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Realising Social Justice through Forest Rights: A Critical Assessment of the Rights and Welfare of Particularly Vulnerable Tribal Groups in India

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Abstract

Particularly Vulnerable Tribal Groups (PVTGs) constitute among the most socioeconomically disadvantaged communities in India. Their historical marginalisation, geographical isolation, dependence on forest-based livelihoods and distinctive cultural identities make the protection of their land, habitat and community rights essential to the constitutional objective of social justice. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (Forest Rights Act) represents a significant legislative intervention intended to correct historical injustices arising from the non-recognition of customary forest rights. Its provisions recognise individual and community forest rights and specifically provide for habitat rights of PVTGs and pre-agricultural communities. However, the existence of statutory entitlements has not necessarily translated into effective enjoyment of rights. Administrative barriers, inadequate recognition of habitat rights, documentary requirements, institutional weaknesses, competing conservation priorities and displacement associated with development projects continue to challenge the realisation of tribal rights. This paper critically examines the constitutional and legislative framework governing PVTG rights, with particular emphasis on the Forest Rights Act 2006, the Panchayats (Extension to Scheduled Areas) Act 1996 and relevant judicial decisions. Adopting a doctrinal and analytical methodology, the study evaluates the relationship between forest tenure, community autonomy, cultural protection and socioeconomic welfare. It argues that habitat rights must be understood as collective and territorial entitlements rather than merely extensions of individual land ownership. The paper concludes that meaningful social justice requires effective recognition of habitat rights, participatory forest governance, culturally appropriate welfare delivery and accountable institutional mechanisms.

Keywords: *Particularly Vulnerable Tribal Groups; Forest Rights Act; Social Justice; Habitat Rights; Tribal Welfare; Community Forest Rights; Forest Governance.*

1. Introduction

Social justice constitutes an essential objective of the Indian constitutional framework. The Constitution seeks to establish a society founded on equality, dignity, liberty and the protection of disadvantaged communities. Nevertheless, the historical experiences of tribal populations demonstrate that formal constitutional guarantees do not automatically eliminate structural inequalities. Among the communities experiencing the most persistent disadvantages are Particularly Vulnerable Tribal Groups (PVTGs), whose socioeconomic conditions are shaped by historical exclusion, geographical isolation, insecure access to resources and limited institutional representation. The category of PVTGs was introduced to identify tribal communities experiencing particularly severe developmental disadvantages. The Government of India currently recognises 75 PVTG communities distributed across 18 States and the Union Territory of Andaman and Nicobar Islands. Their distinctive characteristics include relatively small populations, low levels of literacy, subsistence-oriented economies and, in some cases, declining or stagnant population trends.[1] These characteristics vary across communities, and PVTGs should not be treated as a homogeneous social or economic category.

Forests occupy a central position in the lives of many PVTG communities. They provide food, fuel, medicinal resources, building materials and opportunities for traditional occupations. More importantly, forests constitute the geographical and cultural foundations of customary institutions, spiritual practices, traditional ecological knowledge and community identity. Consequently, the loss of access to ancestral forests can result in more than economic deprivation. It may disrupt cultural continuity, customary governance, social relationships and the intergenerational transmission of traditional knowledge. The historical relationship between tribal communities and forest administration has frequently been characterised by exclusion. Colonial forest policies and subsequent regulatory frameworks often prioritised State control over forest resources while failing to recognise customary rights and traditional resource-management practices. The Forest Rights Act 2006 was enacted partly to address this historical injustice by recognising and vesting forest rights in forest-dwelling Scheduled Tribes and other traditional forest dwellers.[2] The legislation is particularly significant for PVTGs because Section 3(1)(e) expressly recognises rights, including community tenures of habitat and habitation, for primitive tribal groups and pre-agricultural communities. This recognition reflects an understanding that traditional tribal territories cannot always be adequately protected through conventional individual land titles. Nevertheless, a considerable distinction exists between statutory recognition and effective implementation. The identification of traditional habitats, verification of customary

claims, recognition of community rights and coordination among implementing authorities remain important institutional challenges. The protection of tribal rights also requires reconciliation between conservation policies, development activities and the constitutional responsibility to protect disadvantaged communities. This paper therefore examines forest rights as an instrument of social justice, focusing on the relationship between habitat rights, community autonomy, legal protection and welfare delivery among PVTGs in India.

