *Greater Magadha* (Brill 2007) 1.

³⁷ id.

³⁸ Brahmanism was a regional socio-cultural religious–political ideology or tradition during the last centuries preceding the common era, see Bronkhorst, op. cit. (2014), n.33.

For colonial construction of Hinduism and its anchoring in Brahmanism, see, for example Aloysius, op. cit., n.3.

³⁹ Mukherjee, op. cit., n.4; R.H. Davis, *Religions of Early India: A Cultural History* (Princeton University Press 2024).

⁴⁰ Mukherjee, id.

⁴¹ M. Witzel, ‘Autochthonous Aryans? The Evidence from Old Indian and Iranian Texts’ (2001) 7(3) *EJVS* 1.

⁴² R. Thapar, ‘The Image of the Barbarian in Early India’ (1971) 13(4) *CSSH* 408.

from the Indigenous tribes.⁴³ Similarly, the terms *dasa* and *dasyu* are frequently used to describe the non-Vedic tribes whom the Indo-Aryans saw as ‘sub-human’ and ‘barbaric’ people for the reason that non-Vedic tribes do not perform rites or sacrifices, are indifferent to gods, do not follow proper laws and the *varnashrama dharma*, that is, a caste-based social order.⁴⁴ Another trait on which the Vedic people judged the non-Vedic peoples was their language and speech. For Indo-Aryans, Sanskrit was the only correct language; subsequently, derogatory terms such as *mrđhravac* and *mlechha* have been used to describe the Indigenous groups who, according to Vedic peoples, could not speak correctly.⁴⁵ Besides these traits, Indigenous groups are defined based on various occupations they were involved in, such as jewellery work, carpentry, animal husbandry, fishing, hunting and many other occupations. Indo-Aryans have used the term *Shudra* for the people involved in ‘menial’ jobs.⁴⁶ In addition to defining and classifying the social groups involved in settled life, Vedic texts have also described the nomadic people as *Asuras*, that is, peoples who do not stay in one place for a longer period, and peoples who have been created from the worse part of the body of the creator and peoples who have been defeated and driven away from their land by the *Suras* (gods).⁴⁷

It has been found that the Indo-Aryans showed special indifference to those regions and Indigenous groups who resisted the *varna* order, Vedic religion, and denied the priestly services of Vedic priests.⁴⁸ This could be understood in the context of the region of Magadha, the geographical area comprising present-day eastern Uttar Pradesh, Bihar, Jharkhand and beyond. According to Prabhati Mukherjee, Indo-Aryans have a particular contempt for Magadha. This region has been prohibited from being visited by the Indo-Aryans, and if visited, then penance has to be performed.⁴⁹ Bronkhorst has traced the reference to Magadha and its people in *Satapatha Brahmana*, which calls the people of Magadha the ‘demonic people of the east’ and followers of *Asuras*.⁵⁰ In the *Mahabharata*, Magadha has been described as a region where people erect stupas, are ‘godless’, and the society is socially disordered for they do not follow the *varna* order.⁵¹ The dislike for Magadha is so great that the whole region and its people have been described as a place where ‘outcastes’ live, the land of *Shudras*. Prabhati Mukherjee has observed that the hatred of Indo-Aryans for Magadha and its people is so deep that in *Atharvaveda*, there is a special hymn cursing the Magadha region and its people with a deadly fever.⁵² The contempt for Magadha shows the dislike and contempt Indo-Aryans have for the Indigenous peoples who are culturally, religiously, linguistically and physically different, do not follow *varna* order and do not give preference to Vedic (later Brahmin) priests.⁵³ It is argued that due to their contempt for

⁴³ A. Parasher, *Mlecchas in Early India: A Study in Attitudes Towards Outsiders upto AD 600* (Munshiram Manoharlal Publishers Pvt Ltd 1991).

⁴⁴ Parasher, id.; Mukherjee, op. cit., n.4, p. 49.

⁴⁵ R. Thapar, *Cultural Pasts: Essays in Early Indian History* (OUP 2000).

⁴⁶ Mukherjee, op. cit., n.4, p. 39.

⁴⁷ Mukherjee, op. cit., n.4.

⁴⁸ id.

⁴⁹ id.

⁵⁰ Bronkhorst, op. cit., n.36, p. 4.

⁵¹ id.

⁵² Mukherjee, op. cit., n.4, p. 33; N.P. Dutt, *Aryanisation of India* (N.K. Basu 1925) 88.

⁵³ Bronkhorst, op. cit., n.36, p. 5.

Indigenous peoples, the Indo-Aryans adopted an isolationist policy and refrained from mixing with local populations.⁵⁴

It is not a coincidence that Magadha, a region so deeply hated by Indo-Aryans or Vedic peoples or Brahmins, happens to be the land of Buddhism, Jainism, Ajivikas and other early Indigenous spiritual traditions or religions.⁵⁵ If we take the Adivasi Munda oral history into consideration, the region of Magadha is also the region where Mundas were the rulers. As per Munda's oral history, the whole of the northern Gangetic belt was under Munda rule before it was lost to the Aryans. As proof of their ancient glorious past, Mundas claim their fort is still standing near the banks of the river Ghaghara near Azamgarh, and the fort of Ghosi belonged to the *Asura* kings and is representative of the ancient *Asura* kingdom.⁵⁶

