CHAPTER II

REVIEW OF LITERATURE

This chapter makes a critical review of the vast volume of literature available in respect of land alienation. In addition, some important economic theories such as land reform, household economics, livelihood strategies, and transaction costs have also reviewed here. These theories help the researcher to develop a new framework to understand the causes and consequences of land alienation. The extent of land alienation among the tribal communities differs in terms of cause, agency, form, and restoration. These aspects may also vary according to their mixture with the non-tribal population and the legal provision made in the state. Keeping this in view, the existing literature may be grouped as follows: forms of land alienation, causes for alienation, agencies involved in alienation, extent of land alienation, and legal provision: (protective measures).

2.0. Theories on Land Reforms

Economists and policy makers usually associate the highly unequal pattern of land ownership to many aspects of economic development such as poverty, inequality, efficiency, political power, racial conflicts, and environmental strain. However, after many years of trials, access to land remains an unsolved problem in most of the countries including the advanced ones (Assincao 2003).
The literature on land reform and agrarian organization is vast and cover experiences from all over the world.\(^1\) Although some authors have constructed models that exhibit features often observed in Latin America to analyze agrarian organization and land reform, such Conning (2001) and Conning and Robinson (2001), most of the literature consider general aspects or case studies from Asia.\(^2\)

In an agrarian economy the peasants are heterogeneous in terms of initial wealth and farming skills. Even unskilled peasants, who cannot manage agricultural production, might demand land as a safe device to transfer wealth among periods of life.\(^3\) If the land-rental market does not work properly, those idle farmers keep their land unimproved, implying in a decrease of the aggregate agricultural production and an inefficient resource allocation. This situation gives support to land reform programs and imposes some conditions on the design of such policy (Assunção and Ghatak 2003).

The planner’s theoretical views on land reform: can be divided (Lehmann 1978) into two groups reaching similar conclusions by different routes. First, there is a structuralist approach (Barraclough 1973; Dorner 1972), stressing the need for more rapid growth of food output to sustain the growing urban wage-bill, underutilization of large estates by 'traditional' landlords, the lack of internal markets for the new infant industries of the import-substitution era, and the

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\(^1\) For comprehensive surveys see Binswanger and Deininger (1997), Carter and Zegarra (2000) and Deininger and Feder (2000).

\(^2\) See Grossman (1994) and Horowitz (1993) for political economy aspects of land reform or the studies of land reform in India by Besley and Burgess (2000) and Banerjee, Gertler and Ghatak (2002).

\(^3\) The structure of occupational choice, heterogeneity and credit constraint is adapted from Assunção and Ghatak (2003). The difference here due to the fact that land provides nonagricultural payoTs and, therefore, unskilled peasants demand land even when they cannot undertake agricultural production.
necessity to create more rural employment in order to stem migration towards the cities. Second, there is an essentially microeconomic neoclassical approach (Schultz 1964; Griffin 1974; Lipton 1974), emphasizing the superior efficiency of labour-intensive small farmers in terms of land use and the lack of access by peasants to credit and inputs due to tenure structures which permit capital-(or land-) intensive landlord control of markets, which argues that the situation of underemployment of labour and scarcity of capital could be remedied with increased output by redistribution of land titles and the consequent freeing of factor markets.

In capitalist (or 'mixed') economies during the post-World War II years, possibly inspired by the Japanese experience under US occupation, there flourished a considerable enthusiasm for redistributive land reform, which was seen principally as constituting (or reconstituting) a prosperous small-farmer class on estates expropriated from the aristocracy or foreigners (Warriner 1969) with a particular function of underwriting democracy (Jacoby 1971), while responding to the millanarian demands of the peasantry for security (Wolf 1969).

The redistribution of land property titles by the state is a key issue in poor agrarian countries where land is both the main productive asset and the basis of survival and accumulation for the majority of the population, and thus land tenure is the foundation of the social structure and political power. Agrarian reform encompasses the transformation of rural administrative institutions, labour use and markets as well, is the modern form of this concept (Eatwell et al. 1987).

Modern theories of land reform derive from, on the one hand, perceptions of the previous structure of land tenure and production relations; and on the other,
the new pattern to be established, intentionally or otherwise. The transition between systems can generally be held to involve as central elements both the stabilization of the peasantry and the redefinition of agriculture within the national development model (Ghose 1983).

Such theoretical approaches have had a considerable effect upon the views of international institutions (UN 1976; World Bank 1974) but it would appear that the doctrines applied in practice by governments have been based on objectives more closely related to the maintenance of state power, such as improved supply of cheap food to the towns and the blocking insurgency movements.

Land reform doctrine as applied in socialist countries has also revealed a surprising degree of uniformity (Wadekin 1982): in Eastern Europe, as in Soviet Russia four decades earlier, land was nominally nationalized almost immediately but large estates were effectively subdivided among the peasantry, only the more modern ones being retained as state farms; the explicit aim being to secure peasant support for the revolution in the first years.

The more recent attempts to increase rural productivity by various forms of 'liberalization' of socialist agriculture have not involved significant changes in land tenure, but can be termed a 'third agrarian reform' none the less, because they do affect entitlements to the surplus generated on that land, generally in favour of the direct cultivator. In this sense, they can be seen as a 'repeasantization' of agriculture (Saith 1985). At the same time, the experience of the newer socialist states in the Third World has indicated a need to regard export agriculture, rather than food, as the main generator of surplus, because capital equipment and
producer goods are mainly imported. These two theoretical advances permit an articulation between various property forms in agriculture where state control is exercised through exchange relations rather than land ownership (FitzGerald 1985).

The land reforms in India have been playing a crucial role of evolving national consensus at various stages for taking up major steps towards effective land reforms, which includes the administration of land acquisition act of 1894 and examining other land laws to prevent land alienation. The reform of tenancy in the post independence period was taken up as a part of the land reforms agenda with a basic thrust of eviction of tenants and fixation of rent. (Jamuel and Gnana Prakasan 2002). To minimize the land related problems in the country the government of India has started the computerisation of land records in 1988-89 and it is in progress (Draft Annual Plan 2002).

2.0.1. Theories on Transaction Costs

Much of the literature on firm scope since Coase uses the Transaction Cost economics approach (TCE) pioneered by Oliver Williamson (1975, 1979, 1985) and Benjamin Klein et al. (1978). The TCE starts with the assumption that market transactions are plagued by incomplete contracts and the development of lock-in among trading partners. According to the TCE, the optimal organizational form is found by comparing the efficiencies of these distinct transactional modes. Its primary prediction is that, as market transactions become characterized by increasing levels of quasi-rents and incompleteness in contracts, the likelihood of integration should increase.
Investments in capital assets, humans, or political commitments can create a received commitment to a specific program or activity that may be difficult to reverse.

North (1990) has demonstrated that a society's economic institutions can evolve in either efficient or inefficient ways from the initial institutional arrangements. These arrangements are the products of an endogenous web of incentives, investments, and institutions that may or may not contribute to healthy economic and social development. The increasing returns to scale on technological and institutional investments creates a path dependence that makes it difficult and expensive to alter that path. As a result, institutions in society may follow either productive or unproductive paths depending on the incentives created by the earlier institutional structure, which then tends to reinforce itself. Two societies may therefore diverge onto very different paths because of the formal or informal incentives and institutions that exist. There is some controversy about whether pressures will prevail upon governments to be generally efficient. This has been debated at a theoretical level (Patashnik 2000) but ultimately it is an empirical question.

Transaction cost theory has been the dominant theoretical lens used in the study of joint ventures. The purpose of this framework is to explain the formation of joint ventures from the resource-based perspective and to compare this perspective with transaction cost theory. By focusing on the cost aspect of a transaction, the transaction cost logic explains joint ventures in terms of market failure for intermediate inputs, asset specificity, and high uncertainty over
specifying and monitoring performance. Putting more emphasis on the benefit side of a transaction, resource-based theory regards joint ventures as a means of exploiting and developing a firm's resources. The transaction cost and resource-based explanations are, to a certain extent, complementary.