2. Statement of the Problem

Despite constitutional safeguards and the enactment of the Forest Rights Act 2006, PVTGs continue to experience insecurity concerning ancestral habitats, traditional forest resources and customary livelihoods. The gap between statutory recognition and practical implementation raises concerns regarding the effectiveness of existing legal and institutional mechanisms. Inadequate recognition of habitat rights, administrative barriers, documentary difficulties, displacement risks and limited community participation undermine the objectives of social justice. The central problem examined in this research is whether India's existing constitutional and legislative framework effectively translates forest-related entitlements into substantive protection of the social, economic and cultural rights of PVTGs.

3. Research Objectives

1. To examine the constitutional and legislative framework governing the rights and welfare of PVTGs in India.
2. To analyse the provisions of the Forest Rights Act 2006, particularly those relating to habitat and community forest rights.
3. To examine the judicial approach towards tribal land, cultural identity and forest-related entitlements.
4. To identify administrative, institutional and socioeconomic barriers affecting the implementation of forest rights.
5. To recommend legal and policy measures for strengthening social justice and tribal welfare.

4. Research Questions

1. To what extent does the Indian constitutional framework protect the forest-related rights of PVTGs?

2. How effectively does the Forest Rights Act 2006 recognise and safeguard habitat and community forest rights?
3. What legal, administrative and institutional barriers restrict the effective enjoyment of these rights?
4. How can forest governance and tribal welfare policies be strengthened to achieve substantive social justice?

5. Research Methodology

The study adopts a doctrinal and analytical legal research methodology. It examines primary legal sources, including the Constitution of India, the Forest Rights Act 2006, the Forest Rights Rules 2008, the Panchayats (Extension to Scheduled Areas) Act 1996 and relevant judicial decisions. Secondary materials include government reports, policy documents, academic books and scholarly publications addressing tribal rights, forest governance and social justice. The research follows a qualitative analytical approach to examine the relationship between statutory recognition and the practical protection of PVTG rights. It evaluates legal provisions, judicial reasoning and institutional mechanisms to identify gaps in the implementation of habitat and community forest rights. The study does not involve original fieldwork, surveys or interviews. Accordingly, its conclusions are doctrinal and interpretative rather than empirical findings derived from primary data.

6. Constitutional Framework for the Protection of PVTGs

The constitutional framework for tribal protection is founded on the principles of equality, affirmative action, human dignity and the advancement of disadvantaged communities. Several provisions are directly relevant to the protection of PVTGs.

6.1 Article 14: Equality before Law

Article 14 guarantees equality before the law and equal protection of the laws. For PVTGs, this provision must be understood in the context of substantive equality. Equal treatment through identical administrative procedures may not be sufficient where communities experience unequal access to education, documentation, legal assistance and public institutions. The State may therefore need differentiated measures to ensure that statutory protections are genuinely accessible.

6.2 Article 15(4): Affirmative Action

Article 15(4) enables the State to make special provisions for the advancement of socially and educationally backward classes, including Scheduled Tribes. It provides constitutional support for targeted welfare and educational interventions designed to address historical disadvantage.

6.3 Article 21: Right to Life and Dignity

Article 21 protects the right to life and personal liberty. The Supreme Court has interpreted this provision broadly to include the right to live with human dignity.[3] For forest-dependent PVTGs, the protection of life and dignity has important implications for livelihood security, access to essential resources, shelter and protection against unlawful displacement. The right to life should not, however, be treated as an automatic constitutional declaration of ownership over every traditional forest resource. The specific entitlements must be examined under the applicable statutory framework, particularly the Forest Rights Act.

