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## DISPLACEMENT AND ALIENATION FROM COMMON PROPERTY RESOURCES

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Displacement due to development, conservation, disasters or conflict, often leads to tremendous alienation from common property resources (CPRs) such as forests, land, fodder or water. Subaltern groups including tribals, *dalits* and other marginal groups lack legal titles (*patta*) to these resources, which are often communally owned or managed. Unfortunately, the current legal system in India neglects the key role played by CPRs in the sustenance of subaltern groups, in particular subaltern women. Women have traditionally enjoyed a higher status in production systems that rely on CPRs. Moreover, they depend more than men on CPRs for their economic well-being and social status due to the gender-based division of labour that makes

them caretakers of the family. However, legal processes justifying displacement in the name of 'eminent domain' do not recognise the importance of CPRs, and thus allow alienation processes to take place, which have a very negative impact on the gender and power dynamics in subaltern communities (see Chapter 6 by Ramanathan in this volume for a detailed discussion on eminent domain). Moreover, these subaltern groups are often not counted as development-displaced (DPs) and project-affected people (PAPs).

This chapter is based on data derived from studies on development-induced displacement and deprivation between 1951 and 1995, carried out by the present author and his team in five States in 'mainland' India. It also draws on studies in Assam and West Bengal (1947–2000), partial data from three States of north-east India on which the author is concentrating, and a similar study by the Centre for Culture and Development in Gujarat. This chapter also draws on the case of internal refugees due to conflicts, an issue that has special relevance to North East India. The Sixth Schedule, which applies to Meghalaya and two tribal majority districts of Assam, or its other forms, such as the customary laws in Nagaland and Mizoram, recognise community ownership in this region because of the people's greater dependence on CPRs than in most other regions of India. However, migrants from outside the North East encroach on CPRs, and at times, cause the displacement of local people. Because of these implications, every now and then, specific reference will be made to the North East, without deviating completely from a nation-wide perspective.

## **The Background of Alienation and Displacement**

In order to understand the impact of displacement and other forms of deprivation on subaltern women and men, one has to begin by looking at the traditional social structure of subaltern groups. Most of them, particularly tribal and *dalit* communities, accord a higher status to women than their 'high-caste' counterparts. Although some of this has changed due to the influence of 'high-caste' norms and customs, even today most tribal communities retain some important features of their traditional culture (Roy 1995: 32–37).

A major difference between the traditional subaltern communities and caste-based communities is the extent of their dependence on CPRs. While individual or caste-based settled agricultural societies also depend on CPRs in some form or another, unlike tribal and *dalit* communities, their sustenance is derived from *patta* land and the CPRs supplement this resource. In contrast, subalterns have CPRs as the basis of their livelihoods, and individual land and other assets supplement them. In most tribes, the village council of the tribe controls all land and allots it to individuals for a season. Its form differs from tribe to tribe. Some like the Angami of Nagaland and the Dimasa of Assam combine individual ownership with clan land, but in every case, it is recognised by the community and is under its control. Some others like the Aka of Arunachal Pradesh lack the very concept of individual ownership and only have usufruct rights. Each family cultivates as much land as it requires during the *jhum* season, at the close of which the land reverts to the community (Fernandes, Pereira and Khatso 2007: 31–32).

Conventional definitions take CPRs to encompass only natural resources such as land, forests and water sources (D'Souza 2001: 58–64). At times, marine and coastal resources are also considered. In this chapter, we also include other forms of subaltern livelihood, particularly with regard to the *dalits*. Most *dalits*, however, neither lay claim to such CPRs, nor depend on land directly, as they do not cultivate land for their own families. The *dalits* sustain themselves by rendering services to the village, and both men and women carry out agricultural labour. We believe that this constitutes CPRs. Even though they do not own land in the legal sense of the term, their survival depends on it. In so doing, we use the terms land and CPRs in a much broader sense than do formal economists. Land is not only a site, but also the prime means of production. As such, it supports the owner, his servants, the village artisans, the merchant who buys the produce and a host of others. When the cycle of agriculture is disturbed, all these activities are disrupted and the livelihood of all the landless is endangered. The Land Acquisition Act does not provide for such people (NCHSE 1986: ii).

In other words, *patta* land has the same value for its non-owning dependants as the forests and common land have for tribal communities, marine and river resources for fish workers, and other water and land systems for those who depend on the community-owned natural resources.

That is why these groups are at times called 'ecosystem people' (Guha and Gadgil 1996: 37–38). If the *patta* land is alienated from its owner, its non-owning dependants are impoverished and pushed further down the socio-economic ladder. The difference between the *dalits* and other groups sustaining themselves through CPRs is that, as a social group, the *dalits* and other non-owning dependants of *patta* land have not developed a communal social identity around it in the way that tribal, fishing and other communities have done around forests and common land or water resources. Nevertheless, their economic and social links with the *patta* land are as strong as those of the CPR-dependents with their community resources. This is why their livelihood should be considered as CPRs.