During the past decade or so, there has been a proliferation of joint ventures formed domestically as well as internationally. At the same time, the study of joint ventures has attracted increasing interest from students of organization. In a critical review of the literature on joint ventures, Kogut (1988) compares the transaction cost (TC) and strategic behaviour perspectives in explaining the motivation to joint venture. He also proposes a theory of joint ventures as an instrument of organizational learning. Of the different theoretical perspectives, TC economics has become a dominant one in the study of joint ventures, despite the many weaknesses pointed out by its critics (Kay 1992; Perrow 1981; Robins 1987).

Two key behavioural assumptions of TC theory are opportunism and bounded rationality (Williamson 1991). The former is interpreted as self-interest seeking with guile, while the latter implies that behaviour is 'intendedly rational, but only limitedly so' (Simon 1976). From the TC perspective, the primary objective of a firm is to economize on transaction costs through choosing appropriate governance structures for handling its transactions -- the much-researched issue of make-or-buy decisions. A major weakness of TC theory, as argued by Zajac and Olsen (1993), is that it over-emphasizes the cost minimization and neglects the value creation aspect of a transaction.
structures to plan and roll out programmes to alleviate the decimation of livelihoods.

Due to the disruption of the household, the individual members of this unit are affected and resort to different strategies to compensate for the change in livelihoods. Lawrence and Sing (1997) allude to the fact that the adoption of livelihood strategies is motivated by risk aversion, uncertainties, interaction among choices and constraints brought about by the change in the household unit.

The term 'strategy' has for over half a century been borrowed from the military field by economics and has lately been adopted by the social sciences through games theory (Thomas 1994). The term strategy is used for modelling sequences of decisions by an actor pursuing a certain goal under set rules or constraints, by trying to anticipate future consequences of specific steps and by taking into account the actions and reactions of other players.

Bourdieu (1980) suggests that strategies can be conceptualised as a complex way of describing transactions within and between households and the outside world. He further emphasises that strategy could be referred to as the choices of means which are explicit in their intent.

Strategies differ according to household levels of income. Strategies implemented by families that ordinarily have enough income to make even the most rudimentary provisions are undoubtedly radically different from the ones implemented by those who have lived exclusively in the present, amid insecurity, and have never felt fully integrated in society. Individuals who have established a marginal existence obviously do not have the same range of survival strategies
available. Contemporary experience suggests that instability promotes speculative and illegal practices and this is due to the range of uncertainties created by household rupture.

Studies carried out by Lant (1993) reveal that strategies are not merely economic but may involve or combine different types of capital, as impoverishment entails the deterioration of economic, social, and cultural capital as well. Food strategies and psychological aspects are also relevant, and self-esteem is particularly important for the latter.

The conditions for access to property and the explicit contracts regulating redistribution of resources within families are therefore a frame of reference for precise questions to evaluate the leeway for initiatives of women and children, as well as certain other categories of the population, and to assess the negotiating power of everyone in their family and society.

In all cases arising, legal, political, and social disregard for women limits their capacity to launch initiatives and to access information for obtaining resources, or to benefit from employment opportunities (Shaffer 1996).

Kaas look at the potentials and constrains associated with improved livelihood for small-scale farmers in the Central Highland Zone (CHZ) of Eritrea. The severe land degradation in the CHZ is considered as the major constrain for improving the production, which for the moment is not enough to fulfil the needs. In development literature poverty, population pressure and land tenure are often mentioned as central issues leading to land degradation and constrains to agricultural intensification.
The SRL framework simply formalises what we already understand from our own lives: how to reduce our vulnerability to outside shocks, trends and culture through building-up our capital assets. Most of the literatures in India have shown that most of the tribes have depended upon wage for their livelihood after land alienation (Velluva 2004: Vikasnath 1999).

The household is described as a unit that allocates time and labour, pools income and distributes it evenly among all members of its constituency (Pieterse 1997). Although this definitional explanation of a household is compatible with household economic theories, it has been subject to criticism. This criticism has alluded to the fact that households are not an equitable unit, as they are prone to family conflicts and gender problems when it comes to resource allocation. The size and structure of the household also puts certain constraints on economic activities or livelihood strategies to be exercised. Given the above, determining the exact nature of a household becomes difficult.

In order to arrive at a more reliable definition of a household, it is necessary to analyse the complete range of economic choices and activities pursued by members of a single household and to consider the structure, composition and even definition of the ‘household’ as a matter of negotiation. Sasean (1997) supports this analysis in recent work in the economic anthropology and sociology of developing countries. His research shows the feasibility of this approach.

Regarding households as the basic organisational units of the struggle for survival is a useful point of departure. A household’s formation and breakdown as well as changes in its composition are crucially linked to socio-economic survival
(Moser 1995). Demographic events like the death of a husband or wife have a profound impact on the household’s economic prospects and livelihoods profile.

Therefore, if households act as units, they become a forum for centrifugal and centripetal forces (Sen 1991). Under certain circumstances they emerge as a unified group – that is, centrifugal toward the outside world, often because of the head’s superior power. For a household to survive, it needs security and resources and these are provided by the head of the unit.

In other instances the household becomes an arena of struggle (centripetal) (Sen 1991) between individual members pursuing their own livelihood strategies due to the power vacuum left by the loss of the head. This struggle may entail leaving or dividing the household or threatening to do so.

2.0.3. Theories on Household Economics

Standard economic analysis treats the household as the basic unit of analysis and of economic decision-making. But, in fact, there are many important issues relating to the distribution of power and income within the household. Late in the 1970s, a body of literature, collectively called the "new household economics", emerged. Has it done much to aid our understanding of the rural economy? Some think not, but it has clearly raised in our consciousness an awareness that gender inequality must be addressed by administrators of rural development projects. The readings combine conceptual pieces with empirical cases studies.

Mittila-Wiro has reviewed the principal assumptions and aspects of the unitary household model and collective models of household behaviour. Empirical
studies are presented to assess whether the theories can offer adequate descriptions of household behaviour and to examine the types of policy implications that can be drawn from these. The author concludes that the models reviewed lack the analytical tools to provide an understanding of the reality of households. Theories are unrealistic and therefore are of little use in the design of policies or projects which endeavour to help people.

The review of the theories of the household shows that no particular approach is sufficiently advanced to dominate the field of household economics. Terminology used in household economic theories relies excessively on concepts from theories on consumer choice, or of the firm, and even on the theory of international trade (comparative advantage). These similarities cause problems when these well-known theories are utilized in an effort to understand the complex operations and behaviour of households in various cultures and societies.

The neoclassical theories are basically founded on rather simplistic assumptions of human behaviour. They offer an easy way of eluding the intricate and challenging problems posed by households and their economic and social functions. To improve the well-being of the household (including all members) is not dependent on the application of market economy principles only. Non-market behaviour such as security, closeness, humanity, and social connections, is just as important.

There is an urgent need to elaborate realistic household economic theories so as to break-out of the boundaries and limits that old theories have confined analysts and practitioners for so long. The development of a new economic theory
of the household requires the incorporation of humane aspects of household operations into the theoretical assumptions. A completely new economic viewpoint should be adopted to see the human being and her economic operations through a broader framework, which includes the market system as a special case.

There is an urgent need-and this should not be underestimated-to design realistic household economic theory so as to overcome the confines imposed by the old theories on analysts and practitioners for so long. The development of a new economic theory of the household requires the brave incorporation of the humane aspects of household operations into theory assumptions. A completely new economic viewpoint should be adopted to see the human being and his economic operations in a broader framework which includes the market system as a special case.