6.4 Article 46: Promotion of Educational and Economic Interests

Article 46 directs the State to promote the educational and economic interests of weaker sections, particularly Scheduled Castes and Scheduled Tribes, and protect them from social injustice and exploitation. Although a Directive Principle of State Policy, it provides an important constitutional foundation for policies addressing the structural disadvantages experienced by PVTGs.

6.5 Article 244 and the Fifth Schedule

Article 244, read with the Fifth Schedule, provides a special administrative framework for Scheduled Areas. The Fifth Schedule includes provisions concerning the administration and control of Scheduled Areas, the role of Governors and the establishment of Tribes Advisory Councils. These arrangements recognise that tribal administration requires attention to distinctive social, cultural and geographical circumstances. However, the constitutional protection of Scheduled Areas should not be confused with automatic coverage of every PVTG settlement, because not all PVTG habitats necessarily fall within notified Scheduled Areas.

6.6 Article 338A: National Commission for Scheduled Tribes

Article 338A establishes the National Commission for Scheduled Tribes (NCST). The Commission is empowered to investigate and monitor constitutional and legal safeguards, examine complaints and recommend measures for improving tribal welfare. Its monitoring and advisory functions are important for identifying systemic failures in the implementation of forest rights and welfare programmes. Taken together,

these constitutional provisions establish a framework in which tribal protection is not merely a welfare objective but an important component of the State's constitutional responsibilities.[4]

7. The Forest Rights Act 2006: Legal Recognition of Forest Entitlements

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 represents a major legislative response to the historical non-recognition of forest-dwelling communities' customary rights. The Ministry of Tribal Affairs identifies the legislation as a framework for recognising forest rights relating to habitation, self-cultivation, community resources, minor forest produce, traditional knowledge and habitat rights of PVTGs.[5]

7.1 Individual Forest Rights under Section 3(1)(a)

Section 3(1)(a) recognises the right to hold and live on forest land under individual or common occupation for habitation or self-cultivation for livelihood. This provision is important for PVTG households engaged in traditional cultivation and maintaining long-standing habitation within forest areas. Its purpose is to provide legal recognition to eligible occupation rather than to create an unrestricted right to acquire additional forest land.

7.2 Community Rights under Section 3(1)(b)–(d)

The Act recognises community rights, including customary resource entitlements, access to and ownership of minor forest produce traditionally collected by eligible communities, and traditional uses involving water bodies, fishing and grazing. These entitlements are important because many PVTGs depend upon collective access to forest resources rather than individual agricultural holdings. Section 3(1)(c), in particular, recognises the right of ownership, access to collect, use and dispose of minor forest produce traditionally collected by eligible forest-dwelling communities.[6]

7.3 Habitat Rights under Section 3(1)(e)

Section 3(1)(e) is particularly important for PVTGs. It recognises rights, including community tenures of habitat and habitation, for primitive tribal groups and pre-agricultural communities. Habitat rights are conceptually broader than individual residential or agricultural land rights. They recognise the collective relationship between a community and its traditional territory, including customary resource use, cultural practices, habitation and traditional institutions. The significance of this provision is that it accommodates

forms of territorial belonging that may not be adequately represented by conventional revenue records or individual property documents.

7.4 Community Forest Resource Rights under Section 3(1)(i)

Section 3(1)(i) recognises the right to protect, regenerate, conserve or manage community forest resources traditionally protected and conserved by communities for sustainable use. This provision provides a legal basis for participatory forest governance. It recognises that forest-dependent communities can play an important role in ecological conservation and sustainable resource management.

7.5 Section 4: Recognition and Vesting of Rights

Section 4 provides for the recognition and vesting of forest rights in eligible forest-dwelling Scheduled Tribes and other traditional forest dwellers. It also establishes safeguards concerning the modification or resettlement of rights in critical wildlife habitats. In particular, Section 4(2) prescribes cumulative statutory conditions before rights holders may be resettled for creating inviolate areas for wildlife conservation. These include completion of the rights-recognition process, scientific assessment of irreversible damage, consideration of coexistence alternatives, preparation of a secure rehabilitation package and written informed consent of the Gram Sabhas concerned.[7] These safeguards are important because they prevent conservation-related relocation from being treated as an automatic consequence of declaring or managing protected areas.

