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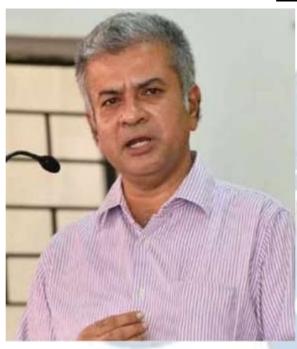
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With this thought, we hereby present to you

LEGAL

# A CRITICAL ANALYSIS OF SOCIO -ECONOMIC DEVELOPMENT OF PVTGS IN INDIA

AUTHORED BY - SWATI .V1 & NITHIYA SURYA. M2

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#### **ABSTRACT**

The central, middle, and northeastern regions of India are primarily home to tribal communities. These groups were historically difficult to reach and often violent, prompting the British government to adopt a policy of indirect rule for tribal areas, treating them differently from the rest of the country. This approach led to the exploitation and encroachment of tribal lands, causing these communities to lose control over their natural resources. British administrators largely neglected these areas. Today, 94 percent of forest dwellers are tribes or Particularly Vulnerable Tribal Groups (PVTGs), and their economy heavily relies on the forest. They traditionally exploit forest resources by hunting wildlife and gathering roots and fruits. PVTGs have a pre-agricultural existence with a culture centered around hunting and gathering, characterized by low or negative population growth and extremely low literacy levels compared to other Scheduled Tribes, as defined in Article 366(25) of the Indian Constitution. Due to their primitive living conditions, vulnerability to economic exploitation, and social isolation, a careful, phased approach is necessary for the development of PVTGs. The Indian government should have formulated a special strategy with the protection and integration of these tribes as the central focus, aiming for their all-round development. This paper provides an overview of the state of PVTGs before and after independence, their challenges, and potential effective solutions. LEGAL

KEY WORDS: Tribal Communities, Indian Constitution, Particularly Vulnerable Tribal Groups, Scheduled Tribes,

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#### **INTRODUCTION**

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About 92 percent of India's tribal population resides in dry, forested, or hilly regions, where they primarily depend on agriculture and Minor Forest Produce (MFP) for their livelihood. These communities are mostly concentrated in the central, middle, and northeastern parts of the country. The tribal community was first documented in the 1931 census based on their primitiveness, and in 1935, the list was revised to include backwardness as a criterion. Between 1950 and 1956, both primitiveness and backwardness were considered when identifying tribal groups. According to the 2011 Census, tribal communities make up 8.6 percent of India's total population, with 705 tribes spread across 30 states.

The Constitution of India defines "Scheduled Tribes" under Article 366(25), stating that they are tribes or communities specified in the Constitution's Schedule. Article 342 outlines the procedure for designating a group as a Scheduled Tribe, though it does not specify the exact criteria. Generally, the inclusion of a community as a Scheduled Tribe is based on certain characteristics.

**Geographical Isolation**: Tribal communities often reside in secluded, remote areas such as hills and forests, which results in their geographical isolation from the rest of society. This isolation limits their access to essential services, infrastructure, and development opportunities, keeping them largely separate from the mainstream economy and culture.

**Backwardness**: Their livelihoods are primarily based on primitive agricultural methods, often relying on low-tech, traditional practices. This closed, low-cost economy leads to widespread poverty within these communities. Additionally, they face challenges like low literacy rates and inadequate healthcare, which hinder their overall socio-economic progress.

**Shyness of Contact**: Tribal communities typically maintain a marginal degree of interaction with other cultures and people. This limited exposure to external influences helps preserve their unique cultural identity, but also means they have less access to external resources, knowledge, and opportunities for development. Their relative social and cultural isolation often results in a lack of integration into the broader societal framework.

#### 1. Geographical Isolation:

 The communities live in isolated regions such as cloisters, remote hills, and forest areas. These areas are often difficult to access due to natural barriers (e.g., mountains, forests) that limit interactions with the outside world.

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 Geographical isolation may contribute to a lack of infrastructure, limited access to resources, and limited exposure to modern advancements or global developments.

#### 2. Backwardness (in terms of development):

- Livelihood: The community's economic activities are often based on primitive
  or traditional agriculture, which may involve low-yield farming techniques,
  minimal use of technology, and reliance on subsistence farming to meet basic
  needs.
- Economic Conditions: The closed, low-cost economy based on limited technology means the community remains poor and is often self-reliant, without access to broader markets or modern economic systems. This contributes to their economic backwardness.
- Social Indicators: The community may also face poor literacy rates, inadequate healthcare, and insufficient educational opportunities, leading to long-term challenges in social development.