2.1 Forms of Land Alienation

The forms of land alienation are the manner in which the tribes have transferred their lands. These forms may vary between the tribes, regions, legal provisions made in the state, and the non-tribals mixture in the tribal areas. Some of the state governments have allowed the tribes to transfer their lands on certain conditions viz., with the approval of collector's consent in certain forms. ‘Lease out’ of the lands for stipulated time has been allowed in some states through the legal provisions. In this context, an attempt has been made to identify the various forms of land alienation prevailing in the tribal areas of the country.

One finds that the nature of major forms of tribal land alienation have changed during the pre-land legislation and post-land legislation periods. This has
Distribution of Land Holdings: The distribution of land holding after land alienation in Nilgiris shows that nearly one third of the households have possessed their lands under the category of marginal farm. The same proportions of households in Salem district fall under the marginal and small farm categories. It is also noted that there is no existence of any large farm in both the districts.

Size of Holdings Before and After Land Alienation: Except the landless and marginal farms, the proportion of all other categories has decreased in both the districts after land alienation. It is also found that only 8 per cent of the tribes from these districts have become landless. There is no case of large farm category noticed after land alienation in both the districts. In Nilgiris district, the marginal farmers alone have slid down to landless category, whereas the rest of the categories have moved to the next lower categories due to land alienation, while in Salem district, the farmers of all the categories including large farm have joined the landless category due to land alienation.

Land Alienation and Poverty: It could be said that there is a close association between land alienation and the magnitude of poverty. In the case of absolute poverty analysis, around 77 per cent of households are in the category of APL. However, relatively they are worse off compared to the earlier situation before land alienation. In some cases, people have opted for better positions, hence their real income increased over the period. The level of poverty is directly associated with the acuteness of land alienation and magnitude of indebtedness. When the acuteness (sale) of land alienation increases, the indebtedness and poverty have also increased. Thus Sen’s theory of entitlement finds its experience validation in the present analysis i.e., poverty causes endowment loss, and thereby the entitlement loss.
been witnessed in Telangana region of Andhra Pradesh\(^1\) (Rao 1987). The central and state governments have introduced various innovative programmes in the names of conservation of forests\(^2\), construction of check dams, zoological parks, mines, etc. This is witnessed in the state of Bihar\(^3\). Apart from this, some of the international projects have also caused the eviction of the tribes from their lands in the state of Andhra Pradesh\(^4\).

The non-girijans (non-tribals) of Andhra Pradesh have illegally grabbed the tribal lands by using the administrative support and also using the existing land regulation act (which allows the non-tribes to grab tribal lands). The situation forced them to form a movement by themselves and to fight for their restoration (Rao 1998).

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1 The form of land alienation in the pre-legislation period has been marked by non-tribal grabbing, to avoid paying the land taxes, subsequently, the tribes have disposed off their main lands and moved interior into the forest for their inhabitation the ‘Harraz’ allowed the tribes to sell their lands freely during 1940–1950 by Nizam. In the post legislation period, the forms vary due to the land legislation enacted in the state. The forms are manipulation of land records, benami (the non-tribes purchase the lands in the name of tribes) transfers (Pachauri 1984), leasing or mortgaging, encroachment (Sharma 1977), transfers through marital alliance, fictitious adoption by the non-tribes, and producing a false medical certificate to establish the incapability of the adivasis to cultivate their lands. Encroachments by the non-tribes, legal sanction, and physical eviction have been the important modes of transfer in the district of East Godavari in Andhra Pradesh (Balagopal 1989). The non-tribal moneylenders have introduced some innovative practices to encroach the tribal lands in the state of Andhra Pradesh (Fernandes 1989).

2 The Ministry of Environment and Forests has sought to evict 10 million tribal people from 12.5 lakh ha of forestland (Kaur 2002; Government of India 1991).

3 Tribal displacement (Mathur, Rao and Prasad Rao 1982) by the central and state governments in the name of developmental activities like construction of check dams, zoological parks (Bapat 1999), and mines have been the major forms of land alienation in the state of Bihar (Government of India 1991). Natarhat project (field firing and artillery practices) in Bihar displaced 2,24,940 people, of which 1,75,952 (78%) are tribals. This project has proved to be the biggest ever-tribal displacement in the state of Bihar (Naidu 1976).

4 Initially, a World Bank project has occupied 32,000 ha of land, and it had promised that the tribal people would not be evicted, but it is not so when the project came into force in the state of Andhra Pradesh. Apart from this, the multinational corporations like the Australian Nicor Tinto are keen to exploit mineral deposits in Andhra Pradesh displacing the tribes out of their lands (Mukarji 2000).
Evidences have shown that various legal and illegal methods of land transfers are prevailing in Chota Nagpur region of Bihar\(^5\) (Thakur 1977). The legal transfer of abhugutbandh mortgage and the illegal method of declaratory suits are very familiar forms found in the state of Bihar (Sainath 1994).

Sale is the major form of land alienation (25%) in Mohanpur block of West Tripura district\(^6\) (Das Gupta 1991). The major mode of Upadhyaya (land transfer) among the Jhumias is registered deed (42%) as compared to the other modes in Tripura state. And the transfer is very poor in the form of allotment by settlement department (Misra 1976)\(^7\).

Adivasis in Dhulia district of Maharashtra conducted a prolonged agitation against alienation and for their restoration. In this district, land alienation takes place in various ways. However, the non-tribal occupation and displacement are the major modes (Kulkarni 1974)\(^8\).

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5 The legal methods of land alienation in this region are: simple mortgage or lease (5 years), abhugutbandha mortgage (up to 7 years for individuals and 15 years for co-operative societies), sale, transfer to the institutions for charitable, religious, educational, industrial purposes etc. Legal transfers of adivasi lands can also be effected through provisions of the land acquisition act. It permits the conversion of agricultural lands into homestead lands and these lands may also be sold to others. The illegal methods are collusive title suits, de-facto possession, transfers under fake names, and by marrying tribal women or keeping them as concubines.

6 Besides, some other forms of land alienation prevailing in the state are encroachment, lease, and mortgage. Most of the tribes in this state have preferred to mortgage their lands first, and gradually they have sold their lands (Murdia 1975).

7 The other prevailing modes are unregistered deed, non-tribal under raiyats of holding land under tribal raiyats and allotment made by the settlement department in Tripura.

8 Some other forms in Maharashtra state are i) Moneylenders take possession of the land of adivasis. ii) Rich landlords take possession of adivasis lands on promise of exchange. iii) A number of moneylenders obtain adivasis lands on long-term lease with or without collector’s consent. This practice has helped them to register as tenants and become the owners under the tenancy acts. iv) After independence, non-transferable adivasis inam (free) lands are made transferable on payment of a certain amount. The non-adivasis have utilised this opportunity and purchased these lands after they become transferable. v) Adivasis lands are auctioned by co-operative credit societies, due to the non-repayment of loans.
The Maharashtra state government’s development activities of urbanization and commercialization have paved the way for the non-tribal communities (Dalvi and Milind Bokil 2000; Kulkarni 1974; Kulkarni 1979; Dubey and Ratna Murdia 1977) to occupy the tribal settlements (dhalhi lands) thus, forcing the tribes to leave their lands, which have been cultivated by the tribes for more than a century (Bapat 1999)\(^9\).

The lands, which have been cultivated by the tribes for centuries have been alienated from their possession due to various factors. In Gujarat, the process of land alienation has been in operation for centuries. In many cases, the more powerful non-tribal neighbours have grabbed the tribal lands. In some cases, they have been forced by the forest officials to abandon their lands as they are treated as encroachers (Engineer 1992).