7.6 Section 5: Community Responsibilities

Section 5 empowers forest rights holders and Gram Sabhas to protect wildlife, forests and biodiversity and ensure the protection of catchment areas, water sources and other ecologically sensitive areas. The provision demonstrates that forest rights and conservation need not be treated as competing legal objectives. Instead, it establishes a basis for combining community participation with ecological responsibility. The overall framework of the Forest Rights Act therefore recognises forest rights as individual, collective, cultural and ecological entitlements rather than merely conventional property interests.[8]

8. PESA 1996 and Community Self-Governance

The Panchayats (Extension to Scheduled Areas) Act 1996 (PESA) provides an important institutional framework for strengthening tribal self-governance in Scheduled Areas. Section 4 recognises the significance of customary law, social and religious practices, traditional management of community resources and the role of Gram Sabhas. It provides that Gram Sabhas are competent to safeguard and preserve traditions,

customs, cultural identity and community resources. It also recognises the ownership of minor forest produce as an important element of decentralised tribal governance.[9]

PESA and the Forest Rights Act serve complementary purposes. PESA strengthens local self-governance, while the Forest Rights Act establishes a mechanism for recognising forest-related entitlements. For PVTGs, this relationship is particularly significant because customary institutions and collective decision-making structures are central to community life. Effective implementation requires Gram Sabhas to receive adequate information, technical assistance and institutional support. However, PESA applies to Scheduled Areas. It cannot be assumed that every PVTG habitat automatically falls within its territorial application. The legal position of each community must therefore be examined in relation to its location and applicable State legislation.

9. Habitat Rights: A Distinctive Dimension of PVTG Protection

Habitat rights represent one of the most significant contributions of the Forest Rights Act to the protection of PVTGs. Their recognition reflects the understanding that tribal communities may maintain collective relationships with territories extending beyond individual residential plots or agricultural holdings. For many PVTGs, traditional habitats include customary settlements, forest landscapes, seasonal resource areas, sacred locations, water sources, gathering areas and territories associated with traditional livelihood practices.

9.1 Collective and Territorial Character

The conventional framework of land ownership generally emphasises identifiable individual plots. However, the livelihoods of many PVTG communities depend on access to interconnected ecological territories. A household may possess an individual land title but remain dependent upon surrounding forests for food, fuel, medicinal plants and customary livelihood activities. Individual recognition alone may therefore be insufficient to secure the community's broader territorial relationship. Habitat rights under Section 3(1)(e) address this limitation by recognising community tenure of habitat and habitation.

9.2 Cultural and Spiritual Identity

Traditional forests may contain sacred sites, burial grounds, worship locations and places associated with community histories. Restrictions on access to these locations can affect religious practices, cultural

continuity and intergenerational transmission of indigenous knowledge. The protection of habitat rights must consequently account for the cultural and spiritual dimensions of traditional territories.

9.3 Livelihood and Ecological Security

Forest-based livelihoods frequently involve gathering minor forest produce, collecting medicinal plants, fishing, traditional cultivation and other customary activities permitted under applicable law. Recognition of habitat rights can provide a basis for securing access to these resources and strengthening livelihood stability. It can also support community participation in biodiversity conservation and sustainable resource management.

9.4 Administrative Challenges in Habitat Recognition

The recognition of habitat rights requires detailed identification of customary territories and traditional resource-use patterns. However, these territories may not correspond with conventional village, revenue or forest boundaries. Oral traditions, community histories, customary practices and local ecological knowledge may therefore be essential forms of evidence. A documentation process that relies excessively on formal land records risks excluding communities whose territorial relationships have historically been maintained through customary institutions. Accordingly, habitat determination should involve participatory mapping, community consultations, traditional knowledge holders and appropriate technical institutions.

