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## **PENGO, PENGO PAROJA, PENGO KONDH AND THEIR SCHEDULED TRIBE STATUS IN ODISHA**

### **Introduction**

India is the second tribal dominated country in the world after Africa. According to 2011 census, the numbers of individual ethnic groups, notified as Scheduled Tribes, are 705, including 75 Particular Vulnerable Tribal Groups (PVTGs), in 29 Indian states and seven union territories (SPSTI, 2013). Scheduled Tribes (STs) are Indian population groups that are explicitly recognized by the order of the constitution of India, 1950. The tribal population of the country, as per 2011 census, is 10.43 crore, constituting 8.6% of the total population. 89.97% of the 10.43 crore live in rural areas and 10.03% of it reside in urban areas. The decadal population growth rate of the tribal people, from census 2001 to 2011, has been 23.66% against the 17.69% of the entire population (SPSTI 2013). In Odisha, 62 types of Scheduled Tribes are living in 26 districts, including 13 Particular Vulnerable Tribal Groups (PVTGs). In Odisha, ST constitutes 22% of the total population of the state. In the context of the total tribal population of India, the scheduled tribes from Odisha constitute 9.2%, which is the third highest after Madhya Pradesh (14.69%), and Maharashtra (10.08%), as per the Statistic Profile of Scheduled Tribes in India (SPSTI, 2013). They have their rich heritage along with their innocent life style. As they are living in hilly areas and forests, they have some peculiar characteristics, which are more akin to peculiar traits, such as they have distinctive culture and they feel shy to make contacts with other communities. They are geographically isolated, which is also the reason for their backwardness.

### **Constitutional Safeguards for Scheduled Tribes**

The constitution of India has provided the guidelines for the development of the Scheduled Tribes in the Directive Principles. The peculiar characteristics, which are used to identify the population of the scheduled tribes, are given in the Constitution (Scheduled Tribes Order 1950).

The tribal people's right to development, through pathways that affirm their autonomy and dignity, as set out in Article 21 and under Schedules V and VI of the Indian Constitution, is often seen as the core of the Adivasi rights. The oft-quoted Samatha judgment of 1997, (Samatha, 1997) rich in its defense of the rights of Adivasi communities to their homelands, posits an inter-reading of Articles 14 equality, 15 non-discrimination, 16 equal opportunity, and Articles 23 and 24, which talk about social safeguards. Articles 244 and 275(1) refer to the special economic safeguards. Education and cultural safeguards are mentioned in the Articles 15(4), 29(1) and 350(a). Political safeguards are pointed out in the Articles 164 (1), 330, 332, 334, 243(D), 371(A), 371 B, 371 C, 371 F, etc. Service safeguards are elaborated upon in the articles 16(4), 16(4A), 16 (4B), 335, 320(4), etc. Article 335 puts a limitation for reservations. Article 338 emphasises on the appointment of Special Officer (whenever necessary) regarding tribal matters. Article 339(1) refers to the establishment of commission on tribal issues by the President of India (Subramanyachary, 2013).

### **Scheduled Tribes Selection Criteria and Demands**

The Constitution of India, Article 366 (25) defines Scheduled Tribes as tribes or tribal communities or part of or groups within such tribes or tribal communities as are deemed under Article 342 to be the Scheduled Tribes (STs). In the Article 342, of the Constitution of India, the procedure to be followed for specification of a Scheduled Tribe is prescribed (GIDSC, 1965). The list of Scheduled Tribes is specific to states and union territories. A community declared as a Scheduled Tribe in a state need not be so in another state. The inclusion of a community as a Scheduled Tribe is an ongoing process. The essential characteristics for the inclusion of a community as a Scheduled Tribe were given for the first time in the Census 1931. The others defining the characteristics of the Scheduled Tribe are Backward Classes Commission Report (Kalelkar Commission) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 (GIDSC, 1965) and the Joint Committee of Parliament on the SCs & STs Orders (Amendment) Bill, 1967 and Chanda Committee, 1969. According to them (The Reports, Committees, Bills, etc. mentioned above), the criteria that are followed for the specification of a community as a Scheduled Tribe are as follows:-

1. Indications of primitive traits.
2. Geographical isolation.
3. Backwardness.
4. Distinctive culture, language, and religion.
5. Shyness of contact.