#### 3. Religion and Community-wise:

- Communities in isolation often have strong, culturally entrenched religious beliefs that may differ significantly from mainstream religions. These communities might practice indigenous or folk religions, or maintain traditional beliefs that are integral to their social identity.
- Community-wise, such groups tend to be tightly knit, with well-defined social structures based on kinship, traditions, and long-established customs.

#### 4. Shyness of Contact:

The community's interaction with other cultures and people is minimal, resulting in a form of cultural insularity. This "shyness of contact" can stem from a variety of factors, including a sense of self-preservation, fear of the unknown, or a deliberate choice to maintain cultural purity and avoid outside influence.

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 Limited external contact might also be a response to historical experiences of exploitation, colonization, or cultural erosion, leading to an emphasis on maintaining traditional ways of life.

This overall picture suggests a group that is socially, economically, and culturally isolated, with limited exposure to external influences and modern developments. Their way of life is shaped by their environment, limited technology, and strong adherence to tradition.

The tribes build their homes using timber and bamboo, and engage in cottage industries utilizing local raw materials. They also rely on herbs and medicinal plants from the forest for healthcare. Their religion and folklore are closely tied to the spirits of the forest. This strong connection to the forest forms the basis of their livelihood, leading to a deep attachment to the forest environment. In India, forests cover 74.74 million hectares, about 22.7% of the total geographical area, with 94% of forest dwellers being tribal or Particularly Vulnerable Tribal Groups (PVTGs). These communities depend heavily on the forest for sustenance, hunting wildlife and collecting plants, roots, and fruits to meet their needs.<sup>3</sup>

PVTGs living in or near forests gather various Minor Forest Produce (MFP) during different seasons, both for their own use and for sale to government agencies or contractors. For example, Tendu leaves are collected in April-May, Sal seeds are harvested just before the monsoon, Harra (chebulic myrobalan) is collected in early winter, gum and lac are gathered throughout the year except during rains, and resin is tapped from pine trees during warmer months. The collection of MFPs continues year-round, with peak periods during certain months.

After independence, the Nehruvian Panchsheel emphasized recognizing tribal rights over land and forests, allowing them to develop according to their own culture. However, in practice, tribal communities have been increasingly deprived of their traditional rights over natural resources such as land, forests, and water, which has undermined their traditional way of life. The Government of India has established various committees and bodies to assess and improve the situation of tribal communities, and several constitutional principles have been followed for their development, known as the five pillars of Nehruvian Panchsheel: (a) Tribal

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<sup>&</sup>lt;sup>3</sup>Das, Rajat Kanti (1988). Tribal Social Structure: A Study of the Maring Society of Manipur. New Delhi: Inter India Publications.

communities should be allowed to develop in a manner that aligns with their own cultural traditions, without external imposition, and their arts and culture should be encouraged. (b) Tribal rights to land and forests must be respected.<sup>4</sup>

#### POLICY DURING PRE-INDEPENDENCE INDIA

During the pre-independence period, tribal communities in India were often difficult to access and were perceived as violent. As a result, the British Government adopted a policy of pacification through indirect rule for tribal areas, treating them differently from the rest of the country. Tribal communities were among the last to be brought under British control. In 1874, the British enacted the Scheduled Districts Act, which provided a framework for governing tribal regions<sup>5</sup>. The administrative approach was based on non-interference and isolation, allowing autonomy to provinces in managing their tribal areas within broad guidelines.

However, this policy of isolation had detrimental effects on the tribes. The British approach allowed tribal communities to be exploited by zamindars, money-lenders, and local chiefs. Additionally, the conservation of forests led to the restriction of traditional tribal practices such as shifting cultivation and hunting.

The intrusion of merchants and money-lenders further compounded the challenges faced by the tribes, who were already vulnerable due to natural disasters, soil erosion, and loss of fertility in their land.6

The British policy of non-interference only deepened the socio-cultural divide between tribes and non-tribes, leaving the tribes exposed to exploitation. Despite the government's awareness of the hardships faced by the tribes, the regulations failed to address these issues effectively. The policy resulted in the exploitation and encroachment on tribal lands, stripping the tribes of control over their natural resources. In essence, the British administration largely neglected the welfare of tribal areas, contributing to the suffering of these communities.