However, the resource management system of CPR-dependents is different both from that of the *dalits* and of individual owners. The main difference between the two is that CPRs are community-managed, with the management systems differing from tribe to tribe. Common to most of them is the fact that as long as the CPRs are community-owned, women exercise partial control over them. Central to the management of CPRs is a gender-based division of work and control between the family and social spheres. In most tribes, the village council, made up solely of men, controls the land, forest and other CPRs. This is similar to structures in the *patta*-owning classes. However, family relations are different among tribals. Unlike caste societies and settled agriculture on individually owned land, in which the man controls both the family and social spheres, in most tribes, the woman is in control of the family economy and production. In matrilineal tribes, both descent and inheritance are through the woman (Marak 2002: 161–62).

An example of the gendered division of labour is *jhum* (shifting) cultivation through which around 25 per cent of Indian tribals sustain themselves (Roy Burman 1993: 176–77). Traditionally, in these tribes, the male village council decides which plot to cultivate in a given year. It also determines the amount of land to be allotted to each family according to the number of mouths to feed, and decides which family with excess adults will assist a family with a deficit of adult workers. Here its role ends. Then the male head of the household chooses the plot that his family will cultivate that year and performs religious rites to mark the beginning of cultivation. Once this is completed, the woman

takes charge of cultivation and organises work in the field (Fernandes and Menon 1987: 77–82).

As a result, from a gender perspective, the division of work between women and men was more equitable than in settled agriculture. Unlike most subaltern communities in which the woman was in control of the decision-making process in the family, in settled agriculture the man took charge of both the family and society. He owned land as an individual, took decisions on the type of crops to grow and determined the division of work. Men did what was considered the more 'difficult' work such as ploughing and allotted to women tasks work that involved standing in wet fields and bending for a long time (Misra 2000: 74–77). This male-oriented division of work and women's lack of control over resources characterised the traditional water allocation system in the Gangetic plains. Here, unlike in the CPR-based tribal and hilly regions, the landowning caste that controlled the water source gave priority to irrigation and accorded very little importance to the needs of the subalterns, to drinking water and other tasks allotted to women (Sen Gupta 1991).

In contrast, in most tribal and other subaltern communities, dependence on CPRs gave the woman some control over community resources inasmuch as she was in charge of the family economy and production. One can see it in the above division of work in shifting cultivation. Once the man chose the plot and performed religious rights, the woman took charge of it. One cannot say that she took decisions about the type of crops to grow because they were determined by tradition. People grew more or less the same crops every year according to the subsistence needs of the family. However, the type of crops grown showed a feminine bias in that they were meant for the home and not for commercial use. Most tribes of the North East, for example, began by planting root crops meant to protect the soil. Then followed other crops used as staple food. They were combined with pig rearing. Thus, various nutritional needs that are the woman's domain were met (Gangwar and Ramakrishnan 1992). 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. But women inherit and control *jhum* land, which is considered the tribe's secondary cultivation (D'Souza 2001: 41–42).

This resource was the locus of a woman's work. Around it she met other women and exchanged information concerning marital problems,

pregnancy and other issues that would today be discussed with medical experts. Tasks such as hoeing and digging were done jointly by men and women, as was weeding and other 'back-breaking' work. Of importance is the fact that the woman was in charge of overall production, which gave her partial control over the community resource. This partial control did not make her equal to men in her society, but gave her greater control over the family economy, production and decision-making than her counterparts in caste societies had. This partial control was also the basis of her relatively high status in her community (Menon 1995: 110). Since she controlled the family economy, her dependence on the CPRs was greater than that of men in her own community, and created in her a greater vested interest in using CPRs sustainably (Pathy 1988: 26).

The concept of individual ownership is generally weak in such CPR-based systems. For example, in the above-mentioned study of several tribes in the North East, the Aka of Arunachal Pradesh could not answer our question on the extent of land they owned. Their main sustenance is *jhum* and every year they clear as much forest land as their family needs for its sustenance. After the harvest, this land reverts to the community. The family cannot claim it as its own. Their livestock too graze on common land, but everyone knows which head of cattle belongs to whom. Only two of the 115 families interviewed declared themselves landless because they live on a salaried job and no longer cut the forest for *jhum* cultivation (Fernandes and Bharali 2002: 22–24). Other tribes also retain a few features of this system in a modified form.

Finally, since the subaltern communities kept a clearer division between the family and social spheres than dominant caste or individual-based societies, the women among them were viewed as economic assets even when their CPRs were not land or forests. For example, most tribes of Jharkhand practise settled agriculture but keep a community ethos of Khuntkatti rights. The descendants of the founder of the village are given special rights and the village council that they control determines these rights (Sarkar 1993: 101–3). The woman is considered an economic asset and has a say in the crops grown and the division of work. This relatively high status is also true of other marginalised groups like fish or quarry workers that are often referred to as 'backwards' or 'most backward' (MOB) (Muricken. *et al.* 2001: 286–87). In these communities, women take an active part in the family-related production. Their relatively high

status is symbolised by bride price in the Dalit and tribal tradition. It reflects a consideration for the economic utility of women. It was not meant to buy a wife but was a mode of compensating the family for the loss of a worker (Fernandes 1990: 100).