10. Judicial Approach towards Tribal Land and Forest Rights

Judicial decisions have played an important role in developing the legal understanding of tribal land protection, community participation and the relationship between development and cultural rights.

10.1 Samatha v State of Andhra Pradesh

In Samatha v State of Andhra Pradesh,[10] the Supreme Court examined the validity of mining leases in Scheduled Areas of Andhra Pradesh. The decision interpreted the protective framework applicable to tribal land in Scheduled Areas and addressed restrictions on the transfer of land to non-tribal interests under the relevant Andhra Pradesh Scheduled Area land-transfer legislation. The judgment is significant because it recognises the vulnerability of tribal communities to exploitation through the transfer and commercial use of resources in protected areas. Its relevance to the present research lies in the relationship between territorial security, tribal welfare and the constitutional protection of Scheduled Areas. Although the case predates the

Forest Rights Act, its reasoning remains important when examining the consequences of development activities for tribal communities.

10.2 Orissa Mining Corporation Ltd v Ministry of Environment and Forests

The Supreme Court's decision in Orissa Mining Corporation Ltd v Ministry of Environment and Forests[11] is particularly important for understanding the relationship between cultural rights, habitat protection and community participation. The dispute concerned proposed bauxite mining in the Niyamgiri Hills of Odisha, an area associated with the Dongria Kondh community. The Court recognised that the Gram Sabha had an important role in determining claims concerning religious and cultural rights under the Forest Rights Act. It directed the Gram Sabhas concerned to consider the relevant claims and communicate their decisions through the prescribed process. The decision is significant because it acknowledges that tribal rights may extend beyond individual ownership and encompass cultural identity, religious practices and collective relationships with traditional territories. The judgment also demonstrates that development projects affecting tribal habitats cannot be evaluated exclusively through economic or administrative considerations. Their implications for statutory forest rights and cultural entitlements must also be examined.

10.3 The 2019 Forest Rights Eviction Proceedings

In February 2019, the Supreme Court issued directions concerning eviction following rejection of forest rights claims in proceedings relating to the Forest Rights Act. The directions were subsequently stayed on 28 February 2019 after the Union Government sought modification and the Court called for further information from the States.[12] This development is important for understanding the procedural dimensions of forest rights recognition. The rejection of a claim should not be treated as a substitute for a lawful and fair verification process. Authorities must ensure that claims have been examined in accordance with the Act and Rules, that the prescribed review and appeal mechanisms are available, and that eligible communities are not deprived of statutory protections through procedural irregularities.

The proceedings highlight the importance of due process, accurate claim verification and institutional accountability, particularly where communities lack conventional documentary evidence.

10.4 Significance of Judicial Protection

The decisions discussed above demonstrate three important legal principles:

1. Tribal land and resource protection must be interpreted in light of applicable constitutional and statutory safeguards.

2. Cultural and religious rights form an important dimension of tribal identity and cannot be reduced to conventional property interests.
3. Community participation and procedural fairness are essential in decisions affecting traditional territories.

Nevertheless, judicial recognition alone cannot ensure the practical enjoyment of forest rights. Administrative authorities and local institutions must translate judicial principles into effective protection.

11. Tribal Welfare and Government Development Initiatives

The protection of forest rights must be accompanied by measures addressing poverty, health, nutrition, education, housing and livelihood insecurity.

11.1 PM-JANMAN

The Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM-JANMAN) was approved in November 2023 with an announced outlay of ₹24,104 crore. The mission targets 75 PVTG communities across 18 States and one Union Territory through 11 interventions involving nine Union Ministries.[13] Its principal areas include housing, drinking water, healthcare, nutrition, education, road connectivity, telecommunications, electrification and sustainable livelihood opportunities. The mission is significant because it recognises the need for coordinated development interventions in remote tribal habitations. Its habitation-oriented approach provides an opportunity to address geographical isolation and gaps in essential public services. However, the success of the mission should not be measured exclusively through physical infrastructure. It must also be evaluated in terms of improved health outcomes, educational access, livelihood security, cultural protection and the effective enjoyment of statutory rights.