According to National Commission of Scheduled Tribes (NCST), for deciding the claims of inclusion into the ST lists, as per the approved modalities,

the proposals favored by the State Governments and the RGI are referred to the NCST for the opinion of the Ministry of Tribal Affairs.

### **Tribes and their Scheduled Tribe status in India**

While most of the protections are available to the groups named in The Constitution (Scheduled Tribes) Order 1950, there are some tribal communities that fall within the categories of Scheduled Castes (SC) and Other Backward Classes (OBC), despite being a tribe, and some are those that don't fall into any of these categories (Kannabiran, 2015). The ones who fall under the Article 342 are notified as Scheduled Tribes. However, those who are excluded from the Article 342 are referred to only as tribes and not Scheduled Tribe. The excluded groups do not get any benefit from the government (SPSTI, 2013). In India, many tribal groups are excluded from the Article 342 because of the lack of information on the part of the officials of the Government of India. Many non-tribal groups are protesting for the inclusion into the list of Scheduled Tribes. According to the record of the 1931 census, *Meitei/Meetei* was a Scheduled Tribe from Manipur but in the year 1951, the Indian Government removed it from the list of the Scheduled Tribes. The reason behind this was that that during the survey of the commission, statements of some prominent leaders of that tribe that was recorded were not unanimous about their tribal status. Therefore, based on the recorded statements the commission removed the *Meitei* tribe from the list of the Scheduled Tribes. Even after so many years, *Meitei/Meetei* tribe's demand for the Scheduled Tribe status has not seen the light of the day (Manipur Times, Web). In Assam, the pro-talk faction of the separatist group ULFA (United Liberation Front of Assam) are demanding for the inclusion of the six indigenous tribal groups, namely, *Koch Rajbongshis*, *Tea Tribes*, *Tai Ahoms*, *Morans*, *Motoks* and *Chutiyas* into the list of the Scheduled Tribes. At present, these six groups are part of the Other Backward Classes (OBCs). They have been demanding for the ST status for a long time without any success until now (web access, 11 august 2015). In the state of Jammu and Kashmir (J&K), the Muslim *Gujjars* were included into the list of the Scheduled Tribes in the year 1991. But the Government of Rajasthan declined the demands of the Hindu *Gujjars* for being included into the list of Scheduled Tribes (IPCS, 2011).

Since 2008, the Akhil Bhartiya Jat Arakshan Sangharsh Samiti (ABJASS) has been fighting for its demand of extension of OBC status to *Jats* (Hindu, Muslim and Sikh Jats) at the central level and at state levels, where it is not extended, in states such as Punjab, Haryana, Uttar Pradesh, J&K and Rajasthan (ABJASS, 2012). Before the General Elections 2014, the UPA Government has said that it has the power under the Constitution to include *Jats* in the central list of Other Backward Classes (OBCs) and it has included them under the OBC list after some time. The NDA government filed a petition asking the Apex Court to review the inclusion of *Jats* into the list of OBCs.

After reviewing, in 2015, the Supreme Court scrapped the decision of the UPA government regarding the inclusion of *Jats* into the list of OBCs. The *Akhil Bhartiya Jat Aarakshan Sangharsh Samiti* (ABJASS) protested against the Supreme Court's decision to scrap the notification granting the status of OBC to their community. Moreover, there had been demonstrations at the district collectariate and at the Ghaziabad of U.P. Gate. They also submitted a memorandum to the President Pranab Mukherjee through the Ghaziabad district administration (TOI, 2015). At that time, the Rajasthan *Gujjar Aarakshan Sangharsh Samiti* has gone to the extent of announcing that it would give up the demand for separate quota if the *Jats* were taken off the state's OBC list. The *Gujjars* are demanding for the Scheduled Tribe status, by reasoning that the *Jat* community is very advanced, highly educated, and socially as well as financially dominant (web access 12 august 15). As per the logics of the *Gujjars*, if the *Jats* were included in the list of OBCs then the benefits of reservation would be availed by the *Jats*, and the *Gujjars*, who are already in the OBC list, would suffer because of it. There have been agitations-sometimes-violent ones by certain groups, while laying their claims for the inclusion in the list of Scheduled Tribes.

