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## UNIT 10 DEVELOPMENT OF FOREST POLICY AND TRIBES\*

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### Structure

- 10.0 Introduction
- 10.1 Tribal Economy, Livelihood and Forest
- 10.2 Forest Policy in Colonial India and Tribal Livelihood
- 10.3 Forest Policy in Post-Independence India
- 10.4 Some Flaws in Forest Policy in Recognising Tribal Property Rights
- 10.5 Forest Rights Act
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- 10.7 Summary
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- 10.9 Answers to Check Your Progress

### LEARNING OBJECTIVES

After reading this unit, the students will be able to:

- have a better understanding about culture and economy of tribal communities and their dependency on forest and forest based resources;
- know about tribal economy, forest rights and livelihood;
- understand about evolution of forest policy and its association with tribal land rights; and
- analyse the forest policy prospects in the post-colonial legacy, particularly in the aftermath of the year 2000s through Forest Rights Act and other new initiatives by Government of India.

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### 10.0 INTRODUCTION

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Forest has been central to the livelihood system of tribal communities since time immemorial. It provides supplementary food, fuel, fodder, medicine, non-timber forest produce, and most importantly, it is a vital component of sustainable livelihood support system. Many ethnographic studies that focus on the issue of culture and livelihood of tribes have also focused on forest and related natural resources. Vidyarthi (1963, 1991) has an extensive focus on forest in the life of Maler, the Sauria Paharias of present Jharkhand. von Fürer-Haimendorf in his book, *Tribes of India: The Struggle for Survival* has focused on tribes and their culture, livelihood and forest dependency. In parts of central India including eastern Indian states, South India and north-eastern states, tribal people are still closely associated with forest to derive livelihood. Birhor, Hill Kharia (also called the Sabar), Sauria Paharia, Mal Paharia, Dongria Kondhs, Juangs, Bondas, Konda Reddis, Chenchus, Yanadis and many other such tribes in

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India across scheduled and non-scheduled areas and geographical cross-cutting find their subsistence from forest. There are a few tribes such as Jarawa and Sentenelese who are still isolated from mainstream and mostly depend on the forest for their livelihood. In the north-eastern region, Eastern and Western Ghats, Nilgiri Hills and in most of the Himalayan regions, ethnic communities depend on forest and forest based agriculture. In India there are seventy-five particularly vulnerable tribal groups (PVTGs) who mainly depend on forest for their subsistence. Forest provides first of all, the dietary supplements that are required for human survival. Further, it provides tools and supplements for shelter and economic production. Traditionally, forest and hill land are preferred by tribal to grow some traditional crops as per their dietary habit and customary practice. This is reflected in their practices in the form of shifting cultivation, terraced farming and sedentary cultivation.

Nature plays a significant role in tribal culture and livelihood. Forest, hill, some wild species, etc., are given special regards in tribal life. Forest, which includes sacred grooves, is an integral part of tribal culture. Although sacred grove is not confined to any particular community or religion yet it is the most popular cultural practice of forest tribes. Some patch of forest land in some geographical location along with all plants and animals species in these areas and other natural objects are protected by tribal communities for their sacredness. This religious and aesthetic practice is particularly important for maintaining biodiversity. Some plant and animal species have special ritual importance for the forest dwellers. This is observed through their traditional customary practices. For instance, *Sarna* are the sacred groves in Chotanagpur plateau of Jharkhand and in adjoining states. There are more than 750 sacred groves reported from undivided Andhra Pradesh. Twenty-nine sacred groves are found in Banaskantha district of Gujarat alone. Villages in Bastar have three popular sacred groves such as *matagudi*, *devgudi*, and *gaondevi* (Malhotra et al., 2001). Different types of groves having diverse cultural significance are also found in other states of India.

Forest products including some green leaves, roots and fruits, are among the common dietary habits of the tribal communities. Foraging, food gathering, and hunting are some of the traditional economic practice of the forest dwellers. It is observed that the tribal communities those who still live in and around forest and hill tracts are heavily dependent on forest for their livelihood, but certainly with some reservation. Therefore, it has become an inherent practice of the tribal communities to preserve and protect forest and not to over exploit it. Thus, the nature of relationship between tribes and forest is symbiotic. Roy Burman (1982) with his anthropology background discussed extensively the role of forest in tribal socio-cultural systems. He observed, in times of distress, the tribes who are also the forest dwellers increasingly depend on forests by reinforcing their labour power. Thus, nature which includes forests comes to the rescue of the communities in times of famine and distress (Nag, 1958; Roy Burman, 1982, 1987).