11.2 Minimum Support Price for Minor Forest Produce

Minor Forest Produce constitutes an important source of livelihood for many forest-dependent tribal communities. The Minimum Support Price mechanism for selected minor forest produce seeks to improve the economic position of tribal gatherers through a protective pricing mechanism and improved market access. For PVTGs, its effectiveness depends upon accessible procurement centres, transportation, storage, market information and institutional assistance. Without these facilities, the benefits of the scheme may remain limited in geographically isolated settlements.

11.3 Education and Healthcare

Educational and healthcare interventions are essential for addressing structural disadvantages. However, their design must account for linguistic diversity, cultural practices and geographical conditions. Education programmes should recognise indigenous languages and traditional knowledge, while healthcare services should be accessible to remote settlements through appropriately staffed primary health centres and mobile medical services.

A culturally sensitive approach is necessary to ensure that welfare interventions strengthen community capabilities without undermining customary identity.

12. Critical Assessment: Forest Rights as an Instrument of Social Justice

The Forest Rights Act represents a significant shift from an exclusively State-centred approach to forest governance towards a framework that recognises customary entitlements and community participation. However, the extent to which this legislative intervention achieves social justice depends upon the effectiveness of its implementation.

12.1 Formal Equality and Substantive Justice

Formal equality requires equal treatment under law, whereas substantive justice recognises that historically disadvantaged communities may require additional institutional assistance to exercise their rights. PVTGs cannot be expected to access legal remedies through administrative procedures designed without consideration of their geographical isolation, language barriers and limited access to documentary records. Simplified claim procedures, community-based legal assistance and culturally appropriate evidence verification are therefore essential.

12.2 Recognition of Collective Rights

The conventional framework of land ownership often emphasises individual property rights. However, the livelihood and cultural practices of PVTGs frequently depend upon collective access to natural resources. The recognition of habitat rights and community forest resource rights challenges this individualised approach and provides a stronger legal foundation for collective territorial protection. The implementation of these rights must nevertheless ensure clarity concerning community boundaries, customary institutions and the relationship between overlapping resource-use areas.

12.3 Conservation and Community Participation

Forest conservation and tribal rights should not automatically be treated as competing objectives.

Section 5 of the Forest Rights Act recognises the responsibilities of forest rights holders and Gram Sabhas in protecting forests and biodiversity. This creates a legal basis for participatory conservation. However, community participation must be meaningful rather than symbolic. It requires access to information, adequate institutional capacity, recognition of customary knowledge and accountability of government authorities.

12.4 Development without Cultural Displacement

Development interventions should improve the material conditions of PVTGs without undermining their cultural identity and customary institutions. The construction of infrastructure, mining projects, dams and other development activities may have significant consequences for traditional habitats. Monetary compensation alone may not adequately address the loss of sacred sites, customary resource areas, traditional livelihoods and community relationships. Therefore, development planning must incorporate statutory safeguards, informed participation, appropriate rehabilitation and effective protection of recognised rights.

12.5 The Implementation Gap

The existence of statutory rights does not automatically ensure their effective enjoyment. A community may be legally eligible for habitat recognition but still experience administrative delays, inadequate institutional support or difficulty accessing relevant authorities. It is therefore necessary to distinguish between the number of claims received, titles granted and the actual extent to which recognised rights are exercised. A meaningful assessment should consider the number of PVTG habitat claims submitted, recognised and rejected; the geographical extent of recognised habitats; community participation in forest management; and improvements in livelihood and welfare. This distinction is central to the argument that social justice requires effective rights realisation rather than merely formal legal recognition.