<sup>&</sup>lt;sup>4</sup> Government of India, Ministry of Home Affairs. (1975). Report of the Task Force on Development of Tribal Areas, p. 14.

<sup>&</sup>lt;sup>5</sup> Mohan Rao, K. (1993). Socio-Cultural Profile of Tribes of Andhra Pradesh.

<sup>&</sup>lt;sup>6</sup> Pandey, G.D. and Tiwari, R.S. (2003). A Study of Socio-cultural Factors Affecting Reproductive Health Among the Primitive Tribes of Madhya Pradesh, in Adak (Eds.). Demography and Health Profile of the Tribes, New Delhi: Anmol Publications.

#### **CURRENT STATE OF TRIBES IN INDIA**

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A United Nations report on tribal development highlighted that tribal communities in India largely rely on forests for their livelihoods, sourcing food like edible leaves, roots, honey, wild gum, lac, and fish. In addition to specific provisions for tribal welfare, there are broader constitutional protections that support their cause, including measures against untouchability, minority rights, and human trafficking. The Dhebar Commission, set up in 1960-61, identified disparities within the Scheduled Tribes (as defined in Article 366(25) of the Indian Constitution), leading to the creation of a subcategory called "Primitive Tribal Groups" (PTGs). These groups were found to be at a lower developmental stage during the Fourth Five Year Plan, based on the commission's reports.<sup>7</sup>

PTGs are characterized by a pre-agricultural lifestyle, relying on hunting and gathering, with low or declining population growth and very low literacy rates compared to other Scheduled Tribes. In 2006, the Government of India renamed these groups as Particularly Vulnerable Tribal Groups (PVTGs). These groups are some of the most vulnerable in society, being few in number, underdeveloped socially and economically, and living in remote areas with limited infrastructure and administrative support. A total of 75 such groups across 17 states and one union territory have been recognized as PVTGs.<sup>8</sup>

#### **State-wise List of PVTGs**

S.NO	STATE / UT	NO .OF. PVTGs
1,	ANDHRA PRADESH	12
2.	BIHAR & JHARKHAND	9
3.	GUJARAT	5
4.	MANIPUR	1
5.	KARNATAKA	2
6.	KERALA	5
7.	M.P & CHHATTISGARH	7
8.	MAHARASHTRA	3
9.	U.P & UTTARAKHAND	2

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<sup>&</sup>lt;sup>7</sup> Sachidanand (1978, Jan.-March). Social Structure, Status and Morbidity Patterns: The Case of Tribal Women. Man in India, 58(1).

<sup>&</sup>lt;sup>8</sup> Singh, Dr. Bhupender (1983). Tribal Development in Retrospect, and Prospect, Ministry of Home Affairs. New Delhi, May, Sixth Plan, Mid-term Appraisal, Government of India, p. 19.

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10.	TRIPURA	1
11.	TAMILNADU	6
12.	RAJASTHAN	1
13.	ODISHA	13
14.	WEST BENGAL	3
15.	ANDAMAN & NICOBAR	5

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#### **TOTAL (17 STATES) (1 UT) 75**

The approach to the administration and development of tribal areas should focus on empowering the tribes themselves by training and developing a team of local people. While some technical support from external personnel may be necessary, especially initially, it is important to minimize the involvement of outsiders in tribal territories. The key is to avoid overwhelming these areas with too many administrative measures or an excess of schemes. Instead, efforts should be integrated with the tribes' own social and cultural institutions, working alongside them rather than in competition. Success should be measured not just by statistics or financial expenditure, but by the positive development of human character within these communities.

In addition to the strategies mentioned, the Constitution of India has several provisions aimed at supporting Scheduled Tribes (STs):

- **Article 15(4)**: Allows the state to make special provisions for the advancement of tribal communities, and these provisions cannot be challenged in courts.
- **Article 19(5)**: Provides exceptions for tribal areas under the fundamental right of free movement and residence, in order to protect their habitats from encroachment.
- **Article 164**: Establishes a separate Tribal Ministry in states like Madhya Pradesh, Chhattisgarh, Odisha, and Jharkhand, which have significant tribal populations.
- Articles 330, 332, and 334: Provide for reservation of seats for Scheduled Tribes in legislative bodies.
- **Article 335**: Ensures that the claims of Scheduled Castes and Scheduled Tribes are considered in the appointment of services within the Union or State.
- **Article 338**: Provides for the appointment of a Special Officer for Scheduled Tribes, while **Article 338A** establishes the National Commission for Scheduled Tribes.

