

Loss of tribal land and displacement: Impact on women

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ABSTRACT

India has the largest concentration of tribal population, second only to the African continent. Tribals are generally called 'Adivasis' implying 'original Inhabitants' of the land. They are notified as Scheduled Tribes (STs) by the President of India under Article 342 of the Constitution. However, the first notification was issued in 1950. The STs are indigenous, geographically isolated people, having their own unique culture, and of lower socio-economic conditions. There are as many as 573 tribes constituting about eight per cent of the country's population. Most of the tribal areas are hilly, inaccessible, undulating plateau lands in the forest areas of the country where general developmental programmes are not accessible. Due to this, infrastructure and development such as education, roads, healthcare, communication, drinking water, and sanitation is not readily possible. Thus, they lag behind other areas, which has resulted in a wide development gap between the tribals and the general population for a long time. Due to the backwardness and lower socio-economic status of the STs, the government has made affirmative policies and programmes, and also enacted laws. There are many constitutional safeguards for the welfare, development, and protection of STs in the country. Some of these are The Provision of (Panchayats Extension to the Scheduled Areas) PESA Act, 1996 that confers special powers to Gramsabha in 5th Scheduled Areas; the Forest Rights Act, the Land Rehabilitation and Resettlement Policy, and so on.

Though these provisions are in place, their effective implementation in letter and spirit by the state is a great impediment for the welfare and development of the STs in the country. Despite many affirmative actions, majority of the tribals in India have remained deprived of the fruits of development. Their condition deteriorated over time, especially after 1980s. Various special schemes have not reached them (Lobo 1993; Jain 1980). They face many problems such as poverty, unemployment, displacement, indebtedness, lack of opportunities, accessibility, and awareness of the government programmes. Their poverty prevents them from making use of these benefits (Kurien 1996). Despite six decades of planning, a large number of them have remained impoverished because most policy makers view development as only an aspect of economic growth and neglect the social components of education, health, nutrition, and hygiene.

INTRODUCTION

Alienation, a term for grabbing the lands of the tribal peoples by non-tribals, is widespread in India. Land is not merely an important economic asset; its ownership is also socially valued, sought, and denied. Land frees the marginalized from the clutches of everlasting bondage for want of a sustainable livelihood. Land, forest, and agriculture are the main natural sources of livelihood of the tribals. The only remaining asset for tribals when they are separated from these means of

survival is their labour, and they remain dependent on large land holders for their survival. The forest which is an inseparable part of the social and cultural life of the tribals (Chaudhari 1995), when denied to them, starts affecting them adversely— food, wood for houses, agricultural implements, fuel for cooking, and other necessary things including their protection. (Burman 1994) termed the tribals as children of the forests. Development-induced displacement has come to stay with globalization adding to land acquisition. The number of displaced (DP) or project affected

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persons (PAP), that is, those deprived of livelihood without physical relocation is growing. It also has a class, caste, and gender dimension. The indigenous/tribal people who constituted 8% of the total population of India as per the 1991 census make up 55% of the total displaced persons due to development projects up to 1990. According to the Ministry of Tribal Affairs (MoTA) nearly 85 lakh tribals were displaced until 1990 on account of mega developmental projects like dams, mining, industries, and forest conservation .

The Ministry of Rural Development of the Government of India in its 2007-2008 Annual Report states that *The State Governments have accepted the policy of prohibiting the transfer of land from tribal's to non-tribal and for restoration of alienated tribal lands to them. The States with large tribal population have since enacted laws for this purpose.*

It further states, *Reports received from various States, indicate that 5.06 lakh cases of tribal land alienation have been registered, covering 9.02 lakh acres of land, of which 2.25 lakh cases have been disposed off in favor of tribal's covering a total area of 5.00 lakh acres. 1.99 lakh cases covering an area of 4.11 lakh acres have been rejected by the Courts on various grounds.* In case of Madhya Pradesh, not a single case out of 29,596 cases of alienation and restoration of tribal land has been ruled in favour of the tribals. In Odisha, an overwhelming 43,213 out of 104,644 cases were decided against the tribals. This was followed by Tripura where an overwhelming 20,043 cases out of the 29,112 cases were rejected. Hence, there are serious causes of concerns.