## The Legal System and the CPRs

In the conditions of this relatively high status lay the seeds of a woman's marginalisation, if the situation were to change. Firstly, in the *jhum* and forest-dependent communities, the control she exercised over the family economy and the consequent relatively high status depended on abundant resources. Secondly, despite the relatively high status they accorded to women, tribal and other subaltern societies, whether patrilineal or matrilineal, are patriarchal in nature. Thus, the man continued to control the resource and inheritance while the woman was in charge of production and the rest of the family economy. Any alteration in the foundation of her status could deprive her of the relative autonomy she enjoyed and make her totally dependent on men.

This becomes clearer in the context of what some anthropologists say about the nature of gender relations among tribal groups (Manna 2000: 13). Researchers have observed that because of a clearer separation between the family and social spheres than in high caste and other individual based systems, the subaltern traditions gave less importance to power than to the division of roles. The notion of power was not absent among these groups but it was expressed through the division of roles (Klesing-Rempel 2001) between the family and social spheres. Because of 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: 117–19). Thus both had power within their own spheres. If this division of roles was weakened, however, it could easily lead to power imbalances. In sum, as long as the CPR-based economy was sustaining the family, the division of roles was more important than power.

In contrast, in the hierarchical caste, urban middle class or individual-based systems, the division of roles also indicates the domination-dependency syndrome based on power relations. Hence several scholars

(for example, Vats 2004) interpret changes in women's status in middle class societies as a movement towards equality 'according to economic improvement, more decision-making powers in the family and in society, an attitude of self-confidence, equality of sexes, and women coming together as a group both in the understanding of their situation and in working for equality' (Fernandes 1990: 36–37). They are of the view that in these societies, equality requires a change in status, not merely in power relations.

The division of roles among the CPR dependants shows that attaining a new status is a dynamic process while power is a static concept. One may add, however, that the static concept had some hierarchy even among the subalterns. In their tradition, division of work between the family and society did not involve equality because power in the social sphere was perceived to be more important than power in the family. As a result, tribal and other CPR-dependent communities never ceased to be patriarchal. Even though both men and women had power within their own spheres, the village council made up of men alone controlled the resources that symbolised continuity in their society. However, the partial control that CPR-dependent women exercised over the resource through the family economy, production and decision-making process, made them less unequal than their caste counterparts. It conferred on them a higher status in their society than women in 'mainstream' caste societies could lay claim to. This concept is crucial to understanding the impact of development-induced alienation.

## Impact of Development Projects

Forced displacement or deprivation through development projects, as well as other forms of migration, have serious implications for a woman's economic and social status. However, India's land laws ensure the alienation of subaltern communities from CPRs because these lands are governed by the colonial principle of eminent domain, which conceives of land as only a commodity and a place for cultivation and building (see also Chapter 6 by Ramanathan in this volume). The legal system ignores its role in the sustenance of its dependants. Individual property is its basis and a written ownership document (*patta*) in the name of an

individual remains its norm. Such a document endows a person with the right to use the property according to his/her will, with no obligation to anyone else beyond respecting the rights of other individuals.

Eminent Domain is the American version of the principle called *terra nullius* (nobody's land) in Australia. The White colonisation of southern Africa, the Americas, Australia and New Zealand was based on the principle that anyone can occupy land ostensibly belonging to none. This principle was struck down as unconstitutional by the Australian judiciary (Brennan 1995: 16) but it continues to be the basis of land laws in India under its American version. Its first facet is that natural resources such as forests as well as land with no individual title belong to the State. Its second facet is that 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: 21–22).

A consequence of this legal system is that the CPRs can be alienated from their dependants without forewarning or compensation. Until a few years ago, the State did not even count CPR-dependent groups among the DPs/PAPs of projects. We noticed this lacuna in the official figures for the Hirakud dam in Orissa and Nagarjunasagar dam in Andhra Pradesh in the 1950s. At official count, Hirakud displaced 110,000 persons (Government of Orissa 1968) while according to later studies, this number was closer to 180,000. The 70,000 persons who were not counted were mostly tribals, *dalits* and 'backwards' (Pattanaik, Das and Misra 1987). The tribals depended on common land and forests, *dalits* on services to the village as a community, and the 'backwards' on stone quarries, fisheries and other CPRs. Since the Land Acquisition Act recognises only *patta* land, these groups were not considered as DPs/PAPs. The Nagarjunasagar multi-purpose dam in Andhra Pradesh also displayed a similar bias (Fernandes *et al.* 2001: 62).