Recently in Gujarat, the Patel community is demanding reservation through violent protests, due to which six lives have been claimed until now (The Hindu, 2015). In Odisha, *Jhodia* and *Pengo* from Rayagada District and *Durua* from Malkangiri District are protesting for a long time for the status of Scheduled Tribe without any success.

### **Tribes of Odisha**

As per the census 2011, the tribal population of Odisha is 9.22% out of the total population of state. Odisha is one of the tribal dominated states in India, which inhabits 62 types of tribal groups, including 13 Particular Vulnerable Tribal Groups (PVTGs) (SPSTI, 2013). Out of the 62 tribal groups in Odisha, 22 tribal groups, including seven Particular Vulnerable Tribal groups (PVTGs), live in undivided Koraput district. Mayurbhanj, with 58% of the total population of that district, has the highest tribal population in Odisha. Undivided Koraput district has 54% tribal population out of the total population of that district, which is the second highest in Odisha (Census, 2011). Population wise *Kondh* tribe is the dominant tribe in Odisha with *Soura* and *Paroja* being the second and the third ones, respectively. In descending order (population-wise), the major districts, where the *Kondh* tribe is inhabited, are Mayurbhanj, Raygada, Kandhamal, Phulbani, Koraput, etc.

### **A Brief Introduction of Pengo Kondh**

According to the census 2011, the *Kondh* tribe with its population forms the largest group among the 62 tribes of Odisha. They constitute 20 % of the total Scheduled Tribe population of the state. The undivided Koraput

District contains more than one third of the total population of the state (Census, 2011). The *Kondhs* are believed to be from the Proto Australoid ethnic group. The ancestors of *Kondh* tribe were Dravidian and the original color of their skin was quite dark, though now it has slightly changed (Majhi, 2008). They are industrious folks who live in the hilly and forest areas and speak *Kui* language. The *Kondh* tribe is not nomadic in nature but often they shift from one place to another in the wake of natural calamities. According to their tribal myth, they had only one name *Kondh* until the nineteenth century. Post-nineteenth century, the *Kondh* tribe got segregated into five sub-tribes, namely *Dongariya Kondh*, *Kutia Kondh*, *Lanjiya Kondh*, *Sona Kondh* and *Pengo Kondh* (Bharati, 2013). These sub-tribes emerged mainly because of the reason that they migrated and settled at different places, thus they gradually changed their language, costume, tradition, dress pattern, food habits, etc. These people are dependent on forests for their livelihood and to fulfill their basic needs like food, shelter, cloth, etc. To this day, they practice hunting, food gathering, and fishing, which continue to be their main source of livelihood or income. These people worship nature and natural powers like *Janikhuri*, *Nisanmnda*, *Debttagudi*, and some flora and fauna. Despite their language, culture, costume, dress pattern, food habits, etc. being similar to each other, they believe in maintaining hierarchy among each other (Ghosh, 1981). Traditionally, the *Kondh* people do not accept water and cooked food from the hands of the members of any other community.