In spite of various legal efforts taken in the state of Maharashtra the land alienation has taken place by various legal and illegal forms. Unauthorised sale and forceful occupation excel other forms. Apart from this, displacements have also occurred in this state for various development activities in the tribal regions (Department of Agriculture Economics and Farm Management 1991; Pais and Singh 1986)\(^{10}\).

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\(^9\) This has been witnessed in the development of Sanjay Gandhi National Park, located in the middle of Mumbai and Thane, which displaced thousands of tribes from their lands.

\(^{10}\) The various modalities of illegal transfer of tribal lands in Bastar district of Madhya Pradesh are; i) Non-tribes illegally possess the tribal lands but availed of the loans in the name the tribes, where the government extended various special concession and incentives to the tribes, ii) Unauthorized sales, iii) Sale in the name of non-tribes’ servant who is a tribe, which does not warrant collector’s permission, iv) Forcible occupation, v) Occupation by non-tribals after desertion by the tribes, vi) Mutual exchange, and vii) People who illegally claimed to be adivasis and purchased their lands. In this state, large-scale acquisition has occurred for setting up of industries, mining, and irrigation dams (Baijal and Deo 1977; Government of India 1991).
In Madhya Pradesh state, heavy industrialization and commercialization have combined to make the tribes leave their lands in the form of forcible occupation by non-tribes. The other bogus methods are mortgage, sale, acquisition, lease and encroachment by which they have alienated their lands to the non-tribes. Of these practices, the number of land alienated cases is high under mortgage, but the extent of land loss is high for public purposes (Tribal Research and Training Institute 1987-88).

The Santals of West Bengal have transferred their lands to the non-tribals in three different forms viz., manipulation of settlement records, forceful occupation and taking advantage of poverty of the tribes. Apart these facts, there are some unique cases noticed in the region (Gupta and Panchet 1992)\textsuperscript{11}.

The situation of tribal land alienation is at least as severe in Orissa as in other states, though the process started later than elsewhere. In the early part of 19\textsuperscript{th} century in Orissa, most of the land transfers had taken place in the form of oral agreement due to the absence of land records (Jha 1977). Later, the non-tribal moneylenders took advantage of the settlement operation and revenue machinery by which the lands have been duly recorded in their favour (Fernandes 1996). In recent days, industrial development projects witnessed large-scale displacements in Orissa (Government of India 1991; Mohapatro 1987). Consequently, the state government

\textsuperscript{11} The tribes were evicted in two villages in the border of Bihar and West Bengal due to the development of Damodar Valley Project.
of Orissa has also allowed the tribes to transfer their lands legally (Panigrahi 2001). Hence, there is no illegal transfer in the state (Patnaik 1976).

A study conducted by Indian Social Institute (2000) has identified seven major processes of land alienation in the state of Orissa. They are mortgage, sale (both and legal and illegal), benami, forcible occupation, encroachment, settlement operation and others (Bhoodan). Of these reported forms, mortgage is at the top (49%) and includes both oral and written agreements.

In the state of Assam, three different types of mortgage have been observed viz., non-complete mortgage or Bandhak, complete mortgage or Khaikhalash and mortgage sale or Bikni Bandhak. In all these cases, there are written agreements of the contracting parties with some as witness. Among these three types of mortgages, the last one i.e., mortgage sale is more stringent than the other two, because in this case, there has been a threat of land alienation due to non-repayment of loans (Kuri 2001). Besides, the large-scale settlement of the immigrants (Muslim) has also resulted in the land dispossession of many tribes in the state.\footnote{12}

In Jarkhand region, the mode of land alienation varies in two different phases viz., pre - 1970 and post - 1970 (up to 1996). In both the phases, the forms of land alienation found in the region are mortgage, encroachment, and sale. In the first phase, sale (66%) is the prime mode while in the second phase, it is mortgage.

\footnote{12}{The displacement of the tribal peasantry from their land has taken place in two ways. Firstly and directly, migrants usurp tribes’ agricultural land at an easy cost due to their practice of shifting cultivation (Bardolai 1991). Secondly and indirectly, the tenancy of the tribes is to abandon their land and shift to a different place. Besides, the government of Assam has acquired the tribal lands for construction of railway and road transport, setting up of industrial and irrigation complexes and construction of dams (Sharma 2001).}
(58%). The reason for the rise of mortgage is that it has become the easiest way when compared to other forms (Sharan, Amarkumar Singh., and Batra 1999).

In Tamil Nadu, during the colonial period (1792 – 1947), the major modes of land alienation in the hills of Kolli, Shervaroy, Pachamalai, Chitteri, Bodamalai, and Jargumalai are mortgage and sale. In these villages, the number of transactions by mortgage is high in Kolli hills and Shervaroy (29 households). In the form of sale also, Kolli hills has exceeded other villages. In other hills the number is very low (Saravanan 2001). In Aladipatti village of Salem district, sale and lease are the widespread modes of land alienation (Karuppayan 1990). In some other parts of the state, one compared two surveys and found that the sale surpassed all other forms. But the proportion of this form has reduced in 1990s as compared to 1980s (Karuppayan 1990a; and 1988). Among the tribes surveyed, Malayali tribes have alienated more lands in the form of sale as compared to other tribes (Rao and Baskaradoss 1989). In the district of Coimbatore, the tribes who lived in certain areas for more than three centuries, were supposed to vacate for the development of Coimbatore Zoological Park (FIAN 2001).

The Census of India Village Survey Monographs (1960) of specific tribal villages in Tamil Nadu has revealed the facts of land transfers in various ways

13 Out of the total households involved (55) in land alienation in this village, 72 per cent of the tribes have alienated their lands in the form of sale, and the rest get alienated in the form of lease.
14 Among these forms, sale is predominant (69%) in all the districts except Nilgiris and Erode. In these districts, mortgage is the major form of land alienation. In 1998 also, sale proves to be predominant, but its proportion has reduced to 36 per cent. In 1980s in the districts of Coimbatore and Salem, the results are in favour of lease and acquisition respectively. But in 1990s, outright sale is the key form of alienation in the district of Salem, whereas in Nilgiris it is mortgage (52%).
(Guhan 1985). In wet villages of Tamil Nadu, the degree of land transfers under sale is the highest (67%) when compared to dry villages (41%). Apart from the sale, gifts and partitions also are prevailing in the state (Thangaraj 2002).

The problem of land alienation among the tribes of Rajasthan has been quite serious all along. The tribes in this state have preferred to transfer their lands in the forms of encroachment, sale, lease and mortgage. In this state, the proportion of sale and mortgage are high in the semi-urban tribes and non-tribes mixed villages (MLV Research and Training Institute 1987). This could be witnessed again in this state.

Apart from the oral lease, the prevailing modes of land alienation among the tribes of Paniyan, Mullukurum, Uralikurum, Katunayakan, Irular, and Mudugar in the state of Kerala are rent, government's acquisition, mortgage, sale, lease out, and encroachment. Among these, the oral lease is high due to community ownership of land. The pattern of land alienation is use to begin with oral lease or lease or mortgage with the non-tribes land becomes as permanent alienation (Mathur 1975). The displacements also noticed in the Wynad area of Kerala (Bhengra, Bijoy and Shimreichon Luitthui 1997).

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15 In Adidipati and Pappanaikanpatti villages of Salem district, Nellithorai village of Coimbatore district, and Hallimoyar village of Nilgiris, the tribes have unofficially leased out their lands to the non-tribal Telugu Chettiar, Gowdas and Badagas respectively.
16 A survey (Tribal Research and Training Institute) has found that out of 1717 households surveyed, 34 per cent of the households reported that they have lost their lands due to the incidence of encroachment followed by mortgage (10%) and sale (7%).
17 Sale, mortgage, and sub-tenancy agreements are the effective forms of land alienation found in the state of Rajasthan. In most of the cases, the lands have first been transferred by way of mortgage or some sort of sub-tenancy arrangements without transfer of ownership. However, after sometime, these transfers have led to permanent alienation (Gupta 1977).
18 A huge number of projects in the name of the developmental activities have displaced the most marginalized adivasis.
The four forms of land alienation viz. sale, mortgage (not oral lease), forceful acquisition, and acquisition are found in Chota Nagpur and Santal Parganas regions of Bihar. Most of the lands have taken for public purposes\textsuperscript{19}. Among these forms, sale is the prime form found in the study region (Sinha 1989 and 1990).