The preceding discussion is a short glimpse into the Indo-Aryan or Vedic or Brahmanical perspectives towards India's Indigenous peoples, their culture, religion, customs, language and social order. It is on these foundational narratives that later Hindu texts, such as Manusmriti, built upon and defined the social categories and identities that eventually formed the basis for caste identities and hierarchical social order.⁵⁷ Emphasising on the role of Brahmanism in the making of social identities in India, Nirmal Bose argues that it was Brahmanism that assigned rigid caste identities and fixed vocations to the 'first peoples' of India who were 'traditionally engaged in a great variety of occupations, from cultivation to craft to hunting'.⁵⁸ Explaining the Brahmanical process of constructing social identities, Mukherjee argues that the concept of four *varnas* and their place in the hierarchical order were decided based on to what extent a social group accepted the superiority of Vedic language, literature and Vedic priests in rituals and ceremonies.⁵⁹ The Brahmin writers of the Hindu texts enhanced or reduced the position of a social group based on the change in the behaviour of that social group vis-à-vis the Vedic people and tradition. For instance, tribes such as *Paundrakas*, *Dravidas*, *Kambojas*, *Yavanas*, *Sakas*, *Paradas*, *Pahlavas*, *Kiratas*, *Daradas* and many others were found to be initially categorised as Kshatriyas, however, in later texts, their status was downgraded to that of *Shudras*.⁶⁰ The social groups and people who consistently refused the supremacy and hegemony of the Indo-Aryan culture, religion and *varna* order were permanently declared the 'other' in the Brahmanical texts and stories.⁶¹

This is not to imply that the descriptions in Brahmanical texts and stories reflect the exact social reality of Indian society.⁶² Nevertheless, the Brahmanical texts, stories, and narratives represent

⁵⁴ J. Bronkhorst, *How Brahmins Won* (Brill 2016).

⁵⁵ *id.*

⁵⁶ Told to me by Adivasi Munda elders during my field work in the Khunti block of Jharkhand. Also, see D.L. Drake-Brocknan, *Azamgarh: A Gazetteer* (Government Printing 1911); S.C. Roy, *The Mundas and Their Country* (Jogendra Nath Sarkar at the City Book Society 1912).

⁵⁷ Mukherjee, *op. cit.*, n.4.

⁵⁸ Prathama Banerjee has noted Ambedkar and Nirmal Bose's objection to the opinion that caste was an indigenous local variant, see P. Banerjee, *Elementary Aspects of the Political: Histories from the Global South* (Duke University Press 2020) 105. For Ambedkar's views, see Ambedkar, *op. cit.* (1916), n.4; Ambedkar, *op. cit.* (1936), n.4. Also, see U. Chakravarti, *The Social Dimensions of Early Buddhism* (Munshiram Manoharlal Publishers 1987); Bronkhorst, *op. cit.*, n.34; Olivelle, *op. cit.*, n.13.

⁵⁹ *id.*

⁶⁰ Deshpande, *op. cit.*, n.35, pp. 254.

⁶¹ Mukherjee, *op. cit.*, n.4.

⁶² For example, Olivelle argues that the Dharmasastras do not to tell what people actually did, they tell what people should do, see P. Olivelle, *Dharmasutras: The Law Codes of Apastamba, Gautama, Baudhyana, and Vasistha* (OUP 2000) p. v.

the Brahmanical worldview and vision of society that began to take hold in South Asia around the third century CE.⁶³ By this period, Brahmins became increasingly prominent in religious, political and governance roles, often serving as advisors to rulers. Once established, the Brahmanical vision of a hierarchical caste based social order remained a prevalent mode of governance until the Mughal era and reached its zenith during the British Raj.⁶⁴

4.2 | Colonial state's bonhomie with Brahmanical epistemology: Brahmanisation of India?

Scholars studying the origin and rise of Brahmanism attribute its success to the endorsement of Brahmanical *varna* ideology by Indigenous rulers and chieftains. It is argued that as the Indo-Aryans spread out from their early base, areas comprising present-day Afghanistan, Pakistan and some parts of Punjab, to Gangetic plains as far as Prayag, the Vedic or Brahmin intellectuals earned the support of Indigenous rulers, chieftains and dominant groups by incorporating them into the *varna* social order as Kshatriyas. Consequently, in pre-medieval era, Indigenous kings or chieftains gave preference to Vedic priests or Brahmins in their courts for two reasons: *first*, Brahmin priests exalted and legitimatised their high status as Kshatriyas in the *varna* social order and *second*, the new *varna* ideological apparatus enabled them to tighten their grip on the population they ruled.⁶⁵ These developments led to the process of Brahmanisation of the socio-cultural-religious-political landscape in South Asia, a process actively enabled by the Indigenous rulers and elites.⁶⁶

Similarly, in the context of the medieval period, scholars argue that though the Islamic rulers were not dependent on Brahmins and the *varna* ideology for legitimisation of their high status as Kshatriyas, they also did not interfere with the caste-based social order because they found it useful to manage the society.⁶⁷ Not only was the caste system left untouched, the Mughal rulers actively contributed to the flourishing of Sanskrit literature and learning across India, playing a crucial role in strengthening the Brahmanical social ideology.⁶⁸

One can see that in case of pre-medieval and medieval period, the usefulness of the Brahmanical caste order for the rulers have been recognised, however, it is surprising that the same has

⁶³ Bronkhorst and Olivelle argues, it is not only Ashoka's inscription which is silent on Varna system, most of the non-Sanskrit inscriptions prior to 2nd century CE are silent on *varna* system. The first evidence of 'varna's' 'caste/classes' was found in a Sanskrit inscription from 2nd century CE in Girnar (Gujrat). See Bronkhorst, op. cit., n.36; Olivelle, op. cit., n.13.