## Displacement and the Subalterns

This exclusion is unacceptable because studies show that the subalterns form a majority of the DPs/PAPs. In 1985, the SC–ST Commission pointed out that 40 per cent of the DPs of most development projects

during the preceding three decades were tribals (Government of India 1985: 19). While tribals make up 22 per cent of Orissa's population, between 1951 and 1995, they represented 42 per cent of the State's 1.6 million DPs/PAPs (Fernandes and Asif 1997: 111–12). Of the 3.25 million Andhra Pradesh DPs/PAPs, 1951–1995, whom we could identify, 30 per cent were tribals, though they constitute only 6.7 per cent of its population. Around 20 per cent of those who are physically relocated (DPs) or deprived of livelihood without being physically displaced (PAP) are *dalits*, and studies indicate that the so-called 'other backwards' constitute another 20 per cent. For example, a majority of the 10,000 DPs of the Sriharikota Rocket Range, and the 43,000 DPs/PAPs of the Simhadri thermal plant in Andhra Pradesh and other coastal schemes are fish workers. Many others are quarry workers and community service providers (Fernandes *et al.* 2001: 80–81) or 'backwards.' Even in Kerala, tribals who represent a little over 1 per cent of its population were a majority of the DPs of the Idukki hydel dam, the state's biggest scheme until 1995. Many other schemes are in its coastal region and most of their DPs are *dalits* or 'backwards.' For example, most DPs of the Vikram Sarabhai Space Centre in the 1950s were fish workers. Of the 4,346 DPs of the Nedumassery International Airport in the 1990s, 45 per cent are *dalits* (Muricken *et al.* 2001: 116–25).

One of the reasons for the high proportion of tribals among DPs/PAPs is that many resources such as minerals are concentrated in the regions that they inhabit. This includes 80 per cent of coal and more than 60 per cent of most other minerals (Areeparampil 1996: 6). Of greater importance, however, is the non-recognition of their CPRs. The Indian land laws recognise only individual *pattas* and the Land Acquisition Act of 1894 makes compensation mandatory for individually-owned land. Since, according to this law, CPRs are State property and no compensation need be paid for them, the acquiring agencies give preference to the CPRs. This explains why between 1951 and 1995, more than 50 per cent of the land acquired in Orissa (Fernandes and Asif 1997) and 32 per cent in AP consists of CPRs. In Assam, out of 1,401,184.8 acres used by all the projects during the period 1947–2000, the State counts only 393,236.7 acres of private land and some 375,000 DPs/PAPs, while the conservative estimate for DPs/PAPs is 1,909,368 (Fernandes and Bharali 2006: 77 and 107). Thus, more than one million

acres of the CPRs and the livelihoods of over 1.5 million persons are not accounted for because the law does not recognise community ownership. In the eyes of the State, the communities that have inhabited this land for centuries, before the colonial land laws were enacted, are encroachers.

In the North East regions that come under the Sixth Schedule, which is meant to protect their community assets, (Roy Burman, nd: 8–9) the rate of development-induced displacement has been low until now, but it is expected to rise in the near future. In this region, 48 massive dams are under active consideration and 13 of them are in the final stages of planning and approval. Moreover, there is another list of 156 possible dams (Menon *et al.* 2003). Except in a few cases such as the Pagladia dam in Assam and the Tipaimukh dam in Manipur, physical relocation will be somewhat low, but the loss of livelihood will be high. For example, the Lower Subansiri inter-state (Arunachal–Assam) dam will physically displace only 38 families, but will submerge 34.36 sq. km of land that will deprive several thousand families of their livelihood. However, its Environment Impact Assessment (EIA) mentions only that the cultivable land of two villages will be submerged (WAPCOS 2001: 4–6). The rest of the loss is ignored even though the region comes under the Sixth Schedule that recognises community ownership.

Of equal importance is immigration of people from outside the region, whose numbers cannot yet be predicted. The sex ratio given in the census data points to high single male immigration. For example, the sex ratio of Arunachal Pradesh was 861 in 1991 and 901 in 2001. In Nagaland, it was 890 and 909, respectively. Among the indigenous tribes that we studied in these two States in 2001, the sex ratio was 1,096 in Arunachal Pradesh and 955 in Nagaland (Fernandes and Barbora 2002a: 72–74). Thus, the low ratio at the State level is because of high single male immigration. A slight rise in the ratio is an indication that most immigrants initially come alone and later bring their families. No accurate data are available on their origin. Indications are that around two-thirds of them are from the Gangetic plains or Nepal, and the rest are Bangladeshi (Hussain 2002: 284–86).

Irrespective of the place of origin of the immigrants, a common feature is that they come from regions where the peasants are land-hungry but have cultivation skills, as most of them are landless agricultural labourers. Studies also show that the single male migrants from the Gangetic plains

and Nepal begin work as landless labourers, and then encroach on cultivable land belonging to the local people, after which point they bring their families. The Bangladeshis, by and large, come with their families and work as unskilled labourers until they encroach on land (Fernandes and Barbora 2002b: 65–66). Most of this land comprises CPRs belonging to tribal communities. 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. They have even succeeded in gaining a foothold in the District Tribal Autonomous Council and are now demanding that Hindi be declared an official language of the district (NPMHR, MASS and ASMS 2002).