13. Major Implementation Challenges

The principal barriers affecting the realisation of forest rights among PVTGs may be classified as follows. First, inadequate recognition of habitat rights. The identification of traditional territories remains complex because customary boundaries and seasonal resource-use patterns may not correspond with administrative records. Second, documentary barriers. An excessive dependence on written land records can disadvantage communities whose traditional rights are established through oral histories, customary practices and community evidence. Third, administrative weaknesses. Inadequate training, insufficient technical resources

and poor coordination among Gram Sabhas, forest departments and district authorities can delay claim processing. Fourth, conservation-related restrictions. Protected-area management may create conflicts concerning access to traditional habitats and resources. Such measures must comply with the applicable statutory safeguards. Fifth, development-induced displacement. Mining, infrastructure and other land-use changes can disrupt traditional livelihoods and cultural relationships with forests. Sixth, limited legal awareness. Linguistic and geographical barriers may prevent PVTGs from understanding their entitlements and accessing available remedies. Seventh, fragmented welfare administration. Separate institutional arrangements for forest rights, education, healthcare and tribal development can result in inadequate coordination. These challenges demonstrate that effective implementation requires more than legislative reform. It requires institutional accountability and community-centred administration.

14. Suggestions and Recommendations

The following recommendations are proposed to strengthen the realisation of social justice through forest rights.

14.1 Time-Bound Recognition of Habitat Rights

The Ministry of Tribal Affairs and State Governments should establish time-bound procedures for identifying and recognising eligible PVTG habitats under Section 3(1)(e). Participatory mapping should be undertaken with community elders, traditional institutions, Gram Sabhas and technical experts. The identification process should include customary resource-use areas, sacred locations and seasonal livelihood territories.

14.2 Strengthening Gram Sabha Institutions

Gram Sabhas should receive adequate technical, financial and administrative assistance to perform their responsibilities under the Forest Rights Act and, where applicable, PESA. Women, traditional knowledge holders and vulnerable households should be meaningfully represented in decision-making processes.

14.3 Culturally Appropriate Evidence Procedures

Authorities should recognise all forms of evidence permitted under the Forest Rights Rules, including oral testimony, community records, customary practices and statements of knowledgeable elders. The absence of conventional documentary evidence should not automatically result in rejection of otherwise legally sustainable claims.

14.4 Legal Awareness and Institutional Assistance

Community-level legal awareness programmes should be conducted in indigenous and local languages. Mobile legal aid services, trained community paralegals and accessible grievance-redressal mechanisms should be developed to assist PVTGs in submitting claims and challenging improper rejection.

14.5 Integration of Forest Rights with Welfare Schemes

PM-JANMAN and other tribal development programmes should be coordinated with forest rights recognition. Housing, healthcare, drinking water, education and livelihood interventions should be designed in consultation with affected communities and should not undermine recognised customary rights.

14.6 Sustainable Forest-Based Livelihoods

Government agencies should strengthen minor forest produce procurement, processing, storage and marketing facilities. Traditional knowledge and biodiversity-related knowledge should be protected through appropriate mechanisms for prior informed participation and fair benefit-sharing.

14.7 Effective Monitoring and Accountability

A dedicated monitoring framework should record:

1. Number of PVTG habitat claims submitted.
2. Number of claims recognised and rejected.
3. Geographical extent of recognised habitat rights.
4. Status of community forest resource rights.
5. Access to traditional forest resources.
6. Participation of Gram Sabhas in forest governance.
7. Access to education, healthcare, housing and nutrition.
8. Incidents of displacement and violations of recognised rights.

The information should be disaggregated by State, district and PVTG community.

14.8 Rights-Based Conservation

Conservation policies should recognise the contribution of traditional communities to biodiversity protection. Any proposed relocation or modification of recognised rights must satisfy the applicable statutory requirements, including the safeguards prescribed under Section 4(2) of the Forest Rights Act.

14.9 Institutional Coordination

The Ministry of Tribal Affairs, State Tribal Welfare Departments, Forest Departments and district administrations should establish regular coordination mechanisms. Officials responsible for processing forest rights claims should receive specialised training in PVTG habitat rights, customary institutions and statutory procedures.