CAUSES FOR LAND ALIENATION AND DISPLACEMENT

The present problem of land acquisition originated in the British era. Their objective was to turn South Asia into a supplier of capital and raw material for the British Industrial Revolution and a captive market for its finished products. Legal changes were then introduced to make land acquisition easy at a low price. It began with the Permanent Settlement 1793 ending in the Land

Acquisition Act 1894 (LAQ) (Bora 1986: 46). Under the Land Acquisition Law of 1894, the community resources are labeled as common property resources (CPR) which are not owned by individuals (and can be acquired by the authorities without compensation to the community). According to the law, natural resources such as forests as well as land with no individual title belong to the state and the state alone has the right to decide what constitutes the public purpose and to deprive individuals of their assets in its name. Development-induced displacement and other forms of deprivation arise from this principle (Ramanathan 1999). One of the reasons for the high proportion of tribals among displaced/project affected people is that many resources such as minerals are concentrated in the regions that they inhabit. This includes 80% of coal and more than 60% of most other minerals (Areparampil 1996). Tribals have paid the highest price for national development because their regions are resource rich (Mathew 2008).

The large-scale industrialization, privatization, and globalization for the sake of development have emerged as the biggest threat to their survival. The government and private industrial establishments have initiated mega projects such as mining, dams, hydro-electric projects, industry, roads, and transport which have an impact on their traditional land ownership, livelihood opportunities, employment, availability of essential commodities, socio-cultural life, cultural and religious practices, health, and education, as also on women and children (Mathew 2008). These so called 'developmental' activities, which do not have any direct benefit for the tribals, merely leave them landless and without any means for survival. They get very low compensation when their land is acquired for development projects since it is in the backward regions. Every Indian state has laws banning alienation of tribal land but studies show that more than half of their individually owned land has been lost or mortgaged to moneylenders and traders who give them loans to take control of it. (Fernandes 2007) points that development-induced displacement has existed from the ancient times but became a major problem with

colonialism and got intensified with post-independence planned development.

For example, immigrants from the Gangetic plains have occupied large chunks of land in the Karbi Anglong district of Assam that comes under the Sixth Schedule. It is encroachment rather than development projects that leads to displacement and other forms of livelihood deprivation in this region (Gupta 1991).

Another cause of land alienation is defence establishments. In the north-east, 'development' itself has come to be viewed from a national security perspective and has led to the acquisition of much land (Barbora 1998).

However, one emerging problem of land alienation is the rehabilitation of the refugees. In Assam, not less than 140,000 hectares have been used for refugee rehabilitation. Similar figures can be given from Meghalaya. The Chakma refugees displaced by the Kaptai dam in East Pakistan in the mid-1960s were resettled in Arunachal Pradesh. Much tribal land was used for refugee rehabilitation also in the Koraput district of Odisha, Bastar of Chhattisgarh and in Jharkhand (Fernandes, 2006). The Tripura State enacted the Tripura Land and Land Revenue Act 1960 that stipulated that only registered land would be recognized. Most tribals being illiterate did not register the community land they were living on since thousands of years according to their customary law. Thus, they were declared encroachers on the land that was their habitat for hundreds of years. The land that was alienated from them was used to resettle the Hindu East Pakistani immigrants whose influx continues till today. Due to this influx, the tribal proportion has come down from 58% in 1951 (Sen 1993: 13) to 31% percent in 2001 (Census CDs 2001). The tribes have lost more than 60% of their land to the immigrants.

Hence, land alienation, displacement due to development, livelihood issues, and migration among the tribals with the implications is becoming an important socio-economic problem for the policy makers and government to undertake welfare and development activities.

STATUS OF LAND OWNERSHIP AMONG TRIBAL WOMEN

In order to understand the impact of displacement due to land alienation, one has to look at the social structure of the tribal community. Tribal society is largely egalitarian and tribal women have been equal partners with tribal men in the contribution to household economy. Quite often, their women do more physical labour in their agricultural fields and forest than that of the tribal men. (Fernandes and Menon 1987) pointed that the tribal women enjoy relatively higher status as a productive member of the family working in the community owned land and forests. Women depend more than men on CPRs (common property resources) for their economic well-being and social status due to the gender based division of labour that makes them caretakers of the family. A man controls the family and social spheres in caste societies and in settled agriculture on individually owned land. However, in case of tribals the CPRs are community owned and women exercise partial control over them because in most tribes the woman is in control of the family economy and production. Marak (2002) writes In matrilineal tribes, both descent and inheritance are through the women. Once the man chooses the plot and performs the religious rituals, the woman took charge of it. Also the type of crops grown showed a feminine bias in that they were meant for home and not for commercial use. In some cases women had partial ownership rights. For example, the Angami tribes of Nagaland depend on terrace cultivation. Terrace cultivation land is thus precious and is controlled and inherited only by men. However, women inherit and control jhum land (shifting cultivation). This is considered as the tribe's secondary cultivation (D'Souza 2002). Thus, the woman is considered an economic asset and has a say in the crops grown, the land, and the division of work. This high status can be seen in the bride price in the tribal tradition (Muricken 2001).