• **Article 339(1)**: Allows for the appointment of a commission to oversee the administration of Scheduled Areas and the welfare of Scheduled Tribes.

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• Articles 371(A, B, C): Include special provisions for specific states like Maharashtra, Gujarat, Nagaland, Assam, and Manipur, ensuring the protection of tribal interests in these regions.

These provisions, along with the protections within the **5th and 6th Schedules** of the Constitution, help safeguard the rights and welfare of tribal communities, promoting their development while preserving their distinct cultural identities. In his 1994 book *The Scheduled Tribes*, Singh prompted the Anthropological Survey of India (ASI) to launch a significant project on the people of India on October 2, 1985. The goal of the project was to provide a brief yet detailed anthropological profile of all Indian communities, examine the impact of change and development on these communities, and explore the connections that unite them.

- Sastry (2001) explored the experiences and prospects of participatory tribal development in Andhra Pradesh, aiming to understand how tribal communities could be more effectively engaged in their own development processes.
- Deogaonakar (2006), in his book *The Kolam Tribals*, presented an ethnographic profile
  of the Kolam tribe. He also examined some of their socio-cultural and economic
  challenges, including their traditional methods of administering justice.
- Elizabeth (2006), in her work *Thoti Tribe of Andhra Pradesh*, focused on genetic disorders, specifically sickle cell anemia and GCPD enzyme deficiency, which were prevalent among the Thoti tribe. This tribe, recognized as a primitive tribal population by the Government of India, primarily resides in the Adilabad district of Andhra Pradesh. Elizabeth's research highlighted both the genetic health issues and the demographic variables within the Thoti community.

#### PROBLEMS OF PVTGS AND EFFECTIVE SOLUTIONS

The equality promised by the Indian Constitution has not been fully realized for Particularly Vulnerable Tribal Groups (PVTGs). These communities depend on nature for their survival, utilizing common natural resources for sustenance. Unfortunately, the historical isolation under British rule and the continued neglect by current governments have had a detrimental impact on the well-being and status of PVTGs.<sup>9</sup>

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<sup>&</sup>lt;sup>9</sup> U.N. Dhebar Commission. (1961). Scheduled Area and Scheduled PTGs Commission. New Delhi: Government of India, Vol. I, p. 19.

Here are some key challenges and potential solutions:

#### LIVELIHOOD ECONOMY OF PVTGS

Both pre- and post-independence India has struggled to fully understand and address the unique livelihood systems of tribal communities. Tribes typically follow a "need-based" natural resource-based economy, where they sustainably use and manage natural resources for their survival. This approach contrasts with government-driven development, which often prioritizes economic growth over sustainability.

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- **Problem:** The Forest Act of 1864 severely restricted the collection of forest resources, which was a major livelihood source for many tribal communities. This restriction led to a disconnect between the government's development initiatives and the sustainable livelihood practices of tribal people.
- Solution: A better understanding of tribal economic practices is essential. Development efforts should respect and integrate the sustainable practices of these communities rather than imposing top-down models. Policies should focus on promoting sustainable resource management, such as community-led forestry programs, which align with the tribes' way of life. These initiatives would support their long-term survival while ensuring environmental preservation.

The 75 identified Particularly Vulnerable Tribal Groups (PVTGs) require focused developmental efforts in areas such as housing, land distribution, land development, agricultural advancement, cattle development, improved connectivity, the installation of non-conventional energy sources for lighting, social security, and other innovative initiatives aimed at their overall socio-economic upliftment. Given their extreme backwardness and vulnerability, it is essential to prioritize their protection, development, and the reversal of their population decline. To achieve this, adequate funds must be allocated by both the central and state governments for the exclusive socio-economic development of PVTGs.