15. Findings of the Study

The doctrinal and analytical examination of the constitutional framework, statutory provisions, judicial decisions and government welfare initiatives leads to the following findings:

1. Constitutional protection: The Indian Constitution provides a substantial foundation for protecting PVTGs through equality, affirmative action, human dignity and special administrative arrangements for Scheduled Areas.
2. Legislative recognition: The Forest Rights Act 2006 provides an important legal framework for recognising individual, community and habitat-related forest rights. Section 3(1)(e) is particularly significant because it recognises community tenures of habitat and habitation for PVTGs and pre-agricultural communities.
3. Collective territorial rights: Habitat rights extend beyond conventional individual land ownership and recognise the relationship between communities, traditional territories, customary resource use and cultural identity.
4. Judicial protection: The decisions in Samatha and Orissa Mining Corporation demonstrate the importance of protecting tribal territorial interests, cultural rights and community participation in decisions affecting traditional habitats.
5. Implementation barriers: Administrative delays, inadequate awareness, documentary difficulties and institutional weaknesses continue to affect the practical enjoyment of statutory rights.
6. Development and welfare: PM-JANMAN provides an important policy framework for addressing socioeconomic disadvantages, but infrastructure development must be accompanied by protection of customary rights and cultural identity.
7. Conservation and community governance: The Forest Rights Act provides a basis for integrating forest conservation with community participation. Conservation policies should therefore be consistent with statutory rights and procedural safeguards.

8. Need for institutional accountability: The effective realisation of forest rights requires measurable implementation indicators, accessible grievance mechanisms and coordination between tribal welfare and forest administration.

The central finding is that the formal recognition of forest rights is necessary but insufficient. Social justice requires the effective exercise of recognised entitlements and the institutional capacity to protect them.

16. Conclusion

The realisation of social justice among Particularly Vulnerable Tribal Groups in India requires more than the formal recognition of constitutional and statutory rights. It demands a transformation in the institutional and administrative approaches through which forests, tribal territories and development policies are governed. The Forest Rights Act 2006 represents an important legislative recognition of the historical injustices experienced by forest-dependent communities. By recognising individual forest rights, community resource entitlements and habitat rights, the legislation challenges the conventional approach that treated forests primarily as resources under administrative control. Its recognition of habitat rights under Section 3(1)(e) is particularly important for PVTGs because their cultural identities, traditional livelihoods and community institutions are closely connected to ancestral territories.

The constitutional framework, particularly Articles 14, 21 and 46, reinforces the State's responsibility to protect equality, dignity and the educational and economic interests of disadvantaged tribal communities. Similarly, PESA 1996 strengthens the institutional foundation for community self-governance in Scheduled Areas, while the judicial decisions discussed in this paper demonstrate the importance of protecting tribal territorial and cultural interests.

Nevertheless, the effectiveness of these legal protections remains dependent upon implementation. Inadequate recognition of habitat rights, administrative inefficiencies, documentary barriers, limited awareness and competing institutional priorities continue to restrict the enjoyment of statutory entitlements. These challenges indicate that legal recognition without effective institutional support cannot achieve substantive social justice.

Government initiatives such as PM-JANMAN provide opportunities to address infrastructure and socioeconomic inequalities. However, development programmes must remain consistent with constitutional

protections, statutory forest rights and customary institutions. Development should improve living conditions without creating cultural displacement or weakening community autonomy.

The central argument of this paper is that forest rights should be understood not merely as instruments of resource distribution but as mechanisms for protecting dignity, identity, autonomy and livelihood security. The effective recognition of habitat rights must therefore become an important priority in tribal welfare and forest governance policies.

Ultimately, the achievement of social justice for PVTGs requires a rights-based, participatory and culturally sensitive development framework. Such a framework must recognise tribal communities as legal rights holders and active participants in forest conservation rather than merely as beneficiaries of government welfare programmes. Only through the integration of legal protection, community autonomy, sustainable livelihoods and accountable governance can India move towards the constitutional promise of equality, dignity and social justice for its most vulnerable tribal communities.

Footnotes

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