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## **10.1 TRIBAL ECONOMY, LIVELIHOOD AND FOREST**

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FAO (Food and Agriculture Organisation) classifies three main types of forest people. First category includes people who live inside forests and also people who live outside forests but they all heavily depend on forests for their livelihood. These people are mainly away from mainstream political and economic system, but then the entry of non-indigenous migrants is significant. Second category includes people who are close to forest or in the periphery of the forests. This category includes peasants who derive

subsistence from agriculture as well as forests. And, the third category includes people who are associated with forest based industries, corporations, business and commerce, income generating activities, etc. Therefore, it also includes people who indulge in subsistence practices. Byron and Arnold (1999) have classified forest dependent communities almost in the similar line of interests. Forest based communities who live within forest and mainly dependent on it, communities who rely on forest for supplementary source of income, and lastly, people who derive commercial interest from forests. Further, Indian anthropologists have classified tribal communities as hunter-gatherers, foragers, shifting cultivators or people who depend on slash and burn cultivation, agriculturists and agricultural labourers, and artisans. All these classifications give the impression that the forest is a most important livelihood means for the tribes.

The Report of the Sub-Group-II on non-timber forest produce (NTFP) and their Sustainable Management in the 12<sup>th</sup> Five Year Plan estimated that 275 million poor rural people in India, which is roughly 27 per cent of the total population, depend on non-timber forest produce (NTFP) to support their subsistence. Even in the case of economic transition in India, forest remains a key safety-net for millions of tribal households who derive their livelihood both directly and indirectly. Above fifty percent of tribal people who live in forest fringes have both their culture and economy intricately connected with the forest (World Bank, 2005). However, both culture and economy of these forest based communities are increasingly under stress due to several factors such as restrictive policy measures, demographic pressure lowering forest density, dwindling forest produce, etc. This process which has adversely impacted tribal livelihood began since colonial administration along with the rise in political and economic interests among states and different social groups. As a result, forest policy is concerned with conservation of natural resource and restoration of ecosystem, preservation of forest dwellers' culture and heritage, tribal economy and livelihood. Since colonial period, forest policy is also more aggressively concerned with its commercialisation. This intention of state and private parties is demolishing the community spirit for conservation of forest, preservation of culture and subsistence use.

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## **10.2 FOREST POLICY IN COLONIAL INDIA AND TRIBAL LIVELIHOOD**

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The colonial administration brought out the first forest enactment, the Forest Act in 1865 to restrict private access to forest and bringing forest under direct control of the state. By formulating forest policies and later enacting them the colonial administration could not only control the forest but also the forest dwelling communities, the tribes. There is a serious question on the intention of the colonial state which introduced forest legislations or enactment in the second half of nineteenth century. Sinha (1987) observed the British administration did not want to take risk of meddling with the affairs of forest dwellers as they had witnessed several tribal revolts in nineteenth century. Therefore, it affected the commercialisation of timber and vested trade and commercial interest. This compelled them to establish the department of forest department in the year 1861 in India. Several authors (Guha, 1983; Chaudhuri, 1991) have also noted that the primary intention of nationalisation of forest resource was commercialisation and to generate income and the secondary intention was to conserve natural resources including forest.

The forest policy is by and large a negotiated outcome between state and other stakeholders, where the involvement of forest based communities is supposed to be at

the centre and not at the periphery. The first policy in India under British administration, however, ignored this aspect of community involvement. As a result, it jeopardised community livelihood system and eventually led to massive unrest after which the state was bound to amend or brought in new legislations with relatively flexible approach for forest based communities. The Forest Act in 1865 was concerned with the legal sanction to the forest administration in various provinces and empowered them to monopolistic control over forest. Sinha (1987, XII) noted, the first legislation introducing the government policy and program was actually introduced in 1873, which is called the Indian Forest Act 1873. Through this Act the entire forest in the country was classified into (a) Reserved forest (b) Protected forest and (c) Village forest. It allowed the forest dwellers to enjoy the rights to some extent but in restricted form as in 1865. The Forest Act-1878 also categorised forests into reserved forests, protected forests and village forests. The Forest Act 1878, however, declared certain acts as offences, introduced provision of fines and even imprisonment which did not go well with the forest dwelling communities as they are known for their subsistence use. Thus the intent of the colonial state was not merely conservation but to prohibit entry and access of communities who were the custodians of forest for thousands of years. The other intent of the state was to maximize profit and increase commercial access to forests with such regulations. Since 1865 until 1952, there were several amendments, but the Indian Forest (Amendment) Act 1927 elaborately dealt with different aspects of forest management and people's rights including provision of penalties. The Indian Forest Act 1927 was furthermore comprehensive and prescribed duty on timber. It regulated community rights over forests and forest department was strengthened from time to time with an intention to increase state revenue (Kulkarni, 1987). After the enactment of Government of India Act 1935, forest became a provincial subject (Sinha, 1987). As a result, extensive cutting down and felling of trees for commercial interest, over-felling of private forests and forests in the princely states was found and also mentioned in the Report of the National Commission of Agriculture 1976.