Despite the high status of women in tribal societies, whether patrilineal or matrilineal, they are patriarchal in nature. Man continued to control the resource and

inheritance while the woman was in charge of production and the rest of the family economy. Hence, any change in this foundation could deprive her of the relative autonomy she enjoyed and make her totally dependent on men. Due to such a division, the woman was in charge of the family decisions and economy, while the man represented the family in society (Fernandes and Menon 1987). Thus, both enjoyed power within their own areas. This resource (CPRs) was the locus of a woman's work. Thus, the CPR dependent woman had a higher status in their society than women in 'mainstream' caste societies. This view is central to understanding the impact of development-induced land alienation.

Impact of Displacement and Land Alienation on Women

The CPRs/land being the centre on which the woman's status is dependent, if alienated, deprives the family as well as isolates the woman from the very source of her economic autonomy and her relatively high social status. The loss of CPRs involves a transition to an individual land ownership-oriented economy from the traditional social organization. A woman's social status declines due to a number of reasons as discussed below.

- *Change in land ownership:* Once these resources (CPRs)/land are lost, a tribal woman ceases to be an economic asset. If land is given, it is in the name of men (an exception is a female-headed household.). With individual *pattas* becoming the norm, power is transferred to the man and from him to his son. The woman is deprived of her economic autonomy, ceases to be a decision maker, and becomes fully dependent on men (Thekkekara 1993). Therefore, power passes from her to the man and to his son. Hence, decisions regarding land transactions and transfer are routed through the man. In the past also she was not equal to the men but she had a higher status than the caste women. With loss of livelihoods and traditional institutions this also changes, due to male-centered administrative policies and laws these now take on patriarchal

biases. However, displacement and alienation doesn't mean her workload is reduced. Even if they are deprived of their resource they have to take care of the family and fulfill their role of caring for them due to the prescribed gender based division of labour. The low literacy levels and lack of exposure to the outside world make them more vulnerable.

- *Resettlement and rehabilitation:* Women were never identified as a priority group for intervention measures in development projects (Schenk-Sandbergen 1991). The resettlement and rehabilitation policies which exist are indifferent towards women particularly in case of jobs. In Odisha, out of the 266,500 families of DPs/PAPs for which data were available, one job was given by the project to only 9,000 families (Fernandes and Asif 1997: 137–9). No jobs were given to women in Goa and very few in Kerala (Muricken 2001). The TN Singh formula 1967 stipulated that public sector mines and industries should provide one job to each displaced family and the job always went to the male head of the household. Women, particularly tribal women were denied jobs. The formula was discarded in 1986 due to the liberalization process.
- Most jobs given to the tribals, particularly to women, are unskilled and based on daily wages. In West Bengal, none of the 45 semi-skilled jobs went to tribals or dalits and only two were given to women. Six more men and five women got temporary semiskilled jobs. About 90% of the jobs secured by tribals in Andhra Pradesh were unskilled, and often temporary in nature. In Odisha, some tribals got semi-skilled jobs in the NALCO unit at Damanjodi because a voluntary agency trained them in some skills, but no women were trained (Fernandes 2006). Some projects offer technical training to the displaced who have the necessary education but here also the women lose out as the level of literacy among the tribal girls is very low. More than three-quarters of ST women are illiterate, the main reasons being early marriage, helping in household chores, looking after younger siblings, lack of outside

exposure, and so on instead of attending school (Sujatha 2008).