Once the local people are deprived of their land, they are often forced to move out of their original habitat. Put differently, it is encroachment rather than development projects that leads to displacement and other forms of livelihood deprivation in this region (Das Gupta 1991: 84–86). In some cases, the immigrants may not be total outsiders. For example, landlessness is high among the matrilineal Garo community. For them, the process of encroachment and conflicts over limited resources began with displacement not by developmental schemes or militarisation but by political processes. A large number of the Garo community members displaced from Bangladesh three decades ago resettled themselves on land belonging to the ‘indigenous’ Garos in Meghalaya. This resulted in conflicts over the resource between the original dependants and the newcomers. The solidarity of the tribe broke down, which led to the process of individual ownership (Fernandes and Barbora 2002a: 50–52). Another source 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).

## **The Extent of CPRs Lost**

In the case of development-induced deprivation, much of the land acquired for projects consists of forests or other CPRs. In Orissa, for example, 30.2 per cent of the one million hectares acquired between 1951 and 1995 comprised forests and about 28 per cent comprised other CPRs

(Fernandes and Asif 1997: 84). In Andhra Pradesh, CPR and forest land together accounted for 32 per cent of one million hectares for which we obtained reliable data (Fernandes *et al.* 2001: 56–57). In Goa, 50 per cent of the 52,000 hectares acquired between 1965 and 1995 comprises CPRs (Fernandes and Naik 2001: 36–40). Only in Kerala, which has very little common revenue land, non-forest CPRs are below one per cent, while forests account for 26.2 per cent of the land acquired between 1951 and 1995 (Muricken *et al.* 2001: 105–12). Apart from the alienation of land and forests, many other socially weak groups are displaced from their marine and river CPRs. Similarly, displacement destroys the habitat of *dalits* that is linked to their sustenance because of the services rendered to the village as a community, particularly to the *patta* landowners. However, in most cases, they are not included among the DPs/PAPs since they do not have ‘legal’ rights over the land or other resources from which they are alienated. In a few cases, they are considered PAPs but in most cases, they are given no compensation, as they do not lose land in the narrow legal sense.

Additionally, the 45-year data that we have studied records no land transfer in the case of parks and sanctuaries, which occupy more land than what has been acquired for all other developmental schemes (see Fernandes and Asif 1997; Fernandes *et al.* 2001; Fernandes and Naik 2001; Muricken *et al.* 2001). There has only been a notification declaring them as sanctuaries, because most of the land was already in the possession of the forest department. This land has not been included in the total land acquired for projects. However, its inhabitants comprising mostly tribals have experienced a tremendous change in land use. They have been deprived of access to the Non-Timber Forest Produce (NTFP) such as fruits, edible flowers and leaves, medicinal herbs, fodder and small timber, which sustains them and their livelihoods. The Wild Life Protection Act 1972 does not state that they should be displaced but only that their ‘rights should be settled.’ In most cases, the forest department interprets this to mean the denial of access to the NTFP that constitutes their livelihood and over which they had earlier enjoyed rights.

As a result, the CPR-dependent communities, whether they are within or outside the forest boundaries, have to begin a new life without any support. They receive no compensation for the CPRs, and the market value of the little private land they own is low. For example, 58 per cent

of all land acquired for the National Aluminium Corporation (NALCO) plant in the mid-1980s at Damanjodi in the tribal majority Koraput district of Orissa consisted of CPRs. No compensation was paid for it. An average of Rs 2,700 per acre was paid for the little land that was privately owned. In contrast, only 18 per cent of the land acquired during the same year for another unit of NALCO in the 'high-caste' dominated Angul district constituted the commons, mostly for schools, roads and other facilities. The *patta* land losers were paid an average of Rs 25,000 per acre (Fernandes and Raj 1992: 92). Furthermore, due to administrative neglect, the land records are often outdated and the land is in the name of a dead ancestor. Consequently, conflicts arise among the descendants regarding the issue on who is to receive compensation.

High landlessness ensues in these situations. For example, in land-hungry Kerala, out of 695 families interviewed, 84 were either CPR-dependents or landless people before deprivation. Their number declined to seven when they were given homestead land. As a result, the number of those who had only homestead land went up from 384 to 542. But the number of families owning more than five acres of land declined from 104 to 21 (Muricken *et al.* 2001: 165–66). In Andhra Pradesh, out of 104 tribal families that previously cultivated CPRs, 45 became landless after the projects because even where 'land for land' packages were in place, these excluded many families who were landless according to the eminent domain-based law. Of the remaining 59 families, 16 received only homestead land and the rest shifted from CPRs to individual land after displacement, as the project was forced to give them land when they agitated demanding rehabilitation (Fernandes *et al.* 2001: 165–67). This resulted in class formation with some being impoverished through landlessness and the rest owning some land.