⁶⁴ For discussion on caste during the medieval period and Mughal period, see, C. Bayly, *Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion 1770-1870* (OUP 1988); I. Habib, *Medieval India: The Study of a Civilisation* (National Book Trust 2007).

⁶⁵ Bronkhorst, op. cit., n.54; S.K. Saha, 'Historical Premises of India's Tribal Problem' (1986) 16(3) J. Contemp. Asia 274.

⁶⁶ Witkowski calls the enablers of Brahmanisation in ancient South Asia: 'Brahmanisers'. See N.Witkowski, 'Rethinking Brahmanisation and Caste Politics in Late Ancient South Asia: A Study of Outcaste Buddhist Subalternity' (2025) 45 (1) Comparative Studies of South Asia, Africa and the Middle East 13. For detailed work on Brahmanisation in South Asia, see Bronkhorst, op. cit., n.36; J. Bronkhorst, *Buddhism in the Shadow of Brahmanism* (BRILL 2011); Bronkhorst, op. cit., n.54.

⁶⁷ Habib, op. cit., n.64, p. 62.

⁶⁸ O'Hanlon, op. cit., n.1. Sanskrit poems were written by Jain and Brahmins in praise of Mughal elites, see A. Truschke, 'Regional Perceptions: Writing to the Mughal Court in Sanskrit' in C.Lefevre et al. (ed.), *Cosmopolitismes En Asie Du Sud* (EHESS 2015).

not been explicitly recognised in case of the British colonial state although it is widely accepted that caste system became more rigid during the colonial period. The British state's preference for Hindu texts, the Sanskrit language and Brahmins has been explained in different contexts except its preference for the Brahmanical vision of society. For instance, according to Cohn, the motivation for the British colonial state to give Brahmins, the Sanskrit language, and Hindu texts a central stage in the colonial state was scholarly curiosity to unlock the mysterious knowledge of the ancients and belief that Indians should be governed by Indian law.⁶⁹ For Romila Thapar, the British primacy over Hindu texts and Hinduism was rooted in the idea of creating a new history separated from Muslim India.⁷⁰ Islam being the erstwhile power in India, the British saw Islam as a political rival, hence the idea of Hinduism was constructed on James Mill's idea of Hindu and Muslim being two civilisations.⁷¹

Although these analyses seem reasonable in their own context, scholars may have missed the usefulness of the caste system for the British state. The reasons given by Cohn seem a simplistic reading of the colonial motivations. More than scholarly interest in Sanskrit, Hindu texts, Brahmins and care for natives to be governed by their own laws, there is a high possibility that colonial state gave primacy to the Brahmins, Sanskrit language and Hindu texts because of the Brahmanical vision of *varna*-based society found in the Hindu texts.⁷² This hierarchical social order may have been a key motivation for the colonialists to study the Sanskrit texts and provide Brahmins and non-Brahmin upper-caste elites a central stage in the colonial state. In the form of the caste system, the colonial state would have recognised a viable governance system, rooted in the idea of 'divide and rule', which the colonial state could use for its benefit and that too in the name of Indigenous law.⁷³

However, to bring the Brahmanical conception of society into reality, the diverse social groups had to be categorised into caste, subsequently detailed ethnographic and anthropological projects were conducted. The British state categorised or classified caste identities using the same parameters which Indo-Aryans have been using, that is, judging the status of a social group by comparing it against the so-called 'superior' Indo-Aryan culture, religion, language and so on. It is evident that the British officials took the Brahmins and non-Brahmin upper castes as the 'civilised' men of India, and other social groups were judged accordingly.⁷⁴ In this context, it could be argued that the colonial exercise of classifying social groups into a caste hierarchy was a continuation of what Brahmin intellectuals had been doing since ancient times.

The colonial exercise of establishing the caste system as a social reality should be taken as akin to bringing the Brahmanical vision of society into reality. Never in the history of India has Pan-Indian empire implemented the Brahmanical vision of society at the Pan-Indian level. Earlier, Brahmanical social ideology is implemented by regional rulers at the regional level, but never

⁶⁹ Cohn, op. cit., n.1, p. 26.

⁷⁰ Thapar, op. cit., n.45, p. 157.

⁷¹ id. For James Mills work, see J. Mills, *The History of British India* (vol. 1–3, Kessinger Publishing 1817).

⁷² Dharmasastras vigorously defend caste and social hierarchy, see, D.R. Davis, Jr., 'Seeing through the Law: A Debate on Caste in Medieval Dharmasastra' (2022) 56(1) CIS 17.

⁷³ Phule argues that the caste system was created by Brahmanism to divide society into hierarchical groups, ensuring Brahmin dominance by keeping the Indigenous peoples fragmented and oppressed, see J. Phule, *Gulamgiri* (Trans. *Slavery*, Durlabh eSahitya Corner 2020).

⁷⁴ Memon observes that 'In the imperial orientalist imagination of Macaulay, the native elite dominant caste leaders were part of the British civilizational ladder of racial hierarchy', see Memon, op. cit., n.31, p. 10.

at the Pan-Indian level. The colonial period is the only period in South Asian history when Brahmanical epistemology became the default epistemology of South Asia. Therefore, it would not be wrong to conclude that British colonialism was synonymous with the Brahmanisation of South Asia. Then, would it be wrong to say that decolonisation in India has no meaning without debrahmanisation?