The Programmes Evaluation Organization has evaluated 10 ITDPs in different parts of the country and identified four types of land transaction viz., sale, purchase by non-tribes (Government of India 1987), mortgage and acquisition by governments (Indian Currents 1997) for public purposes. During the period 1975-76 and 1982-83, sale, and the government’s acquisition\textsuperscript{20} are at a higher level (Verma 1995).

International experiences too conform the pattern of land alienation. This has been witnessed in Peru, Brazil and Alaska in the form of displacements\textsuperscript{21} (Staff Reporter 2003).

\textsuperscript{19} The state government of Bihar has acquired a large portion of land during 1950 to 1995 for the purposes of irrigation dam, railway road, government buildings, school and colleges, industries (mining), forest and others. Besides mortgage, lease, purchase, encroachment (Parandhani), rehabilitation (Bundobasti) purpose, Bhoo (gift) are the existing methods of land alienation. Of these, sale is the predominant practice (53%) followed by encroachment (29%), and mortgage (22%). The situation is the same in Ranchi district as the over all picture (encroachment is high), but in Dumka it is not so (other categories are high) (Batra 1999).

\textsuperscript{20} The government, for setting up of irrigation, power, industrial and other projects has used these acquired lands. The additional forms of land alienation are sale, lease, mortgage, benami transfers, collusive decrees and fraudulent land grabbing.

\textsuperscript{21} For the establishment of a Mine Company in Peru, the state and the mine company took advantage of the illiteracy of the farmers and ignorance and grabbed their lands with the help of police (Nebel 2004). Similarly, the commercial interests such as mining and ranching have displaced more and more Indigenous groups in Brazil. In the past 10 years, Indian-occupied land in Mato Grosso do Sul has shrunk by half (Cottle 1994). In Alaska, Haida Corporation has pledged 23,000 acres of tribal lands as collateral for nearly 4.3 million dollars in loans (Worl 1985). In Zimbabwe the loss of land by acquisition under the land reform programme has affected the produce in the last season.
2.2 Agencies Involved in Land Alienation

The purchasers of the tribal lands may be broadly classified as different agencies. These agencies also vary between the tribes and the purpose. However, the major agencies involved in land alienation are the non-tribes, the tribes, government, NGOs, and public and private organizations. Despite the fact that the state and central governments restrict the transfers of the tribal lands to the non-tribes, the government stands as the second largest agency in the study region which played an important role in transfer of lands. The important agencies involved in land alienation are discussed in the following paragraphs.

The major agencies involved in land alienation are non-tribal moneylenders\(^{22}\) (Rao 1987; Rao 1998; Radhakrishna 1997), traders, feudal landlords, etc. and are found in the villages of Andhra Pradesh.

The tribal communities have lost their lands due to influx of non-tribals in the scheduled areas of Warangal district of Andhra Pradesh (Yellaiah 2002). The Komities and other non-tribal castes have got control over the fertile land, and the majority of the tribals are the victims of this process of appropriation in Srikakulam district of the state (Pareek 1978).

The majority of the agents involved in land alienation in the state of Maharashtra are non-tribes (non-ādivasis) residing in the same taluk (91%), and the

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\(^{22}\) In this region, forward caste Reddy landlords, Muslims, and backward caste landlords and rich peasants (Reddy 1988), Jabirards, revenue officials, traders are the important land grabbers. Moreover, the government has also involved directly or indirectly (allow the multinational corporations to set up industries) in purchasing the tribal lands. In Adilabad district the non-tribal landlords and forest officials are also responsible for land alienation (Balagopal 1989).
rest are residing outside the taluk (Murdia 1977; Kulkarni 1974 and 1979; Dalvi and Milind Bokil 2000; Dubey 1977).

The government is the foremost agency acquiring the tribal lands in Rajasthan. Apart from this, the other land grabbers are the non-tribals and the tribes themselves (MLV Tribal Research and Training Institute 1987). The well to do persons among the tribal communities acquire the lands belonging to the poorer sections of the tribes either by sale or mortgage (Gupta 1977).

The non-tribes and the government are the land purchasers in the state of Madhya Pradesh (Deo 1977; Desai 1979; Pais and Singh 1986; Government of India 1991; Mander 2002)\textsuperscript{23}.

Most of the land transfers in the state of West Bengal have taken place with the non-tribes. The non-scheduled tribes have grabbed 84 per cent of the total lands, of which 12 per cent are SCs, and the rest are transferred in the midst of the tribes (Roy 1977).

In the state of Orissa, the tribes, non-tribes, and the government are involved in land alienation (Fernandes 1996; Asif 1999; Indian Social Institute 2000; Panigrahi 2001). Apart from these agencies, the land hungry peasants, petty traders, moneylenders, and farmers from the plains are also involved in tribal land alienation (Jha 1977).

\textsuperscript{23} The government has acquired a lot of lands for the purpose of developmental activities, whereas the agency of non-tribals viz., Bania, Lawana, Muslims, Rajput, Kulambi and Teli are the other important agents occupying the lands both legally and illegally.
In the urban areas of Ranchi and Dumka districts of Bihar, the lands are acquired by the private and public sector units for the developmental activities of buildings, road and irrigation dams (Thakur 1977; Netarhat 1994; Batra 1999). The picture is entirely different in the rural areas, where the non-tribal moneylenders and the tribes are the agents found in the districts (Sainath 1994; Sinha 1989 and 1990).

The agencies involved in mortgaging of lands in Assam are non-farm lenders like businessmen, moneylenders, and salaried people (Kuri 2001). The government and large-scale influx of infiltrators from the south and northwest have compounded a large-scale alienation (Sharma 2001).

The non-tribes, the tribes, institutions, and the government have occupied the tribal lands. However, the non-tribes are the predominant agent in the tribal villages of Tamil Nadu (Karuppayen 2000). The legal provision made for tribes of Malayalis allows them to have / share their lands among themselves in Aladipatti village (Karuppayen 1990). A historical study has revealed the facts of the Barmahal region of Madras presidency (Saravanan 2001)24.

In the state of Tripura, most of the lands get transferred to the immigrant Muslims, non-tribal moneylenders, and petty traders. They have grabbed the lands illegally through various fraudulent practices (Das Gupta 1984; Das Gupta 1985 and 1991).

Gowdas and Nair landlords, other immigrant non-tribes (both Muslims and Christians), Iravas and government of Kerala have used various deceitful methods to grab the tribal lands (Mathur 1975). Apart from these agencies, the non-ādivasis and

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24 In this region, the tribes and the non-tribes are the important agencies engaged in land alienation during the colonial period.
private tea factories have encroached upon the entire lands of Mauthavady region of the state (Bhengra, Bijoy and Shimreichon Luithui1997).

The intervention of the tribes, government officials, and non-tribes (former owners of the lands) have not permitted the tribes to hold the government allotted lands. (Sharma 1991).

In almost all the states, barring the tribal households, the agency responsible for reduction in community lands is the government itself (Government of India 1990). In the ITTP areas, the non-tribals are the important agencies involved in land alienation (Evaluation Report on ITTP 1987).