- Deprived of livelihood, the whole family and the woman have to depend on one man's salary. The men get jobs such as that of peons, daily wages jobs, and unskilled jobs. Even if the women get work, they are menial and the men don't allow them to take up such jobs as they feel it is below their dignity if the wife is doing a menial job (Menon 1995: 111). Thus, she is reduced to being only a housewife and gets confined in the kitchen. With this her social status also suffers. Influenced by the outside people working on the project the men start spending their salaries more on clothes, alcohol, and so on thus giving a small amount to the women to run the house (Goga D'Souza 2002).
- *Contact with outsiders:* The tribal women come in contact with the other caste women, new behavior patterns emerge such as accepting the dominant caste customs. For example eating after feeding all elders, males, and children of the house. Food shortage due to loss of livelihood and dependence on one salary makes the women and girls of the house eat less. This leads to malnutrition and other health problems. In a study conducted in the Delhi slums, it was found that two-thirds of the women survived on gruel alone three or four times a week (Fernandes 1990). Thus, patriarchal norms are reinforced and begin to dominate the social fabric accompanied by a decline in their nutritional and health status.
- *Psycho-social consequences:* Displaced persons get into industrial economy from an agricultural economy. They get into a culture that is very different from their own. They are psychologically not prepared for such a sudden change and some even take to drinking as a coping mechanism. Inequalities among genders which existed in the traditional culture get cumulative in such situations. This is because the new capitalist order of which tribals become part, brings with it andocentric values and privileges for males. Outside contacts also lead

to habits of alcoholism and gambling which adversely affect the household economy and lead to abuse and abandonment of women (Chatterjee 2003). One of the tribal reactions is to internalize the male culture of the dominant society and even the women start accepting their subordinate status. She feels that her place is in the kitchen and she is not intelligent enough to take up other work. For example, in a study, when asked why women get only unskilled jobs or end up as housewives without contributing to the family economy, more than 50% of the men and a third of the women (including tribals who have a relatively high status) interviewed in Odisha and Andhra Pradesh said that women are not intelligent or capable of taking up other jobs and that their place is at home (Chakravarti 1991: 208–209).

- *Impact on children:* Displacement and its consequent impact are felt more by women and children particularly those belonging to the lower sections like SCs and STs. It begins with landlessness and slowly turns into joblessness, loss of income, lack of access to health care and education, and into other forms of deprivation such as greater malnutrition and deterioration in the social status. Child labour also increases. In most cases impoverishment itself forces the parents to put their children to work full time to maintain the family. The impact is seen in children's lower access to schools since most project affected people are tribals (Fernandes 2007). Due to impoverishment, 56% of the families studied in Assam and 49% in West Bengal pulled their children out of school to turn them into child labourers (Fernandes and Asif 1997). A study by Campaign Against Child Labour (CACL) in 2001 on child domestic workers of Odisha, reveals that lack of regular income by the head of the family who are mostly daily-wage earners or small cultivators and father's alcoholism was a major reason for the incidence of child labour.
- Such negative impact is seen in health also. All studies show an enormous rise in water borne

diseases, malnutrition, and environmental degradation related diseases among the DP/PAPs children. In Andhra Pradesh, for example, a rise of more than 100% in dysentery, malaria, and tuberculosis and skin diseases was noticed (Fernandes and Naik 2001: 151). While all suffer from it, the incidence of such diseases is greater among children.

- *Migration:* Migration denotes any movement of groups of people from one locality to another and takes different forms. In survival migration, economic gains are minimal; there is little improvement in the economic status of both men and women. Besides, there is a reinforcement of traditional gender roles, and an increasing subordination of women. Lack of livelihood, inaccessibility to governmental programmes, and so on lead to survival migration. Displacement due to land alienation is resulting in large-scale survival migration of rural tribal to urban areas in search of livelihoods either temporarily or on permanent basis leading to conflict of their traditional family relationships, network of neighbourly relationships and the adoption of new urban culture. The intensity of tribal seasonal migration among the tribals has increased in the last 20 years (Patel 2004). A study by the Society for Regional Research and Analysis (2010) on Migration of Tribal Women states that the tribal migrants have found jobs in factories, agro-processing plants or working as porters, domestic servants, bus cleaners, rickshaw pullers, street hawkers, petty traders, construction workers, and domestic workers. Migrants are often willing to take on jobs that others cannot or do not want to do (those that are dirty, degrading, and dangerous).
- The study also observed that most of the tribal migrant women did not feel any change after migration. Many felt that it is worse than their previous village life. About 62% of the Mumbai tribal migrant women expressed that their value has decreased and were not happy. They regretted coming to the city and spoke of the difficulties and

vagaries of city life. Further, the study also found that economic exploitation is the top most (65%) followed by sexual exploitation (33%) and mental torture in the form of abuses, harassment about their work in 2% of the cases. The process of migration has a differential impact on women- whether they are left behind in the village in case their husbands migrate or in case they too migrate along with the males. In case of the former, the female-headed households are faced with the multiple tasks of not only running the household but also looking after the family, children and the aged. Exploitation of the women by the money lenders and other powerful and dominant persons lead to a situation where the women are most vulnerable. In case of the situation where the women too migrate along with their husbands, the new area of habitation is an alien one with no established social nets (Agrawal, 2006).