5 | ADIVASI NARRATIVES: INDICATION TO LOOK BEYOND THE PREVALENT DECOLONIAL APPROACH

In Adivasi studies, the roots of Adivasi grievances are primarily traced to the colonial period. Colonial rule, epistemologies, laws and governance systems are not only questioned for taking away Adivasi autonomy over their land and society but are also questioned for giving negative attributes such as ‘primitive’, ‘backward’, ‘uncivilised’ and so on to the Adivasis, tribals and all other social groups that were classified under the category ‘tribe’.⁷⁵ Subsequently, it is understood that to undo the historical wrongs, there is a need to move beyond the colonial epistemologies, laws and governance systems, and their remnants in post-colonial India. This approach broadly forms the decolonial approach in Adivasi studies.

One cannot deny the prevalent decolonial approach, keeping in mind the chaos and destruction brought by the British colonial rule in Adivasi society and in South Asia in general. However, during my ethnographic fieldwork with the Adivasi Munda community in the Khunti block of Jharkhand, I found that the decolonial approach has fallen short of taking into account the critique of Brahmanism presented by the Adivasi peoples in their understanding of Adivasis’ place in Indian history and society. Below are two oral historical narratives that provide a different picture than the prevalent decolonial approach.

5.1 | Adivasi oral tradition: History of loss of sovereignty and subjugation

In my conversations, Munda elders never started the story of loss of sovereignty and autonomy over their land and society with the arrival of the British state, instead they always started the story from the beginning of time when Mundas arrived in India prior to the arrival of any other social group. Then the stories moved forward explaining how Adivasi peoples lost their kingdoms, how their society was demonised, how their gods were turned into demons and how their culture and identity were appropriated by the dominant traditions.

One day, while I was interviewing an Adivasi elder, I was cordially invited to attend the *Eend Mela* in Lachragarh in Simdega district. I was told that this festival would help me understand the history of the loss of Munda sovereignty and autonomy. I was humbled by the invitation and could not miss the wonderful opportunity to learn with the community.

⁷⁵ V. Xaxa, ‘Tribes and Indian National Identity: Location of Exclusion and Marginality’ (2016) 23(1) BJWA 223; A. Skaria, op. cit., n.1; N. Sundar, *Subaltern and Sovereigns: An Anthropological History of Bastar 1854-1996* (OUP 1997); B. Bhukya, ‘The Subordination of the Sovereigns: Colonialism and the Gond Rajas in Central India, 1818-1948’ (2013) 47(1) Mod. Asian Stud. 288; Damodaran and Dasgupta, op. cit., n.21.

5.1.1 | *Eend Mela*: Remembering the lost kingdom

On the day of the *Mela* (fair), I accompanied the Munda elders to Lachragarh, approximately 93 km from Khunti block. By the time we reached Lachragarh, it was already dark, so as soon as we arrived, the Munda elders proceeded to a designated place, where a large group was waiting for them, for a sacred ceremony. The designated place had a tall bamboo pole lying nearby, with a white turban at the top. As the Munda elders performed the sacred ceremony, the gathered Adivasi peoples raised the bamboo pole and planted it on the ground with loud shouts of hailing the Munda rule.

After the ceremony, I accompanied the elders to spend the night at one of the Adivasi elder's houses. Before we all went to sleep, I joined the Adivasi elders to learn the history and significance of the *Eend Mela*.

The Munda elders began by recounting the migration of the Munda people into India through present-day Afghanistan, Pakistan, Kashmir and Punjab. Although the elders did not specify a particular time period, they mentioned that upon arrival, Munda were the only inhabitants of India. Subsequently, Munda kingdoms ascended, covering present-day Uttar Pradesh and Bihar.⁷⁶ I was told that traces of Munda kingdoms can still be found in present-day Varanasi, Azamgarh and Patna. I was specifically told about a fort near Azamgarh which belonged to Munda kingdom.⁷⁷ Further, I was told about ceremonial burial stones, *Pathals* (stone slabs) that could be found buried in those regions proving the presence of the Mundas in those areas hundreds of years back.

It was recounted that in later years, the Mundas came into conflict with migrating Aryans, leading to significant disruptions within Munda societies. Over time, the Mundas lost their kingdoms to the rising empires influenced and controlled by the Aryans and hence moved to the Chotanagpur region. Subsequently, Chotanagpur emerged as the *Disum* or homeland for the Munda peoples where they could live by their custom, religion, traditions, laws and governance systems, preserving their Munda identity against the threat of being absorbed as 'low caste' in the Aryan caste system. Chotanagpur remained a Munda kingdom until the reign of their last king, Madra Munda. Unfortunately, after Madra Munda, the rule passed into the hands of the Aryans, however, the transfer of power was against the will of the Munda people, it was a transfer through treachery. To explain this betrayal, the Munda elders took the story back in time when Madra was a young king.

According to Munda oral history, while Madra Munda was the king of the Chotanagpur, one day he was approached by a Brahmin from Varanasi. Impressed with the Brahmin's skills, Madra appointed him as his counsellor. One day, when Madra and his Brahmin counsellor were passing through the forest, they saw a baby boy lying near a pond protected by a big snake with its extended hood over the baby. The Brahmin counsellor advised the king to adopt the baby as this would bring prosperity to the kingdom. The Munda king, being kind-hearted, moved forward to take the vulnerable baby. As he approached the baby, the snake left peacefully, allowing the baby to be taken. The king brought the boy to his house and decided to raise him with his son, Mani Mukut. Since the adopted boy was found under the hood of a snake, the Brahmin counselled the king to name him Fani (hood) Mukut. Subsequently, Madra raised his biological and adopted sons, Mani Mukut and Fani Mukut, without any discrimination and with equal love and care.