**Check Your Progress**

- 1) How did forest policy in colonial legacy affect tribal culture and livelihood?

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### **10.3 FOREST POLICY IN POST-INDEPENDENCE INDIA**

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The National Forest Policy 1952 is the first of such comprehensive national forest policy of post-independent India. Several scholars noticed that the National Forest Policy had the system of balanced land use, maintaining ecosystem, checking of soil erosion, tree plantation, supply of timber for national need and realisation of maximum annual revenue, etc. The National Forest Policy is credited for its recognition to symbiotic relationship between tribals and forests. However, it is also discredited for its favour to commercialisation. It pursued withdrawal of concessions on the release of forest land for cultivation, establishment of village forest for meeting requirement of the villagers,

bringing the private forests under the state control, introduction of grazing free forest area by disowning community land (grazing land), and development of measures to restrict shifting cultivation practice of tribal (Verma, 1990). This policy further reduced traditional rights of the tribal communities over forest to mere concessions (ibid). The National Forest Policy Act (1952) in its Para 32 had a few concessions to the tribals in terms of rights to take water, digging of wells and canals for agricultural purpose, free grazing in open forests not reserved forests, access to required timbers, bamboos, canes, etc., for construction and repair of houses, collection of grass for cattle, fishing and hunting excluding the protected fauna, etc. (Sinha, 1987). Verma (1990) further noted by bringing new national forest policy, forest departments engaged more number of contractors in forestry operations such as timber supply, minor forest produce marketing to maximise revenue. It may be noted here that the tribal communities who adhered to customary practice and were not aware of forest laws were left to the mercy of contractors. There was infringement of traditional forest rights and customary cultural practices due to excessive state intervention. Thus, the National Forest Policy maintained the colonial emphasis on precedence of national interest over local demands (Haeuber, 1993). Das (1996) observed how the tribal communities, particularly the women raised their voice against privatisation and commercialisation of minor forest produce (MFP) in Odisha. The tribal women met the then Chief Minister of Orissa in 1953 to withdraw leases of tamarind, an MFP to private parties in the interest of tribal people living in forest. The struggle against such interest of the state continued thereafter but without any concrete outcome in favour of the tribal livelihood in the state. Since colonial time, the expansion of legal control over the forest territory has severely affected tribal livelihood system and affected the tribal freedom and women rights.

The Dhebar Commission in 1961 after reviewing the National Forest Policy recommended its revision and reconsideration to give further concession to tribals with respect to access to the forest land for cultivation, free grazing in forest areas and emphasised on the participation of tribals in forest management. The Commission recommended that functionally all forest lands should be classified into protected areas, productive forests, and social forests. The first type was concerned with forests in hill tracts and other areas which are associated with ecological restoration. The second type was primarily commercial forests with potential timber bearing strands, and the third type on wastelands was to meet community requirement. Subsequently, Shiloo Ao Committee in 1969 also emphasised on the given line of recommendations of the Dhebar Commission and stressed upon tribal livelihood system (Kulkarni, 1987; Sinha, 1987).

The Wildlife (Protection) Act, 1972 empowers government to declare any area to be declared as protected area such as national park, wildlife sanctuary, tiger reserve, etc., for wildlife protection. The Act is credited for its support to protect wildlife from poaching, killing and hunting and also effort to reserve endangered wild lives. However, keeping in considerable tribal habitat particularly in forest and hill tracts, the Act was criticised for its biasness. There were many instances where the tribals who entered into reserved area for their livelihood were prosecuted. The traditional land rights were violated after certain area was declared wildlife sanctuary, national park, etc., for people who were living in forest for generations.