2.3 Causes for Land Alienation

The tribes have been alienating their lands due to various causes. These causes may vary among the tribes, locality, and the developmental activities made by the government. However, the economic cause plays a vital role in land alienation. There is enormous evidence to show that the socio-economic ground is the principal reason for land loss. In this context, the present study tries to assess the various reasons for the tribal land alienation in the tribal areas of the country.

In Andhra Pradesh, the causes for land alienation are lack of irrigation, displacement due to developmental activities25 (Rao 1987; Assadi 1998; Balagopal 1989; Ramakrishna 1997; Reddy 2002), and indebtedness with the non-tribal moneylenders and landlords (Sharma 1977; Ramaiah 1981a).

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25 Expansion of reserve forest boundaries has caused a large-scale alienation in Adilabad district of Andhra Pradesh. The practice of shifting in cultivation has also facilitated the tribals’ eviction from their lands.
In Karnataka state, the government acquired the tribal lands to construct Nagarhole National Park, and Kabini Reservoir Dam in 1980s, and Naval Sea Bird Project has displaced most of the tribes during 1990s (Assadi 1998).

Repayment of debts is the key reason (59%) for land alienation in the state of Maharashtra. Apart from this, some other causes are also reported in this state (Dalvi and Milind Bokil 2000; Bapat 1999; Kulkarni 1974; and 1979).

Individually, in Orissa, the prime cause for land alienation is social function. However, poverty, loan repayment, basic requirements, construction of house, acquisition, divorce, court/police cases, barrenness drought, buying new land and liquor are also significant causes for the land alienation in Orissa (Indian Social Institute 2000). In some parts of the state, the major causes for land alienation are large-scale displacement made by government and private organizations (Fernandes 1996; Panigrahi 2001).

Indebtedness with private non-farm moneylenders is the only reason for mortgage of the tribal lands in Assam (Kuri 2001).

In the state of Tamil Nadu, domestic consumption is the foremost cause (57%) for land alienation in all the surveyed districts during 1989. But in 1998, the major cause for land alienation is unknown (55%). Among the causes reported in

26 The other important causes found in the state are money needed for food, clothing, house construction and renovation, agricultural implements, celebration of festivals and performing ceremonies. Some of the tribes have also passed their land due to its barrenness, and some of the non-tribals have grabbed the lands on the occasion of marriage. The problem of land alienation was compounded by the onslaught of industrialization, urbanization, commercialization, infrastructure development, encroachment and forcible occupation by the non-tribals.

27 Besides, construction of railway, road transport, setting up of industrial complexes and irrigation dams are the major causes found in the state (Sharma 2001).
this period, repayment of old debts scores high (32%) (Rao and Baskaradoss 1989; Karuppaiyan 2000)\textsuperscript{28}.

The causes for land alienation are grouped into two broad categories viz., productive and unproductive\textsuperscript{29} (Saravanan 2001).

In the state of Uttar Pradesh, repayment of old debts accounts for the core reason for land alienation, and the rest of the households report that they have preferred to leave the village (Sankar 1988). During, land allotment to the tribes, various fraudulent practices were made to occupy the tribal lands (Sharma 1991)\textsuperscript{30}.

The food expenses and litigation are the two significant ends found in the subdivisions of Tripura state to cause land alienation (Das Gupta 1991)\textsuperscript{31}.

The major causes responsible for land alienation in the state of Gujarat are indebtedness, the registered tenants’ claim to be the owner under the prevailing tenancy acts, auctions by the cooperatives, ignorance of existing land legislations, illiteracy and ignorance, and charitable, religious, educational, industrial, irrigation and mining projects. All these purposes are listed theoretically and not empirically

\textsuperscript{28} The other causes reported in the state are debt repayment, medical expenses, social and religious expenses, and alcoholism, domestic consumption In Aladipatti village of Salem district, almost all the Malayalis have alienated their lands to meet their family expenses. (Karuppaiyan 1990).

\textsuperscript{29} Under the productive head, agriculture, education, and purchase of new lands have been reported. In the unproductive category, marriage, repayment of loan, family expenses, and miscellaneous items are incorporated. Among these causes, purchase of new lands (24%) in the productive category and repayment of loan (41%) in the unproductive category are high in Tamil Nadu.

\textsuperscript{30} The various causes for land dispossession of allotted lands in Uttar Pradesh are barren land, landholders’ refusal to take possession, land given on paper and not on the spot, injunction by court, obstacles created by the Pradhans (important persons) and other persons in the village.

\textsuperscript{31} The major causes for land alienation in Kowai and Sadar subdivisions of Tripura are the inability to meet food requirements, medical expenses, rituals, education, repayment of loan, legal expenses (litigation), change of residence, communal disturbance and other productive purposes.
(Dubey 1977). A survey in Rajasthan has revealed that the major causative aspect of land alienation is indebtedness (Das Gupta 1984)\textsuperscript{32}.

In the state of Madhya Pradesh, the causes for land alienation are similar in all the districts, but repayment of old debts proves to be the major cause in all the districts. (Pais 1986; Mander 2002)\textsuperscript{33}. Land dispossession in the tribal areas has evicted most of the tribes due to their willingness to work as labourers rather than land owners (Department of Agricultural Economics and Agricultural Management 1991). Influx of the non-tribes in the tribal areas with the help of revenue officials also forces them to leave their lands (Baijal and Deo 1977).

In most surveyed cases, a heavy load of indebtedness has forced the tribes to sacrifice a segment of their lands even though their holdings are very small. Besides, Kobla (cash loans by mortgage) system also has caused land alienation in West Bengal (Roy 1977).

Among the 20 types of causes listed in 7 districts of Bihar, acquisition and domestic consumption is the dominant (Sinha 1989 and 1990). The tribes of Ranchi district reported that their lands are not fertile and hence they have transferred their land. Addiction to drinks, illiteracy, simplicity, unawareness of laws and indebtedness are also found as the reasons in the region (Thakur 1977). Bihar is one among the backward states in India, so the central and state governments have

\textsuperscript{32} However, some other causes have also been found in the state. They are investment in other occupations, barren lands and government acquisition for various purposes. Economic poverty, ignorance, social customs, litigation, addiction to drink, love of ornaments, effects of outsiders and absence of alternative credit also are considered as the major causes for land alienation. Among these, economic poverty and absence of alternative credit are the vital reasons for the disposal of lands.

\textsuperscript{33} Similar causes are repayment of old debts, marriage, migration, land development, livestock purchase, house construction, barren lands, social expenses and government acquisition.
launched various projects for the betterment of the people. These projects have caused displacements and land acquisition in most of the tribal regions of the state (Sainath 1994)\textsuperscript{34}. Besides, the lands have also been alienated by the tribes to the individuals (tribes and non-tribes) for various reasons (Batra 1999)\textsuperscript{35}.

The large-scale land transfers that have taken place in the tribal regions of the country are primarily due to lack of legal provision and its inadequacy (Dubey and Ratna Murdia 1977). The economic reasons have caused more land alienation than social reasons (Murdia 1971).

The main reasons behind the problem of land alienation are the emergence of a new class of commercial and industrial entrepreneurs among the tribals, and improvement in the working conditions of the tribals through exogenous interaction (Roy Burman 1972). It is quite evident that the entrance of the outside capital as well as outside population has not only ruined the life conditions of the tribals while reducing them to a subservient position but also alienated them from their own land. The major causes are indebtedness, acquisition for public purposes, encroachments and forcible eviction (Verma 1995; Rangaswamy 1973).

The prevalence of bonded-labour and indebtedness are the major reasons for land alienation among the Paniyas, and displacement is the major reason among the Mullukurumans and Mudugars in Kerala state (Mathur 1975). In ITTP areas, the

\textsuperscript{34} Displacement by power project (NTPC) has evicted the tribes from their lands (Mukul 1992). Manipulation and physical force also have been used to throw out the tribes. The reasons for government acquisition in the state of Bihar have been irrigation project, industrial project, airport, railway, road, army, and construction of voluntary organization. Among the causes reported in both Dumka and Ranchi districts land alienation for irrigation purpose proves to be the major one. But the number of cases is higher in Dumka than in Ranchi.