⁷⁶ For pre-colonial tribal kingdoms and dynasties, see B.C. Law, *Ancient Indian Tribes* (Motilal Banarsidas 1926); B. Bhukya, *The Roots of the Periphery: A History of the Gonds of Deccan India* (OUP 2017).

⁷⁷ S.C. Roy has also noted the history of Munda's rule in areas surrounding Azamgarh, see Roy, op. cit., n.56.

As Madra Munda grew older and the two princes came of age, the question of deciding the future king arose. Per the custom, Mani Mukut was the rightful heir of the kingdom for being the biological son of Madra Munda, and for being a Munda. However, this traditional custom was questioned by the Brahmin counsellor, proposing the idea that the best between the two princes should become the new king. Though the Brahmin counsellor was opposed by the Munda people, the king decided to go with his counsellor's advice as he thought that making Mani Mukut the king without establishing his merit would put a question mark on the authority of Mani Mukut. Subsequently, the king decided that both princes should prove their merit to be anointed as the new king of the Munda people.

Now, the question arises: What should be the criteria for judging the merit of the two princes? Again, the Brahmin counsellor suggested that whoever could ride a horse should become the king, as riding a horse is one of the most necessary skills to become a king. Again, this idea was opposed by the Munda people because horses were not native to Chotanagpur, and Munda hardly knew how to ride a horse. The horse-riding task was seen as a ploy to fail Mani Mukut. The king had no option but to go with the advice of his chief counsellor. Two horses were brought from the neighbouring kingdoms, and the two princes were asked to prove their horse-riding skills. Mani Mukut failed to ride the horse, however, Fani Mukut succeeded in riding the horse. Consequently, Fani Mukut was anointed as the new king of Chotanagpur, and Mani Mukut was appointed as his assistant. It was also decided that from then onwards, the heirs of Fani Mukut would remain the king, and the descendants of Mani Mukut would serve as assistants to those kings. This is how the kingdom of Chotanagpur passed into the hands of Aryans, the clan to which Fani Mukut belonged. Nevertheless, Fani Mukut's anointment and the laid principles were rejected by the Munda people of Chotanagpur.

The Munda elders continued the story, explaining that at the time of the anointment, neither the Munda people nor the king were aware of Fani Mukut's ancestry. Eventually, the Munda people discovered that the finding of Fani Mukut as a baby boy near the pond was not a coincidence. It was with a purpose that the Brahmin counsellor took the king near the pond so that the boy could be found and the king could be counselled to adopt the boy. Munda elders recounted that after some time, Munda people found that Fani Mukut happened to be the son of a Brahmin from Varanasi who was related to the Brahmin counsellor of Madra Munda. The finding of Fani Mukut as a boy by Madra Munda was pre-planned to make Fani Mukut the king. Munda elders concluded that making Fani Mukut the king of Chotanagpur over the Munda people was an Aryan or Brahmanical treachery to take away the kingdom and sovereignty of the Mundas.⁷⁸

I was told that, to date, the Mundas have not forgotten the treachery and the loss of their kingdom to Fani Mukut. The Mundas still consider Mani Mukut to be their real king, consequently, *Eend Mela* is commemorated to remember the loss of the Munda kingdom and sovereignty. The white turban on the bamboo pole symbolises the turban of Mani Mukut, representing his authority and that of the Mundas over Adivasi land. Munda elders recounted that the passing of the Munda kingdom into the hands of the Brahmin and non-Brahmin upper-caste Hindus led to the making of the Munda people as second-class citizens in their homeland, which has continued to this day. I was told that if one looks around, one can easily notice how the Brahmin and non-Brahmin upper-caste Hindus are ruling over the Munda people and their land. It all started with

⁷⁸ For earlier documentation's of this oral history, see E.T. Dalton, 'The "Kols" of Chota-Nagpore' (1868) 6 *Ethn. Soc.*; Roy, op. cit., n.56; *Ranchi District Gazetteer* (1917); R. Thapar and M.H. Siddiqui, 'Chota Nagpur: The Pre-colonial and Colonial Situation' in *Trends in Ethnic Groups Relations in Asia and Oceania* (UNESCO 1979); H. Standing, *Munda Religion and Social Structure* (PhD Thesis, 1976).

the passing of the kingdom into the hands of Fani Mukut. I was told that the roots of contemporary Adivasi grievances have their origin in what happened in the ancient past; therefore, to understand the present, one must understand and remember the past. The *Eend Mela* is commemorated to remember the historical wrong committed against the Mundas.

The following is another story which explains the enslavement of the 'original inhabitants' of India.

5.1.2 | Mahisasura: Demonisation of Indigenous communities and leaders

The story of Mahisasura and the Hindu goddess Durga was another important story narrated to explain the loss of Adivasi sovereignty and, also, to explain the historiography of demonisation of their historical figures, leaders and society by the Brahmanical tradition.