In the initial period of post Independence India, forest was a state subject as per the VII Schedule of the Indian Constitution. Subsequently, in the year 1976 through the 42<sup>nd</sup> amendment to the Constitution, it was transferred to the concurrent list. The Report

of the National Commission on Agriculture in 1976 has noted the possibility of pilferages by engaging contractors in forest trading and therefore recommended for involvement of community in the forest management to develop sense of belongingness. It stressed upon investment in forestry than mere exploitation of forest for commercial gains of industry and of state. It re-emphasised forestry, social forestry, and forest productivity and forestry education with focus on economic growth. Under social forestry, the Commission recommended restoration of degraded forests, fuel wood plantation on forest lands and other government lands, farm forestry on private land and agro-forestry among others (Pandey, 1987). The Forest Conservation Act 1980 (read hereafter FCA 1980) furthermore emphasised on forest conservation to restore vast tracts of forest land which is fast depleting due to excessive anthropogenic pressure. It classified forests into four categories-reserved forests, protected forests, village forests and private forests. The Act made it mandatory for the state government to take permission from the union government. The researchers have observed that the FCA 1980 was too negligent on the forest rights of tribal communities which has a direct repercussion on their livelihood and autonomy. The exclusionary forest and wild life conservation became a major concern for the government and tribals who are traditionally the custodians of forest were treated as criminals in their own lands (Haque, 2020).

After criticism from different quarters and tribal apprehension over failed forest rights, the government realised that if tribal demands are not met, forests cannot be effectively saved. Therefore, the notion of inclusion of local communities in forest management was imbibed. The Indian Forest Policy of 1988 and the subsequent government resolution on participatory forest management (MoEF, 1990) emphasised the need for people's participation in natural resource management. The Forest Policy 1988 incorporated the clauses to protect the forest dwellers' rights (Bandi, 2017). It further advocated protecting the rights and concessions enjoyed by the communities (Saxena, 2002). The new Forest Policy 1988 gave higher priority to environmental stability than to earning revenue. It encouraged mixed cropping over mono cropping.

Marketing of minor forest produce for the forest based communities remained a challenge even after its nationalisation. Private traders and corporation could not protect the interests of the tribal communities, particularly in case of minor forest produce. Some of the problems included lack of organisations for fair trading of MFPs, poor road communication in tribal areas, lack of storage, lack of processing units for value addition, lack of technical support system, and presence of intermediaries who have vested economic interest amongst others. Keeping in view the problem of marketing of MFP by tribal communities which is now called NTFP, Government of India established in 1987 Tribal Cooperative Marketing Development Federation of India Limited (TRIFED). TRIFED acted like a facilitator between State Tribal Development Federations and State Forest Corporations for trading of such produce at the national and international level (Verma, 1990). Despite some support system by the Union government and states, TRIFED could not address the real issues at the grass-root level due to over regulation by the state. It was also noticed that the price fixation for MFPs did not attract the people.

The Panchayats (Extension to the Scheduled Areas) Act, popularly called PESA Act 1996 is a progressive legislation in terms of devolution of power to Gram Sabhas and recognising the rights of people to forest and forest produce. It is mainly applicable to the Fifth scheduled areas recognised by the Constitution of India. This Fifth scheduled area is distributed across ten states, other than northeastern states of India where there is sizeable tribal presence. The PESA Act 1996 conferred ownership rights on Gram

Sabhas in respect of MFPs. Despite autonomy and decentralised governance, the scheduled areas are not free from state intervention, bureaucratic hurdle and political interference. There are some questions related to PESA in the matter related to management of forest resources including forest land. Some key questions pertaining to PESA are settlement of forest land rights, demarcation of boundary, record of rights, etc.

### Check Your Progress

- 2) Make comparative assessment of forest policies during and post colonial legacies?

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## 10.4 SOME FLAWS IN FOREST POLICY IN RECOGNISING TRIBAL PROPERTY RIGHTS