\textsuperscript{35} The reasons for the transfer are household expenditure, marriage, agricultural, education, litigation and some of them unable to tell the reasons. In both districts, household expenditures have caused more alienation than what the other reasons have caused.
reasons for land transfer are economic poverty, ignorance and illiteracy of the tribes (Evaluation Report on ITTP 1987).

2.4 Extent of Land Alienation

The extent of land alienation in the tribal areas depends upon the fertility of the soil and the value of the land. If the land is more fertile, the value of the land is higher than the extent of land alienation, which will be low and vice versa. It is also noted that the purpose and agency of land alienation too go to determine the extent of land alienation. The extent of land alienation is higher in the case of government acquisition than the individual cases. However, in some areas, the non-tribes occupied most of the lands, where there is no land legislations to prevent the occupation. The various case studies across the country fall under this pattern with slight variations among various states not of land, but in degrees.

The extent of alienation in Bihar has varied among the agencies. The important purposes involved in the state are public and individual transfers or private (Sainath 1994)\(^\text{36}\).

The construction of various developmental projects displaced many tribes by way of acquiring their lands (Sinha 1989 and 1990). The development efforts during the second plan took the shape of many mega projects being launched in Bihar. No doubt it was a great endeavour giving a new direction to the economy. However,

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\(^{36}\) For the public purpose, 364 households have alienated 1030 acres of land. By individual transfers (to the non-tribals and tribes), 193 households have alienated 1265 acres of land. Per household alienation for public purpose in Ranchi district is 2.68 acres, and in Dumka it is 3 acres. And per household alienation for individual transfer it is 2.7 acres in Dumka and 8.65 acres in Ranchi district. In all, the non-tribals have forcefully occupied 8000 acres.
there was a seamy side to the phenomenon from the perspectives of the tribal life. It led towards a heavy displacement of individual families from the sites of the projects\textsuperscript{37}.

In the state of Andhra Pradesh also so many projects launched in the tribal areas cause a large extent of land alienation (Kaul 2002)\textsuperscript{38}. Besides, in this state the non-tribes are the next important agency, which occupied thousands of acres (Reddy 1988; Balagopal 1989; Bhatkal 1997; Rao 1998)\textsuperscript{39}.

A survey in Assam revealed that 54 households were involved in land alienation and lost their 18.86 acres of land through mortgage. On an average, the lands had been mortgaged for Rs. 2262.42 per acre (Kuri 2001).

In Tamil Nadu, the extent of land alienation has increased over the years (Karuppaian 2000). The incidence of land alienation is high in the thickly

\textsuperscript{37} Some of the major displacements in the state of Bihar have been caused by Tata Iron and Steel (4 villages), Rourkela Steel (2645 families), Heavy Engineering Corporation (12990 families), and Bokaro Steel Plant (12484 families) the last of which affecting the tribes to a large extent. Besides, Heavy Engineering Corporation in Ranchi has evicted 3090 persons (23 villages) to the tune of 7478.80 acres of land, of which 2582 (35%) is of the tribals. The other displacements in the district of Ranchi viz., Electric Equipment Factory (136.36 acres), Hindustan Steel Ltd. (68.22 acres), Tundul Rehabilitation Scheme (13.39 acres), and Tundul Gutus Sarporn Rehabilitation (100 acres) have also evicted the tribes with due compensation to the tribes. However, the middlemen garnered the major share of the compensation. Bandipur National Park has evicted 515 tribal families, and the coffee plant owners have encroached upon 25000 acres of land to extend their plantation in Karnataka (Assadi 1998).

\textsuperscript{38} The forest department of Andhra Pradesh has reclaimed 32000 ha of lands for a World Bank Project. In West Godavari district, about 31 families have lost their lands to the tune of 88 acres, and in Khammam district, 15 families have lost about 66 acres of land.

\textsuperscript{39} Andhra Pradesh ST Land Transfer Regulation (1956) has stated that up to 1987, 44379 cases of land occupation made by non-tribal grabbers to the extent of 189337 acres, while 169134 acres have been restored to the tribes. Of these, legal provisions have restored only 81085 acres. In East Godavari district, about 56 per cent of the cultivable lands in the scheduled areas (about 8.7 lakh acres) have been transferred to the non-tribes (In these regions, out of 18,48,000 acres of the total land the non-tribes hold 7,53,435 acres i.e. 48 per cent. Likewise, the non-tribal holdings account for 52 per cent in Khammam, 60 per cent in Adilabad, 71 per cent in Warangal districts. Andhra Pradesh high court has disposed the 100 land transfer cases in favour of non-tribals pertaining to 300 acres legally (Ramakrishna 1997).
scheduled tribal populated (Salem) and most primitive tribal populated (Nilgiris) districts (Rao and Baskaradoss 1989).40

In Tamil Nadu, during the period of 1792 – 1947, the non-tribals occupy 2368.33 acres, and the planters occupy 1195.70 acres of tribal lands in the hills of Shervaroy, Arunuthumalai, Kolli (Namakkal), Kolli (Attur), and Jargumalai. Per acre price is high (Rs.319) in Kolli hills (Attur) during 1947 (Saravanan 2001). In the Kalrayan hills of South Arcot district, the extent of land alienation varied according to the distance and geographical location. The villages adjacent to the plains have alienated more due to the interaction with the non-tribals. Among the total households surveyed, one fourth have become landless in Kalrayan hill (Ramachandran 1992).

The magnitude of land alienation in the districts of Ranchi and Dumka is high in the form of sale (508.86 acres), rather than encroachment (233 acres) and mortgage (212 acres) from 1970 to 1996. In both the districts, the extent of land alienation to the individual cases has been lower than the land acquisition (75524 acres) by the Bihar government for various purposes (Batra 1999).41

In most parts of the country, due to the illegal and benami transactions, the official statistics have reported that the extent of land alienation is unknown (Omvedt 1978). In the ITTP areas, the extent of land alienation had gone down in

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40 In this state, the extent of land alienation is 3330.25 acres in 1989 by 37 per cent households, which has increased to 4698 acres in 1998 by 48 per cent of the total households surveyed.

41 The 23rd Artillery Brigade held in Chota Nagpur region of Bihar has displaced around 222490 people, of which 78 per cent are tribes belonging to Oraon, Munda, Birjia, Kisan, Kherwar, Asur, Korwa, Birho, etc. In Nyaya Nagar, 628 families have become marginal farmers due to several displacement projects (Mukul 1992). In Andhra Pradesh, Madhya Pradesh, and Orissa, nearly 2,24,724 people are displaced by Polavaram project. Among them 1.5 lakh people (66%) are tribes (Rao and Bhushan 1995).
the period 1982-83 as compared to 1975-76 (Evaluation Report on ITTP 1987). The proportion of cultivators has declined from 58 percent (1971) to 54.4 per cent (1981). Due to the immigrant non-tribes like traders, moneylenders etc. into the tribal areas of the country, many tribes have lost their lands in various parts of the country (Roy Burman 1989).

In Uttar Pradesh, 1730 households from 19 districts have alienated 2910.33 acres of lands through registered sale deeds (0.2 per cent of lands annually). The marginal farmers are the highest land losers (10%) and most of these lands have been purchased by the medium and large farmers (60%). It is also found that 46 per cent of the tribes have become landless (Shankar 1988).