The festival of *Durgapuja* is celebrated by the Hindus to commemorate the killing of a 'demon' named Mahisasura by the goddess Durga. This story can be traced to the Hindu text *Markandeya Purana*. As per the story, the 'demon' king Mahisasura became so powerful because of the boon he got from the supreme god Brahma that he threatened the existence of the gods. Consequently, the gods prayed to Brahma to kill Mahisasura. Since Brahma had given the boon to Mahisasura that he could not be killed by a man, Brahma had to send a female deity to kill Mahisasura. Subsequently, Durga was created and provided with all the powers to defeat and kill Mahisasura. Durga engaged in a fierce battle with Mahisasura for nine nights, ultimately killing him on the ninth night. Hindus celebrate this tale as the victory of good over evil.⁷⁹

During my stay at Khunti, I found that *Durgapuja* is not part of Munda's cultural and religious traditions. If one visits Khunti during *Durgapuja*, one can easily see that *Durgapuja* is celebrated only by the caste Hindus living in the town of the Khunti. However, this does not mean that Adivasis do not visit the *Durgapuja pandals*.⁸⁰ Community elders explained that Adivasis visit the *Durgapuja* celebrations not to worship Durga as a goddess but because they see the event as a *Mela* (fair) where they can buy new clothes, food items and other material goods.

I also met many young Mundas who were disappointed with fellow Adivasis for visiting the *Durgapuja pandals*. According to these young Mundas, Adivasi peoples are innocent because they do not understand that *Durgapuja* is not any ordinary festival, instead it is a festival in which Hindus celebrate their goddess Durga for killing an Adivasi tribal king, Mahisasura. I was informed that although Mundas do not celebrate Mahisasura, other Adivasi communities such as the Santhal and *Asura* celebrate Mahisasura as their ancient king. Subsequently, I was introduced to a Santhal Adivasi activist who shared that Mahisasura was an Indigenous Adivasi king who was killed by the Aryan goddess Durga. I was told that for Hindus, *Durgapuja* is a festival of celebration; however, for the Santhal and the *Asura* tribes, it is a time of sorrow and sadness, for they lost their leader and king. For the *Asuras*, Mahisasura was their king who fought against the Aryans. Unable to defeat him, the Aryans sent a female named Durga to kill him. Similarly, the Santhal tribe remembers Mahisasura, also referred to as Raja Debi, as their king who was tricked and killed by his newly wed wife, Durga, who was sent by the Aryans. Some believe that Raja Debi was not killed, instead, Durga kidnapped and imprisoned him. Both the Santhals and *Asuras* remember

⁷⁹ C. Simmons et al., *Nine Nights of the Goddess: The Navaratri Festival in South Asia* (State University of New York Press 2018).

⁸⁰ Pandals are makeshift structures where idols of Durga and Mahisasura are displayed during *Durgapuja*.

that with the killing or kidnapping of their King Mahisasura/Raja Debi, they lost their sovereignty over their land and society to the Aryans.

As Adivasi people interpreted the story of Mahisasura, I was told that these stories tell us how Adivasi Indigenous leaders who resisted and fought against Aryan *dikus* (outsiders) have been dehumanised and portrayed as demons in Aryan/Brahmanical narratives. One Adivasi activist said that Brahmanism recognised the power of stories a long time ago, subsequently, the writers of the Sanskrit Hindu literature used stories to demonise India's Indigenous societies and their heroes. The story of Mahisasura is one such story that exposes the contempt of Brahmanical narratives towards the Adivasis.

Further, I was told that narratives such as Durga–Mahisasura act as references for caste Hindus to discriminate and humiliate Adivasi peoples for their physical characteristics, food practices, clothes, language, religion, customs and so on. In Khunti, Adivasis are often demeaned and humiliated by caste Hindus for their meat-eating habits, which include rats, pigs, beef, birds and other wild animals. These food practices are seen by caste Hindus as food habits of 'primitive', 'backward', 'uncivilised', 'low-caste' and 'impure' people.⁸¹ I was not surprised to hear about instances where Adivasi peoples have faced 'untouchability' because of the Adivasi way of life. A young Adivasi girl and boy who lived in Kolkata and Ranchi, respectively, in their teen years told me how the students of their class used to call them by names such as 'Surpnakha', 'jungle', 'rat eaters' and many more.⁸² They were asked if they did 'jhinga la la' and whether they belonged to Mahisasura's family.⁸³ The young Adivasis shared that these demeaning perceptions have been further strengthened by festivals and movies in which forest people are shown as primitive and backward people with primitive and uncivilised customs and religious practices.

As young and elderly Adivasis shared their experiences, I often thought about the Hindu scriptures that labelled those who resisted the Vedic tradition and the *varna* social order as 'Shudras' and 'untouchables', and described their physical characteristics, food habits, religious practices as 'demonic', 'bestly' and 'uncivilised'. The Adivasi experiences made me wonder whether the perceptions held by caste Hindus or the Brahmanised society stem primarily from colonial texts and writings or from popular Brahmanical texts, stories and narratives. Are non-Adivasi individuals who work as officials, administrators, lawyers, judges, legislators and others truly influenced by the colonial characterisations of Adivasis? These dilemmas make me question the dominant decolonial approach employed in Adivasi studies.

As I listened to the experiences of the Munda people, I reflected on the status of Dalit and Adivasi oral stories and narratives within South Asian academic discourses. Their narratives are rarely afforded the same legitimacy as Brahmanical narratives. For instance, while Brahmanical

⁸¹ Like Adivasis, Dalits such as the Musahars have diverse meat-eating practices, including rats. Musahars are argued to be originally an Adivasi tribe that migrated from Chotanagpur to plains of Bihar in the 12th century CE. Their absorption into caste society as 'untouchables' illustrate the role of Brahmanical ideology in transforming Indigenous tribes into caste groups. There is a broad understanding that historically the line between tribe and caste has remained blurred explaining the historical making of tribes into caste. See H. Tambs-Lyche, 'Introduction' in *Brill's Encyclopedia of the Religions of the Indigenous People of South Asia Online*; Mukul, 'The Untouchable Present: Everyday Life of Musahars in North Bihar' (1999) 34(49) EPW 3465; C.J. Fuller, 'Ethnographic Inquiry in Colonial India: Herbert Risley, William Crooke, and the study of Tribes and Castes' (2017) 23 JRAI 603.