### Area of the Study

After 1992, undivided Koraput district was bifurcated into four separate districts namely; 1. Koraput district (with 51% tribal population), 2. Nabarangapur (55.79%), 3. Malkangiri (57%) and 4. Rayagada, with 56% tribal population out of the total population living in that district (Census, 2011). Various tribal groups dominate all four districts. Koraput district is dominated by *Paroja* tribe, Nabarangapur district by *Bhatra* tribe, Malkangiri district by *Paroja* tribe and Rayagada district is dominated by *Kondh* tribe. Malkangiri district has the highest population of STs (57.4%) followed by Mayurbhanj (56.6%) and Rayagada (55.8%). Rayagada district's tribal literacy rate is 36.4% which comprises of the tribes namely *Sabar*, *Soura*, *Kondh* (*Kondh*, *Dongria Kondh*, *Pengo Kondh*), *Jhodia Paroja* and *Paroja*, etc. (Census, 2011). Among *Kondh* groups *Dongria Kondh* is a PVTG. Kashipur block of Rayagada district in the state of Odisha has 20 Gram Panchayats (GPs). Out of the 20 GPs *Pengo Kondh* resides in 9 GPs. According to the census 2011, the population of the *Pengo Kondh* tribe in Odisha is more than 65 thousand. Kashipur block is one of the tribal dominated blocks with more than 65% Scheduled Tribe population (Census, 2011). Most of the *Kondh* tribes inhabit taluka. *Pengo Kondh*, *Dongria Kondh*, *Kutia Kondh*, *Nanguli Kondh*, etc. which are the sub-groups of *Kondh* tribe, are marginalized groups. The area inhabited by the *Pengo Kondh* people is known as *Pengopati*. Therefore, all the nine GPs are

known as *Pengopati* (Thusu, 1977). The names of the nine GPs are *Munusgaon*, *Dangasil*, *Taljhiri*, *Adajhar*, *Sunger*, *Mandibisi*, *Kodipari*, *Chandragiri*, and *Maikanch*.

### Methodology

Present study is based on both primary and secondary information regarding tribal and Scheduled Tribe status in the study area. A primary survey was conducted to gather the information through fieldwork using semi-structure interview tools by interviewing some old local tribal and non-tribal people. The secondary information was collected via various sources such as different types of government offices and non-government offices like Block office, Thashil office, district collector office, district statistical department office, some NGO like Agargamy and census 2011 data, etc. The data used in this study were collected through intensive fieldwork carried out during my one-month Ph.D. fieldwork. Besides, the primary statistical information related to the family and household were also collected. This study mainly focuses on the problems of the current tribal status of *Pengo Kondh* in Odisha. *Pengo Kondh* resides in very large numbers at Kashipur block in Rayagada district. For this reason, Kashipur block has been selected for the purpose of this study.

### Study of the Problems and Findings

*Pengo Kondh* inhabits Rayagada, Koraput and Kalahandi districts. Their major concentration is found in the blocks of Kashipur in Rayagada, Rampur block of Kalahandi district, and in a few parts of Koraput district. *Pengo Kondh* is one of the indigenous tribal groups in Rayagada district of Odisha. They are socio-economically backward, and live in remote hilly areas (Thusu, 1977). These people rarely understand the language of the people, who belong to the communities or groups other than theirs. The term *Pati* in *Pengopati* means the residential area or the living area. Being landless, these people are fully dependent on hills. They practice shifting cultivation or slash and burn cultivation (*Podu*), food gathering, hunting, and fishing. Being unaware and having less or no proximity with the outside world, and due to their poor economic conditions these people remain half-naked. Due to their compelling economic demands and being landless, 80% people of the *Pengo* tribe are forced to inhabit hilly or higher altitude areas. Their literacy rate is only 32 percent (according to 2011 census). *Pengo paroja*, *Pengo Kondh*, *Hengo* or *Pengua* are sub groups or sub tribes of *Kondh* tribe (Thusu, 1977). All these sub-tribes belong to the Dravidian language family.

The King of Kalahandi first used the word *Pengo*, which is an insulting word meaning ignorant. Since they were unable to understand and therefore, unable to communicate properly with the king he called them *Pengo* in order to humiliate and insult them. Even after the end of monarchy and after several decades of gaining independence, the term *Pengo* is still used to refer to that