The loss of resources to immigrants in the North East follows a similar pattern. The Sixth Schedule is often implemented in such a manner as to support both class formation and gender-based discrimination. Under this Schedule, the natural resources belong to the whole community, but the State treats the *gaonburah* (village head) as the landowner. Community assets can be turned into individual land or transferred to outsiders with his permission and he can be influenced to carry out such actions. The consent of the community is not required. As a result, in many Sixth Schedule tribal areas, individuals have begun to own

some hundreds of acres by rendering others landless (Barbora 2002). Moreover, immigrants from outside the region first occupy the CPRs and only later attack individual assets. For example, out of the 188 tribal families we studied in Manipur, 158 had lost their CPRs, their main sustenance, to outsiders and they were left with very little individual land (Fernandes and Bharali 2002: 52–54).

## **Implications for Women**

The aforementioned figures have significant implications for women. Displacement deprives the family of the CPRs that sustain it, and the resultant deprivation alienates the woman from the very source of her economic autonomy and her relatively high social status. In most cases, the loss of CPRs and the changes to the traditional social organisation also involve a transition to an individual land ownership-oriented economy. As discussed above, this leads to women's declining social status due to a range of reasons, which are discussed below.

### ***Transition to Individual Ownership***

The first result of the loss of CPRs is landlessness or transition to individual ownership and the loss of livelihoods for tribals, *dalits* and other marginal groups. Many States have legal provisions such as the Fifth and Sixth Schedules to protect their CPRs as well as individual land, but these are manipulated by powerful groups for their own ends. Such manipulation extends both to the CPRs and to individual land. For example, in the Fifth Schedule as well as in the non-scheduled tribal areas, the alienation of tribal individual land to non-tribals is banned. The law in the Fifth Schedule areas is based on the concept of individual ownership whereas the ethos of most subaltern communities is geared towards community assets. Thus, there is a clash of norms and values. The political and administrative system is controlled by powerful outsiders who manipulate the land records in their own favour. As a result, according to the official count, 753,435 (48 per cent) of a total of 1,848,000 acres of land in the tribal districts of Andhra Pradesh are in non-tribal hands. The reality is worse than that (Laya 1999). Such is

the case in Orissa (Pradhan and Stanley 1999), Madhya Pradesh (Mander 1998) and other States (see Chapter 11 by Rebbapragada and Kalluri in this volume).

Only in the Sixth Schedule areas does the law recognise community ownership, but the approach of the State favours individual male ownership and class formation. This results in a series of transformations of the social structure that are induced both by market forces and administrative procedures. For example, in the traditionally matrilineal Garo society of Meghalaya, the question of a woman's status has to be read alongside that of her other male kin. Today male relatives wield considerably more economic and political power than in the past when the maternal uncle had an important role to play in the management of her land (Marak 1997: 58–61). Today, though the woman remains the official heiress, in practice, her husband manages the inheritance. In administrative terms, the State recognises him as the head of the family and of the village. Decisions regarding land transactions and transfer are thus routed through his office. Displacement in this case thus results in changes of land use and the transfer of power. In parts of the East Garo hills, there has also been a slow transition to growing cash crops that are not fully conducive to community control over land. Although the community traditionally owns this resource, the State grants loans and subsidies only to individual *patta* holders. Such land transfer to individuals is encouraged with a distinct preferential slant towards males who largely manage the cash crop production. This has far-reaching consequences for women's status in this matrilineal society (Fernandes and Barbora 2002a: 128–30).

The immigration of Garo refugees from Bangladesh was another trigger for the transfer of power from women to men, along with the thrust given to commercial crops. In a sample of 200 families within two blocks of West Garo Hills, 97 sustain themselves on daily wages (Fernandes and Barbora 2002a: 113–14). The situation of the Rongmei of Manipur is worse than that. As many as 58 of their families in our sample of 110 have become landless or have only homestead land because competition for the same resource resulted in ethnic conflicts that displaced them from their village. The Loktak hydel dam displaced but did not resettle other families. Consequently, all the affected families resettled themselves on wasteland elsewhere (Fernandes and Bharali 2002: 22–23).