#### RESEARCH METHODOLOGY

Research methodology refers to the systematic process followed in conducting a particular piece of research. The methodology used in this study is doctrinal, relying solely on secondary data. This secondary data includes government reports, published papers, and previously collected data. Primary data collection was not feasible for this research due to the widespread distribution of PVTGs across 18 states and Union Territories. The author has made the

assumption that PVTGs have not been adequately considered or addressed in terms of their needs, which has contributed to their backwardness and exploitation.<sup>10</sup>

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#### **SOCIAL SELF-GOVERNANCE**

Legislative measures should be put in place to ensure that tribal communities have their own governance systems, as envisioned in Nehru's 'Panchsheel.' Sufficient space must be provided for these communities to take charge of their development and maintain their traditional self-governance. However, the current situation reflects a different reality, with issues like the repeated displacement of Particularly Vulnerable Tribal Groups (PVTGs) from their ancestral lands, depletion of essential resources for survival, loss of land and forests due to industrialization (e.g., mining), and the widespread denial of community rights (such as village forests). These problems can be addressed through a robust system of self-governance. <sup>11</sup>

- All tribal-populated areas should be designated as scheduled areas.
- The Gram Sabha (village council) should hold the final authority over land acquisition in scheduled areas for development projects.
- Full transparency and accountability should be ensured in all projects within tribal areas, while also empowering tribal people to take part in planning and decision-making processes in their local social systems as part of democratic governance.
- Participatory planning, monitoring, and evaluation should be conducted through the
   Gram Sabha, utilizing local knowledge and resources.
- Tribal women should be trained and empowered to protect and preserve the community's traditions, cultural identity, resources, and customary dispute resolution mechanisms.

#### LACK OF PROPER EDUCATION

The literacy rate among Particularly Vulnerable Tribal Groups (PVTGs) remains low across the country, with certain regions experiencing extremely low levels of education. This lack of education leads to the exploitation of these communities due to their limited awareness. The situation is even worse for women and girls. Contributing factors include the absence of schools near PVTG settlements and the long distances to the nearest educational institutions. Children are often required to assist with hunting and gathering, making it difficult for them to attend

<sup>&</sup>lt;sup>10</sup> Vidyarthi, L.P. and Rai, K.K. (1977). The Tribal Culture of India. Delhi: Concept Publishing Co., p. 25.

<sup>&</sup>lt;sup>11</sup> Singh, R.S. (1996). Challenges, Occupational Structure of Scheduled Tribe. New York: One India Publications.

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school. Additionally, the language barrier, as the local languages of PVTGs are not represented in the school curriculum, further hinders their education.

Historically, colonial industries thrived at the expense of these communities, and the collection of forest produce was carried out on a large scale without regard for its impact on tribal populations. The Forest Act of 1927 shifted forest management from tribal villagers to the state, leading to significant displacement. In the wake of this displacement, many tribal groups migrated in search of food and work, with some being forced into bonded labor. Post-independence laws and regulations have also failed to support the development of PVTGs, and discrimination against them persists in both public and private sectors.<sup>12</sup>

Moreover, the valuable traditional knowledge of these communities is often exploited by outsiders, such as ethnobotanists, who document and patent it, without benefiting the tribes themselves. An example of this is the Onge tribe of the Little Andaman, whose knowledge of a plant used in a contraceptive drug has not translated into any benefit for the tribe, while the drug company profits.

#### **SUGGESTIONS:**

- The tribal economy, based on sustainable practices, should be recognized as an effective development model and replicated across the country.
- Traditional knowledge systems should be preserved and promoted by organizing forums that bring together experts in tribal skills, handicrafts, rural industries, and subsistence economies.
- Activities such as fishing, collection of minor forest produce (MFP), and other traditional practices should be acknowledged for their cultural significance and role in development.
- The government should make provisions for tribal communities to cope with environmental emergencies, such as recurring droughts, floods, and health issues like infections and vector-borne diseases, often exacerbated by environmental degradation.
- Support prices should be established for minor millets and lentils grown in tribal regions to encourage the continuation of these crops and boost local agriculture.

<sup>12</sup> Vidyarthi, L.P. and Rai, K.K. (1977). The Tribal Culture of India. Delhi: Concept Publishing Co., p. 25.

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 Community-friendly technologies, such as solar, wind, and biodegradable energy solutions, should be promoted to provide sustainable, affordable energy to tribal areas, along with small-scale bio-energy initiatives.

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• The government should establish hospitals and preventive health centers in tribal regions to address health issues, particularly anemia, which is a significant problem in areas such as the Bhil belt in Rajasthan, Maharashtra, Gujarat, and Madhya Pradesh.

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