particular tribe and its people. The reason for their not understanding the language of other communities is that they were not in contact with other groups or the people of the communities other than theirs. According to the local myths, the king named the other tribes, in manner similar to *Pengo* tribe, such as *Kondh*, *Dambo*, *Ghasi*, *Reli*, etc. in order to demean them. The *Pengo* people are hard working in nature and they have strong physique. They are dependent on shifting cultivation, hunting gathering, fishing, and pastoralist, etc. Even after more than six decades of gaining Independence, their financial and economic condition has not improved. This is mainly because of the lack of awareness and low literacy rate of these people. Majority of the people could not get access to education due to the lack of financial resources. However, government has facilitated them with the Scheduled Tribe certificate, which can help them and their children get admission in government residential schools. But some people do not get the Scheduled Tribe certificate despite belonging to Scheduled Tribe. In the case of not getting the ST certificate they cannot provide education to their children since they cannot afford private school education. Initially all *Pengo* people got tribal status. The state government provided the landless people among them with land holding cards, which made them eligible to acquire some government hill land for settlement. The land holding cards mention some people as *Pengo*, others as *Pengo Paroja*, or *Pengo Kondh*. Till the year 1981, all the three above mentioned tribes, including *Pengo* tribe, got the tribal status. In census 1981, *Pengo* tribe were not notified in the Scheduled Tribe list. According to Ghosh (in the report of the census 1981), the separate population figures of the *Pengo* tribe were not mentioned. Persons having their names mentioned as *Pengo Kondh* or *Pengo Paroja* got tribal status. On the other hand, those whose names mentioned them only as *Pengo* have not got tribal status till date. According to some locals old *Pengo* people and non-tribals, due to a minor mistake committed in the census 1981, the *Pengo* people are facing problems this. The officials of the Revenue Department also committed the same mistake in 1981, after referring to the census 1981, while collecting the revenue tax that year. They did not rectify the spelling mistakes like *Pengo*, *Pengo Kondh*, or *Pengo Paroja*. The prime drawback is that the people conducting the surveys, censuses or collecting revenue taxes seldom decipher the local language and the local dialect. These people are non-tribal or they belong to the coastal belt region and therefore it becomes a problematic thing for them (the surveyors, revenue collectors). To understand the tribal languages, the pronunciations of two tribal people of the same tribe and of the same village are not same when they try to communicate in Odiya language. Nevertheless, while communicating in their tribal language they face no such problem of pronunciation. This difference in pronunciation causes the data collectors or the surveyors to commit mistakes while writing the names of the tribes and the tribal people. Therefore, sometimes they just write *Pengo* for *Pengo Paroja* or *Pengo Kondh* for *Pengo*, and *Hengo* for some other names. This leads to the

problem whereby in a village some people are notified (hence are enlisted in the tribal list). On the other hand, some people are not notified (and therefore they are not enlisted in the Scheduled Tribe list) despite the two belonging to the same tribe. The language, custom, culture, dress pattern, food habit, religion, festival, ceremony, etc. are all the same and all celebrate similar activities together and live in the same village. Despite all that similarity and sameness in culture, language, etc. some people get tribal status whereas others do not.

### **Arguments in this Paper**

In this paper, my argument, as an anthropologist, is that many non-tribal people in different parts of India are demanding for Scheduled Tribe's status. However, unfortunately due to the political reasons the tribes who actually deserve the status of Scheduled Tribe did not get that status. The tribes, which are excluded from the list of the Scheduled Tribe, lack the leadership quality. If there would have been this leadership quality in them, they could have fought with the government for their demands and could have claimed their Scheduled Tribe status. Being uneducated and due to their lack of awareness the various tribal groups of Odisha, namely *Jhodia*, *Durua* and *Pengo*, are unable to put forward their demands to the government. As per the Indian constitution, they fulfil all the selection criteria, for being notified as Scheduled Tribe, such as:

1. Since the time of their forefathers these people inhabit geographically isolated areas, such as hilly terrains.
2. There is prevalence of ancient traits in their style of clothing, cleanliness, etc.
3. They are engaged in occupations like hunting, trapping of birds & animals, fishing, stone carving, making of articles from forest wood and bamboo, hide & skin work, etc.
4. Mostly they are non-vegetarians with distinctive food habits like consuming roots and tubers, meat of animals, homemade alcoholic drinks, etc.
5. They practice endogamous marriages. The system of consanguineous marriages is prevalent in the tribal groups.
6. They have peculiar rituals and ceremonies for marriages.
7. They have specific 'Deities' like Manikesari (Tokimara), Jhaker, Nisanmunda, Bad devi, etc. and some flora and fauna are worshipped as deities as well. And they have peculiar ways of worshipping.
8. Among the tribal society, there is peculiarity in dressing style, e.g. wearing of headgears including turbans, ornaments, body marking, tattooing, etc.