A consequence of such alienation is the introduction of new relations of power and dependency in a society that formerly maintained separate male and female realms and roles. Very few development projects successfully resettle the affected populations. Those that are resettled are mostly *patta* holders, not CPR dependants. Even if resettled, the subaltern woman rarely maintains her economic autonomy. In land-based resettlement, land is allotted in the name of individuals, invariably men, who are considered to be the heads of their respective households. (An exception is the female-headed household.) Women in subaltern groups had decision making powers in the family and controlled its production and economy as long as the community sustained itself on CPRs. 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: 30). Her social status also deteriorates with the emergence of class formation in what was previously a more egalitarian society. In the past, she was not equal to men but had a higher status than caste women did. This situation changes with the deprivation of her livelihood and the transformation of traditional institutions. These now take on patriarchal biases, in part due to male-centred administrative policies and laws. This situation also holds true for women of *dalit* and other marginal groups who used to take an active part in the family economy that depended on the land alienated from the *patta* owner. For most subaltern women, however, the alienation does not reduce their workload. Even if they are deprived of the resource base required to care for the family, the gender-based division of labour dictates that they continue to fulfil this role. Given their low literacy and the lack of exposure to the world outside their community, their sense of vulnerability may increase.

### ***Rehabilitation and Women***

Impoverishment takes place due to the absence of alternatives for the livelihood lost. Very few projects provide salaried jobs to male DPs/PAPs, let alone the women among them. For example, in Andhra Pradesh, in our sample of 635 families, 27 were in the process of displacement or deprivation. Of the remaining 608 families, the availability of

employment had declined from 509 (83.72 per cent) before the project to 253 (41.61 per cent) after it (Fernandes *et al.* 2001: 141). Moreover, very few of these jobs were provided by the project. In Orissa, out of the 266,500 families of DPs/PAPs for which data were available, we have confirmation of one job given by the project to only 9,000 families (Fernandes and Asif 1997: 137–9). No jobs were given in Goa and very few in Kerala (Muricken *et al.* 2001: 267–69).

In the North East, the refusal of the economic decision-makers to invest in productive job creation ensures that the people of this region with much higher levels of education than in most other regions of India, continue to depend on land-related resources (Baishya 1991: 44–45). For example, in 1996, the seven North Eastern states had only 214 major and medium industries as against 364 in ‘industrially backward’ Orissa in the same year. As a result, more than 70 per cent of the people depend on the primary sector and 6–7 per cent on the secondary sector as against around 64 per cent and 12 per cent, respectively at the all-India level (D’Souza 1999: 8–11). Consequently, land alienation destroys their livelihood more than elsewhere and has serious implications for women (Miri 1993: 172–73). But neither development projects nor the relevant policies in the north-east make provisions for women’s needs and interests (Acharya 1990: 81–84).

The few R&R policies that exist are discriminatory toward women, particularly in relation to jobs. For example, the T.N. Singh Formula 1967, which was created in response to the agitation of the DPs of the Rourkela steel plant and is named after the then Minister of Industry, was the only all-India post-Independence provision that had some semblance of an effort to rehabilitate the displaced. It stipulated that public sector mines and industries should provide one job to each family they displaced. The Formula had many shortcomings, one of which was that the job almost always went to the male head of the household. Women, particularly tribal women, who were deprived of the land and forests upon which their status and economic utility were based, were denied jobs (Thukral and Singh 1995: 94–95). While the Formula was a step in the right direction, it was abandoned in 1986 due to the liberalisation process.

Our other data confirm that very few jobs are given to women on most projects. In our West Bengal sample of 724 families, 125 (20 per cent)

were given a permanent job each, most of them in two recent projects. Only eight permanent (six of them unskilled) jobs went to women. Moreover, most jobs given to the tribals, particularly to women, are unskilled and based on daily wages. For example, 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 semi-skilled jobs. 90 per cent of the jobs secured by tribals in Andhra Pradesh were unskilled, and often temporary in nature (Fernandes *et al.* 2006). In Orissa, some tribals got semi-skilled jobs in the NALCO unit at Damanjodi because a voluntary agency trained them in some skills, but no woman was trained. Six years after displacement, 502 families (80 per cent) displaced by NALCO at Damanjodi had been given a job each. Only eight of these were given to women. But for these few tribal men getting semi-skilled jobs because of their new training, all the skilled jobs went to persons from the dominant castes, a trend demonstrated earlier in the case of the NALCO unit in the upper-caste dominated Angul district. Some projects are ready to give technical training to DPs/PAPs who have adequate educational qualifications, but this rarely helps women. Even among the dominant castes, in the rural areas, only boys study up to the high school. Thus, girls even of these castes and both boys and girls from the subalterns lose out (Fernandes and Raj 1992: 141–42).

Once deprived of their former livelihood options, women have to depend on the single salaries of their husbands. If they get jobs outside the project, they are mostly daily wage or unskilled labour jobs. Many men who are given jobs as peons or maintenance staff in the project office refuse to allow their wives to take up these jobs because it is 'below the dignity of an office worker' to have his wife doing 'menial work' (Menon 1995: 111). In most cases, such jobs are not even available. Thus, women are reduced to being housewives alone, which is a far cry from their earlier role of being contributors to the family economy. Since their role as caretakers of the household remains unchanged, they have to purchase their basic needs such as food, which they used to get from their land and forests. Influenced by outsiders who come to the project, local men spend a substantial amount of their earnings on clothes, entertainment and other trivia, thus leaving a relatively small amount for women to run the household (Goga D'Souza 2002: 87–88).