For critical analysis of how Brahmanical notions of purity and impurity dictate not just what people eat but also how Dalit, Adivasi, tribal and religious minorities are stigmatized, excluded, and subjected to violence, see D. Kikon, 'Dirty Food: Racism and Casteism in India' (2022) 45(2) ERS 278.

⁸² 'Surpanakha' is a female demon character in *Ramayana*, and 'jungle' is a derogatory term used for forest people.

⁸³ 'jhinga la la' is a derogatory phrase used for dances of Adivasis and tribal peoples.

narratives embedded in mythologies such as *Mahabharata* and *Ramayana* are widely accepted as authoritative and legitimate sources for constructing India's civilisational story, Dalit and Adivasi narratives are often analysed as 'counter-cultures' and 'anti-myths' against the pretext of Brahmanical narratives.⁸⁴ This disparity was rightly highlighted by an Adivasi elder, who noted, 'No body questions the reality of Durga, but everyone has a doubt on Mahisasura being an Adivasi Indigenous king'.

The approach of studying Adivasi stories in the backdrop of Brahmanical stories legitimises the Brahmanical narratives while relegating the Adivasi narratives to mere reactions, counter-cultures or anti-myths. Such an approach overlooks the fact that Indigenous history, culture, traditions, worldviews, laws and so on are deeply embedded in Indigenous community stories, songs, customs, ceremonies, festivals and so on.⁸⁵ The Adivasi narratives are not mere counter-narratives but normative sources of India's Indigenous epistemology, history and laws.

6 | CONCLUSION

The limitations of the dominant decolonial discourse in South Asian studies have been highlighted by Adivasi, Dalit and anti-caste thinkers and scholars for a long time. However, these voices have remained marginalised within South Asian studies in comparison to those that held the colonial period and epistemology responsible for everything which has gone wrong in Indian society. There is no denying that the colonial rule, epistemologies, laws and institutions brought drastic changes in South Asian society. However, considering colonial epistemologies primarily responsible for inventing caste and the notion of tribe is a denial of Adivasis' and Dalits' historical oppression at the hands of Brahmanism. The question arises, why is it that despite the recognition of Brahmanism's dominant role in influencing the socio-cultural-religious-political landscape of pre-colonial South Asia, the focus has remained on studying India's socio-cultural-religious-political and legal problems in the context of colonial epistemology and not the Brahmanical epistemology?

The foremost reason is that in mainstream South Asian studies, the colonial period is regarded as the defining epoch in South Asia's history, making British colonialism and colonial epistemologies the primary form of oppression and exploitation of all Indians.⁸⁶ However, this dominant discourse falls short of explaining Adivasi and Dalit experiences, who often contextualise their grievances primarily in the context of Brahmanism. For instance, Adivasi scholar and activist Late Abhay Xaxa argued that the epistemic violence faced by Adivasis has its roots in Brahmanical epistemology.⁸⁷

⁸⁴ Mani, op. cit., n.14; Ranendra, 'Subaltern or the Sovereign: Revisiting the History of Tribal State Formation in India' (2020) 10(1) *Journal of Adivasi and Indigenous Studies* 51.

⁸⁵ See Borrows, Naoplean & Friedland, op. cit., n.16. Also, see D. Lindberg, '(Re)bundling Nehiyaw Askii: Nehiyaw Constitutionalism through Land Stories' in Xavier et al. (eds), *Decolonizing law: Indigenous, Third World and Settler Perspectives* (Routledge 2021).

⁸⁶ K. Agarwal, 'The Rise of Dalit Studies and Its Impact on the Study of India: An Interview with Historian Ramnarayan Rawat' <<https://www.historians.org/perspectives-article/the-rise-of-dalit-studies-and-its-impact-on-the-study-of-india-an-interview-with-historian-ramnarayan-rawat-january-2016/>>. Also, see R.S. Rawat and K. Satyanarayana, *Dalit Studies* (Duke University Press 2016).

⁸⁷ Vishal Jamkar, 'Inventing a Bahujan Grammar: In Memory of Abhay Xaxa' *AGITATE* <<https://agitatejournal.org/article/inventing-a-bahujan-grammar-in-memory-of-abhay-xaxa/>>

The marginalised status of Adivasis' and Dalits' historical, sociological, political and experiential perspectives within the South Asian socio-legal studies reveals that the dominant decolonial discourse does not reflect the realities of those lying at the bottom of South Asian society. Instead, it predominantly represents the concerns, narratives and perspectives of the social groups dominating the South Asian socio-legal studies, who happen to be Brahmin and non-Brahmin upper-caste Hindu elites.⁸⁸ Consequently, it could be argued that the dominant decolonial approach in South Asian socio-legal studies follows a top-down rather than a bottom-up framework, contrary to how it is conceptualised, understood and promoted by decolonialists and legal pluralists.⁸⁹