9. They have common language/dialect (*Kui*) that is generally distinct from that of the general population of the area.
10. Among the tribal society, the literacy rate is very low as compared to the general literacy rate of the area.
11. They live in very poor conditions, i.e. much below the poverty line. They have no sense of savings and therefore most of the times they have to depend upon the moneylenders.
12. They practice ancient ways of agriculture. Globalization and modernization do not have any impact upon them.

Even after fulfilling all these criteria, they (*Jhodia*, *Durua* and *Pengo* tribes) could not get the Scheduled Tribe status. Even the government is not taking this issue seriously. My suggestion, as an anthropologist, to the government would be that it should go to the people, interact with them, listen to their problems, try to understand them, and try to solve their problems and issues. The government should also grant Schedule Tribe status to people who rightfully deserve it. Without the help of the government, the development and the growth of these tribal people is a very difficult task to achieve.

### Conclusion

In my investigation, as an anthropologist, I have looked at two brothers, having the same parents, where one gets the tribal status and the other does not. The one entitled to the tribal status has *Pengo Kondh* as his name of the tribe, mentioned on his land holding card. The younger brother's land holding card mentions his name of the tribe only as *Pengo* and not *Pengo Kondh*. Therefore, he does not get the tribal status. Such mistakes are not only common with the *Pengo* tribe but it can be seen in the case of *Jhodia Paroja* of Kashipur block, *Durua* from Malkangiri district, etc. as well. In the case of *Jhodia Paroja* tribe of Kashipur block, due to the spelling mistakes committed by the researchers, various spelling versions of the name of the same tribe exists, such as *Jhoriya*, *Jodia*, *Jhodia*, *Jadia*, *Jhadia* or *Jodia Paroja*, *Jhodia Paroja*, *Jadia Paroja*, *Phadia Paroja*, etc. All the above tribal names refer to the same tribe, i.e. *Jhodia Paroja*. Due to the spelling mistakes, *Jhodia* is not notified into the Scheduled Tribe list. *Jhodia Paroja*, on the other hand, has been notified into the Scheduled Tribe list and therefore, they get the tribal status while the others do not. Due to the mistakes committed in the census 1981, many people could not get the Scheduled Tribe status. Even until now the employees, of the government of Odisha, who do the surveys, census data collection commit many mistakes including spelling mistakes and collecting false and incomplete data. They are not careful while doing their assigned jobs. As an anthropologist, I have observed many government workers, in my field area, who are assigned to do census, BPL surveys, Indira Awas surveys and other surveys related to various government schemes. The surveyor or

the researcher, instead of doing door to door survey, sits at one place and collects all the data by consulting just one or two people from the village. They are not careful about the spellings of data and therefore they commit mistakes. They write anything they wish. They send such incomplete and false data and reports to the higher authorities for implementation. Before sending it, they do not recheck the information or the data, whether it is right or wrong. In almost all villages, if any government employee were coming to conduct the surveys then the local politician or the dominant person(s) of the village would manipulate him and stop him from entering the village by bribing him. He would bribe him by giving him liquor or *deshi chicken* and other such stuffs. This is done in order to get the benefits of the government schemes for his own family, which he would not have got otherwise. The schemes are meant for the poor people. The researcher forgets his purpose that he should do his job honestly. He gives the person, who has bribed him, the benefits of the government schemes, such as he gives the BPL card to that person and to his family members, even when that person does not deserve it. On the other hand, the deserving people do not get it. The undeserving people get more than one BPL card, whereas the deserving ones do not get even one. This is the reality of the tribal areas in Odisha. Who is responsible for such mistakes—the surveyors, government, or the innocent tribal people? It is suggested that utmost care should be taken in collecting data from the remote tribal areas and the benefits of the government scheme should be given only to deserving people. Involvement of anthropologists in such endeavours would be valuable.

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PENGO, PENGO PAROJA, PENGO KONDH AND THEIR SCHEDULED... 571

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