With the internalisation of women's subordinate status, in many cases, new gendered behaviour patterns emerge. Women themselves come to accept the dominant caste custom of the housewife eating last, after feeding the elders, her husband, other men, boys and girl children. In the context of food shortage, girls and housewives get very little food, with malnutrition being a consequence. For example, in a study in the Delhi slums, we found that because of this custom, two-thirds of the women survived on gruel alone three or four times a week (Fernandes 1990: 121–22). In other cases, impoverishment forces the family to send young girls out to middle-class families as domestic workers. We found these cases among the *adivasis* in Orissa (Fernandes and Raj 1992), Assam tea gardens, Jharkhand and elsewhere (Fernandes and Barbora 2002a).

Other psycho-social consequences also follow. Displaced persons are inserted as workers into the industrial economy and culture without adequate social and psychological preparation. The society and economy they encounter have a time frame and culture that are different from their own. It is not unusual for many to lose their jobs as did a large number of DPs employed by the Rourkela steel plant in Orissa because of what the management called 'drunkenness' or 'indiscipline.' The real cause of this behaviour was the shift that they had to make from an agricultural economy and time frame to an industrial situation, and its required discipline without any psychological or social preparation, or recovery from the trauma of forced deprivation. For some, a drinking is a coping mechanism, which results in frequent wife-beating (Fernandes and Raj 1992: 154–55).

The situation is not any different in the North East. The number of Garo males and females involved in agriculture is almost equal in the 200 families we studied, but the other occupations show a male bias. Only 22 of the 83 family members holding salaried jobs are women. Out of 836 (19.74 per cent) family members above the age of 15, 165 live on daily wages, with 60 (36.36 per cent) of them being women, but 124 of 173 (71.68 per cent) unemployed persons are women. Moreover, 22 are housewives who do not work outside their homes. Out of 68 Angami Naga graduates in our sample of family members, 41 were women. However, of the 169 salaried jobs, most of them from the State, only 38 were given to women (Fernandes and Barbora 2002a: 111–18). Out of 626 female members above the age of 15 in the 306 families we

studied in Arunachal Pradesh and Manipur, 169 are enrolled in school or college. Of the remaining 457, 140 are housewives and do not work outside their homes. Of 155 persons with salaried jobs, 42 are women (Fernandes and Bharali 2002: 25–27).

### ***Internalising Inequality***

Once the CPR resource base is lost, many women end up with unskilled jobs in the informal sector. As discussed earlier, patriarchal norms are reinforced and begin to dominate the social fabric. This is accompanied by a decline in their nutritional and health status because of deforestation and displacement. This is true not merely of tribal communities but also of *dalits* and other marginal groups. In Kerala, for example, fish worker women have been unable to adapt themselves to the new lack of livelihood resources. As a result, their nutritional status has been seen to deteriorate (Muricken *et al.* 2001: 282–86).

Crucially, the community members, including the women, internalise the ideology of women's subjugation and accept their subordinate status. As John Gaventa (1980: 7–32) writes, no unequal social system can be maintained unless the subalterns internalise the dominant values. We witnessed this process in many study areas. For example, when asked why women get only unskilled jobs or end up as housewives without contributing to the family economy, more than 50 per cent of the men and a third of the women (including tribals who have a relatively high status) interviewed in Orissa and Andhra Pradesh said that women are not intelligent or capable of taking up other jobs and that their place is in the home. Similar attitudes seem to have been internalised by the Reang of Tripura and many other tribes in the North East (Chakravarti 1991: 208–209). In many cases, the customary tribal laws are being manipulated in favour of men and against women (Nongbri 1998: 224–25). The State and the legal system support this transition instead of working towards equality (Haksar 1998: 191–92).

Such internalisation also takes place when young *adivasi* girls become domestic helpers in middle-class homes. The employer, conditioned by the caste mentality of 'untouchables' doing menial work, often sees them as 'low castes.' Over time, they themselves internalise a caste mentality and develop a low self-image of their own community (Fernandes and

Barbora 2002a). This leads to a vicious circle because a low self-image convinces them as a group that they cannot further their prospects and should depend on others for their own growth.

## Conclusion

This chapter examines the processes of women's marginalisation arising through alienation from CPRs that are the basis of their sustenance. Because of this great dependence, they have traditionally had a larger vested interest than men in these resources, and in their preservation, renewal and equitable distribution. However, the law based on the principle of eminent domain does not recognise the relationship of subaltern groups to CPRs, and it allows people to be deprived of their livelihood without their consent in the name of a public purpose. Other political and economic processes result in immigrants encroaching on their CPRs. All these processes have negative implications for the subalterns, in general, and subaltern women, in particular. This is reason enough for the State and others interested in gender and social justice to re-examine the processes of development and the prevailing legal system, in particular the principle of eminent domain that encourages both class formation and women's subordination.

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