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Some flaws in forest policies in India have been the inadequate recognition to tribal habitations, economic practice, indigenous knowledge, customary practice, etc. Further, most tribal habited hill and forest regions are not surveyed and thus the land records are not created. For instance, in the north-eastern states, the states that are mostly inhabited by tribes are with the lowest geographical coverage in cadastral survey. Roy Burman once pointed out that hardly one percent land in actual possession of the tribal communities in Odisha was recorded in their favour. Similarly, Mahapatra (1993) noted only 0.25 per cent land owned by the Bonda people were recorded in their favour. Further, Saxena (2005) noticed, in north-eastern states of Nagaland, Arunachal Pradesh, Mizoram, Meghalaya, hill areas of Manipur and some tribal tracts of Assam have no land records, nor is there any payment of revenue (Behera, 2014). Traditionally, these communities had their customary practices through which land ownership, distribution and usages were determined. But with the introduction of cadastral survey and land records in some tribal pockets, the customary land practices were overlooked. As a result, there is a conflict in land ownership and forest rights. The above description shows that the tribal communities and forest dwellers are mainly vulnerable in terms of lack of legal ownership, or possession of record of rights. As a result, their eviction becomes easier even with or without compensation guaranteed by the government.

The rights issues of forest dwellers remained unresolved for centuries now with none of the forest policies neither denied nor recognised the rights of the forest dwelling communities adequately. The intention of the state and private parties to extract forest revenue became more important than protecting community rights. The question of fundamental rights of forest based communities to live in dignity remained unanswered due to apparent apathy and negligence by state until 2006 when the Forest Rights Act was enacted.

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## 10.5 FOREST RIGHTS ACT

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As already discussed, the tribal communities have already struggled a lot to protect their interests and rights with regard to forest and forest based livelihood. In order to

protect tribal rights over forest and customary practices, the fundamental requirement was to recognise the forest dwellers, their habitat rights, their resource such as forest land, and customary practices. It was required to survey such areas, create new records where there are no records, and provide them tenure security. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is popularly called, FRA 2006 fills the gap in recognising tribal forest land rights and overcoming persistent violation to their customary rights. It provided the Gram Sabha the authority to determine the nature and extent of individual or customary rights within the local limits of its jurisdiction. There was provision for entitlement to a forest dwelling scheduled tribe who resided for at least three generations, which is 75 years before 13 December 2005 according to the Act and primarily dependent on the forests or forest land for bonafide livelihood needs.

Despite landmark forest legislation, the FRA has produced mixed results due to several procedural delays, lack of establishing proof of dwellings, legal dispute, etc. In the meantime, it has given many tribes and forest dwellers their long pending rights to live in dignity in their habitation.

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## 10.6 NEW INITIATIVES FOR ENHANCING TRIBAL LIVELIHOOD

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Several state governments have promoted women self-help groups for processing of MFPs, value addition and marketing. It is observed in some tribal areas women SHGs are involved in stitching leaf plates, preparing pickles from MFPs, etc., to generate profit of selling such items with the support of SHG-bank linkage programs.

Government of India has further focused on fair returns to the tribal gatherers through minimum support system (MSP) and development of value chain for MFPs. It is now focusing scientific process of gathering, harvesting and primary processing of MFPs under the Van Dhan Vikash Karyakram (VDVK). Under VDVK, the government plans to set up about 6000 Van Dhan Kendras in a span of two years. It is proposed to constitute Van Dhan Vikash SHGs, development of clusters of such SHGs and convergence with existing SHGs that are active in tribal areas to enhance livelihood opportunities.

### Check Your Progress

- 3) What are the new forest policy prospects for tribal livelihood?

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## 10.7 SUMMARY

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It is about the greed not the subsistence which has to be questioned for the exploitation of natural resources including forest. The issue of forest policy which is concerned with conservation has shown the reservation to declare commercialisation rather than tribal

subsistence practice as the major cause of deforestation. In order to focus on forest conservation, ecological restoration, countering climate change and sustainable development, considering tribal as key stakeholder in the policy discourse is important. Tribals who have been practicing subsistence economies, livelihood without greediness and practice conservation through customary practice should be considered as the protectors of forest. As these tribes and traditional forest dwellers are the aboriginals, the focus in priority on their culture and livelihood security should be addressed in forest policy.

The question of forest policy is not related to livelihood alone, but a bulk of other associated issues such as violation of fundamental rights, property rights, conservation of culture and ecology, and indigenous knowledge amongst others. Some efforts to address these issues through Forest Rights Act and new initiatives through Van Dhan Vikash Karyakram by Government of India are progressive steps, but then their effective implementation through centre-state coordination and states' commitment to tribal livelihood promotion along with conservation of forest and ecological restoration are significant.

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## 10.9 ANSWERS TO CHECK YOUR PROGRESS

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- 1) Refer to Section 10.2
- 2) Refer to Sections 10.2 & 10.3
- 3) Refer to Sub-sections 10.5 7 and Section 10.6