There is a need to consider that a decolonial approach rooted in a focused critique of Western colonial epistemology would make perfect sense in other erstwhile colonies and existing settler colonies such as Australia, Canada, New Zealand and many other. However, the same decolonial approach would not be effective in the Indian context if it remains devoid of de-Brahmanical approach, for the reason that long before the coming of colonial epistemology into being, Indian society was already grappling with an equally problematic, oppressive, colonial and to an extent a 'non-indigenous',⁹⁰ epistemology, that is, Brahmanism, an epistemology anchored in a racist and casteist worldview that keeps India's Indigenous peoples fragmented and oppressed.⁹¹ This complexity could be understood in the context of Aryan theory or doctrine. It is commonly argued that the British invented the Aryan theory, ignoring the fact that the Sanskrit Hindu texts do talk about Aryan and non-Aryan peoples and provide 'clear markers of difference between the Aryans and the non-Aryans'.⁹² A systematic critical reading of Brahmanical texts, stories and narratives can reveal that 'Aryan theory/doctrine' is 'originally' a Brahmanical doctrine.⁹³ The British did not invent the Aryan doctrine, instead, they strategically made use of the existing Brahmanical Aryan doctrine to not only strengthen the caste system but also to justify British rule over South Asia.⁹⁴ This was done by modifying the Brahmanical Aryan doctrine,

V. Xaxa's 'double colonialism' framework describes both British colonialism and Brahmanism for perpetuating violence against Adivasi/tribal communities, see Xaxa, op. cit., n.75.

⁸⁸ For caste-blindness of South-Asian decolonial project, see N. Pandhi, 'The 'Caste' of Decolonization: Structural Casteism, Public Health Praxis, and Radical Accountability in Contemporary India' in T.B. Masvawure et al. (eds), *The Routledge Handbook of Anthropology and Global Health* (Routledge 2024). For discussion on how Brahmin and non-Brahmin upper caste Hindu scholars have reinforced the supremacy of Brahmanical epistemologies in knowledge production while marginalizing Dalit, Adivasi, and anti-caste epistemologies, see Guru, op. cit. n.5; D.Da Costa, 'Writing Castelessly: Brahminical Supremacy in Education, Feminist Knowledge, and Research' (2023) 22 *Meridians: Feminism, Race, Transnationalism* 297.

⁸⁹ According to Davies 'Critical legal pluralism is a powerful and positive contribution to legal theory because it reimagines law in part from the bottom up,' see M. Davies, *Law Unlimited* (Routledge 2017) 33–34. For foundational works on legal pluralism, see, for example S.E. Merry, 'Legal Pluralism' (1988) 22 *LSR* 869.

⁹⁰ Adivasi, Dalit, Bahujan and anti-caste thinkers and scholars have actively distinguished the Brahmanical tradition from Indigenous egalitarian traditions such as Buddhism, Jainism, Sikhism, Adivasi, tribal and many more, see, for example K.I. Shepherd, *Why I Am Not a Hindu* (Bhatkal & Sen 2016); P.P. Gokhale (ed.), *Classical Buddhism, Neo-Buddhism and the Question of Caste* (Routledge 2021).

⁹¹ Phule argues that Brahminical *varna* ideology keeps India's Indigenous peoples fragmented and oppressed, see Phule, op. cit., n.73. Also, see Dwivedi, op. cit., n.5.

⁹² Damodaran, op. cit., n.4, pp.163.

⁹³ S. Pollock, 'Deep Orientalism? Notes on Sanskrit and Power Beyond the Raj' in Breckenridge and Van der Veer, op. cit., n.1; Dwivedi, op. cit., n.5.

⁹⁴ Yengde argues that 'Muller drew inspiration from Aryan theory in the Vedas', see S.Yengde, 'Dalit in Black America: Race, Caste, and the Making of Dalit-Black Archives' (2023) 35 (1) *Public Culture* 28.

establishing Europeans as the ‘pure’ Aryan race and Brahmins as their less civilised counterpart in the East.⁹⁵

The absence of a systematic critical study of Brahmanical epistemology in South Asian socio-legal studies has given primacy to discourses that hold British colonialism solely responsible for the ‘invention’ of Aryan doctrine, caste and tribe in South Asia. Further, the absence has not only risked the appropriation of indigeneity and decolonial discourse by the Brahmanical forces but has also risked reinforcing the very racist and casteist epistemologies and structures the decolonial discourse seeks to dismantle.⁹⁶ Consequently, the Brahmanical epistemology presents a challenge before South Asian socio-legal scholars concerned with the ideas of decolonisation and legal pluralism. Does decolonisation and the vision of a legally pluralistic society include the revival and existence of laws and legal systems rooted in Brahmanical epistemology, such as the *Dharmashastras*, with its cardinal philosophy of a caste-based hierarchical social order ideology? If it does, then what would it mean to the Adivasis, Dalits, tribals, women and religious minorities? Further, if the colonial epistemologies, laws and institutions are rejected on the pretext that they are anchored in a racist worldview, then on what pretext could one accept any form of the Brahmanical epistemology? The answer to these questions is present in the Adivasis’ and Dalits’ critique of Brahmanism.

In these contexts, I argue that a debrahmanical approach is needed within South Asian socio-legal studies. Just as the decolonial approach entails the critical study and dismantling of colonial epistemology, a debrahmanical approach involves a systematic critical study and dismantling of the Brahmanical epistemology. Considering the entanglement of colonial and Brahmanical epistemology, a decolonial–debrahmanical approach is needed within South Asian socio-legal studies.

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⁹⁵ Memon, op. cit., n.31.

⁹⁶ To understand how ‘top-bottom’ approach fail decolonization, see E. Marchetti, ‘The Deep Colonizing Practices of the Australian Royal Commission into Aboriginal Deaths in Custody’ (2006) 33 J. Law Soc. 451.