- *Breakdown in support network:* Women are less mobile than men and thus the breakdown of social and village units affects them much more severely (Thukral 1992). Hence, they always like to move as part of a pre-existing community, neighbourhood or kinship group. Resettlement or migration that takes away women from their natal home and family relationships might seriously affect their welfare as support in times of crisis may not be forthcoming due to loss of frequent contact. The women face problems in child care, a hostile host community, difficult working environment, lack of benefits, and so on. From the point of view of women if socially interrelated units are not resettled together it seriously affects the welfare of the women and children (Dyson and Moore 1983).
- *Access to resources:* For women access to resources like land, forest, river, cattle, and grassland means a range of livelihood options providing greater security against poverty. In conditions of access to multiple resources woman's labour is normally used to produce for the household and in such a case they normally have control over the nature and intensity of labour provided. Displacement normally alters

access to most of these resources and resource replacement focuses mainly on men. Loss of traditional livelihoods tends to casualize women's labour. Also loss of production capacity leads to nutritional problems among the women and children (Schenken-Sandbergen, 1991).

- *Trafficking*: Poverty, often cited as a major reason for trafficking in children, is not the only cause. Loss of traditional sources of livelihood, growing unemployment, forced migration, the commodification of children and growing consumerism resulting from globalization have all contributed to the increase in child and women trafficking. The socio-economic situation and geographical location of the family add to the vulnerability. While both boys and girls are victims of trafficking, girls are more vulnerable, especially to trafficking. Their normal means of livelihood gets disrupted and they are unable to find subsistence from the land. It is usually the destitute and the indigenous people who are most affected. The destabilisation and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour (United Nations 2000).

Women and Child Development Minister Krishna Tirath talking on land acquisition at a conference on issue of scheduled tribe women and children pointed that such steps are causing displacement and loss of occupation for tribal women, exposing them to exploitation and trafficking. She also laid emphasis on the government process which has to ensure security of livelihood of tribal's when their land is acquired. "Large-scale displacement of tribal's due to land acquisition for development is a challenge. Women become most vulnerable in such situations, being mainly deprived of their occupation in agriculture or forest-based livelihood often leading to migration which exposes them to exploitation or trafficking," she said. It is necessary to ensure livelihood security of tribal's when land is acquired for development purposes, she said, adding that the "gender dimension"

will have to be kept in mind in this regard. This was reported in the Indian Express on 30 May, 2011. However, The Times of India dated 28 March 2012, reported how a trafficking mafia killed a rape victim's mother. The tribal labourer woman from a small town in south Madhya Pradesh was fighting a war for her daughter's dignity against a well-organized gang of human traffickers while the police and district administration turned a deaf ear to her repeated calls for help. Also the Express News Service at Bhubaneswar, on 24 July 2012 reported that "Child trafficking is rampant in tribal areas". A large number of children, including girls, from poor tribal families from Gajapati, Kandhamal, and Ganjam districts are being lured to far-off places by dubious organizations promising education and other facilities.

Homes in urban areas employ 'live in' domestic workers, the majority of whom come from tribal areas of West Bengal, Bihar, Jharkand, and Odisha. 'Agents' provide the links between employers and employees and it is reported that many of these tribal girls are trafficked/bonded in agreement with their parents. The Government of Delhi in 2009 estimated that in Delhi alone there were 7,00,000 girls working in homes. Children are reportedly trafficked into Rajasthan from West Bengal and Bihar as child labour; and to Surat from Rajasthan to work in the diamond cutting industry. In Odisha, trafficking for labour is concentrated in the coastal areas.

CONCLUSION

Summing up on the loss of tribal land and displacement from a gender perspective shows that Indian society is stratified on the basis of class, caste, habitat, and gender. The lower one is on the scale, the greater the negative impact of changes introduced in their lives without their consent. Most DP/PAPs of tribal's feel the negative impact of loss of land and displacement but particularly the women among them are the worst affected. They are deprived of the resources that were basic to their survival and are denied access to education, employment, health, nutrition resulting in low social

and economic status. It forces them to deny their children a good and decent childhood. Women are deprived of the little autonomy they had. Development cannot be real till such failures are addressed and remedies sought. The benefits should reach those who pay its price. Lastly, development programmes should have the gender aspect included in them and the qualitative aspect of Human Development.

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