The lands allotted to the tribes have not given to them due to various reasons in the districts of Mirzapur, Jalaun, Sitapur, Budaun and Nainital of Uttar Pradesh. Among the surveyed households, 33.8 per cent in Mirzapur, 16 per cent in Jalaun, 17 per cent in Sitapur, 46 per cent in Budaun, and 18 per cent in Nainital were not allowed to take possession of their lands. Most of the land losers have lost their lands from one to two acres (Sharma 1991).

An investigation has reported that in Kanchanpur area of Tripura, 80 per cent of the lands have been grabbed by the non-tribals (Das Gupta 1984). In Kowai and Sadar subdivisions of Tripura, 36 per cent of the households have become landless in the total of 373 households involved in land alienation (Das Gupta 1991).

A committee constituted by the Kerala State Assembly in 1976 had conducted a rapid survey, which reported that in the Attapady area of Palakkad district, the extent of land alienation was 10,106.19 acres (Bengra, Bijoy and Shimreichon Luithui 1997).
The size of land holding has decreased after land alienation in Maharashtra. Out of 64 cases surveyed, a majority of the cases (41%) have their size of holdings before land alienation at 5.1 to 10 acres and there is no registration in the 'no land' category. But after land alienation the 'no land' category outnumbered all other categories (28%). Apart from this loss, most of these landless households (83%) have moved to agricultural labour, 11 per cent as forest laborers and 6 per cent as domestic servants (Dubey and Ratna Murdia 1977a). Adivasis in Dhulia district of Maharashtra have passed more than 10,000 acres to the non-avdivasis in Shahada taluk (Kulkarni 1974)42.

Of the six surveyed villages, the extent of land alienation is 50 per cent in three villages of Rajasthan and about 20 per cent in the other three villages. The tribes viz., Bhil (88%), Meena (5%), and Garasin (1%) are the land gainers, who adopt various methods. The Bhil’s have instituted cases for restoration, but others have not instituted cases for restoration. (MLV Tribal Research Institute 1987).

In the state of Madhya Pradesh, the extent of land alienation through legal transfers is low (118 ha) when compared to illegal transfers (2000 ha) (Baijal and Deo 1977)43. The tribes of Surguja district in Madhya Pradesh have lost 1853.66 ha of land. Out of 538 cases, 17 per cent have become landless, 8 per cent have only one acre of land and 5 per cent have 2 acres of land after sale (Mander 2002). In the

42 In coastal Maharashtra, more than 10,000 tribal households are at stake due to dhalhi land issue since 1970. The revenue department has acquired 1405.86 ha of land for forest development, which has been cultivated by the tribes for more than a century (Dalvi and Milind Bokil 2001). Sanjay Gandhi National Park targeted as Leopard sanctuary has acquired 575 sq. km. as recreational zone, which has evicted most of the tribes (Bapat 1999).

43 Through legal and illegal forms the extent of land alienation is high in Jagdalpur I-A, and the extent of forcible occupation is high in Bhampuri revenue circle.
surveyed district, 3414 cases are involved in land alienation to the tune of 2143 acres of land (Tribal Research and Training Institute 1987-88).

Out of 1092 families affected by land alienation in West Bengal, 74 per cent are Santals. On an average, the alienation of land per household is 4.28 acres (Roy 1977). In the quantum of land alienation too the proportion of Santals is high (77%) and nine other tribal groups have shared the rest. In 1972-73 merely 4700 acres have been alienated in 367 villages, which is more than the entire state (West Bengal) loss for the last five years (Omvendt 1978).

In Orissa, no exhaustive and conclusive data are available to indicate the exact extent of the total land transferred. However, available data have clearly established that the incidence of transfers continues to be high after independence (Jha 1977).44

A similar type of land alienation for developmental activities (cropland conversion into forest plantations and pastures, fish and wildlife service and natural disasters) and non-developmental activities (housing projects, national park, commercial irrigated farms and expansion of lake Basaka) can be seen all over the world (Datong 2000; Huslin 2002; Tribal Lands Bulletin 2002; Oxfam 2004).

44 Through displacement (1951-65), four thermal plants, 95 large and 269 medium industries started in the tribal areas displaced 97 lakh tribes to the tune of five lakh acres in the state of Orissa (Fernandes 1996). By legal permission, 8550 acres of land have been transferred in 12 districts from 1956-67, which includes the development projects also. According to various estimates at least 213 lakh people have deprived of their livelihood between 1951 and 1990 by various development activities. Today it has risen to 300 lakh, of which 40 per cent of them are tribes. Nearly 32,000 tribal people have displaced by Kotagada sanctuary situated in Kandhamala district of Orissa. In this state the state government has acquired nearly 20,000 acres of land for defence purpose (Srangai 1999).
2.5 Legal Provisions

Since land is a state subject, most of the tribal concentrated state governments enacted various legal provisions to safeguard the tribes and their sources. It is also evident from the studies that the mere enactment of the land legislations does not prevent the land alienation totally. The revision and plugging of loopholes are also needed to arrest the same and restore the alienated lands to the tribes. Some provisions allow the tribes to alienate their lands through certain channels and some restrict it completely. In this context, the researcher makes an attempt to evaluate the existing legal provisions and from the point of view of their adequacy and effectiveness.

To tackle the problem of land alienation three remedies have been suggested viz., pre-protective measures, economic measures, and administrative measures. In the pre-protective measures, it is suggested that the tribes are educated and enlightened to protect themselves. Under the economic measures, adequate and timely credit and attractive prices will reduce the indebtedness, which in turn, will reduce the problem of land alienation. And in the administrative aspects, the functionaries at various levels should be educated and a compulsory training should be given, which will eradicate the problem of land alienation at a considerable level and restore the same (Sharma 1977). Out of the total households involved, 9 per cent have restored their lands through the legal provisions in the state of Andhra Pradesh. The settlement court at Kauvur, has disposed only 42 cases out of 170 filed. Of the 42 cases disposed, not even a single case goes in favour of the tribes (Rao 1998).
Easy availability of credit at any time, speedy completion of land records in tribal areas, revising of the existing laws to plug the loopholes, tribal education about their exploitation by the moneylenders, and a complete ban on land transfer for at least 10 years are the suggestions to solve the problem of land alienation in the state of Gujarat (Dubey 1977).

In the state of Rajasthan, the protective legislation viz., Rajasthan Tenancy Amendment Act of 1951 has listed the protective provisions (Gupta 1977)\textsuperscript{45}.

The punishment of breaches, updating the land records, and education of the tribes about the reliable local moneylenders would be the compounded remedies to tackle the problem of land alienation in the state of Madhya Pradesh (Baijal and Deo 1977). The Madhya Pradesh Land Revenue Code has recovered 18 per cent of the tribes by way of restoration of their lands (Mander 2002).

In West Bengal, The West Bengal Land Reforms Act of 1985 has permitted the tribes in certain cases to transfer their lands viz., to the tribes, government for public purposes, co-operative society, mortgage with the banks and co-operatives, persons authorized by the revenue officials. Land transfers to these agents are allowed by the act, which would not help to control the land alienation in the tribal areas. The restoration of alienated lands is also very poor (29 acres) by this act (Roy 1977).

A number of legislations have been amended in the state of Orissa to prevent the land alienation in the tribal areas since 1908 (Jha 1977). In this state, the land

\textsuperscript{45} The provisions are restriction on transfer by sale, gift or bequest, usufructuary mortgage, subletting and exchange. Apart from these restrictions, some other provisions have also been made in this act viz., abolition of bonded labour, liquidation of moneylenders, and restriction on registration of documents.
restoration through the Orissa Scheduled Areas Transfer of Immovable Properties (ST) Regulation 2 of 1965 is 32481 acres from 1980 to 1996. The OLR (Orissa Land Reforms) Act 1960 restricts the transfer of land from tribes to non-tribes in the scheduled areas. On various occasions, 11503 tribes have filed cases against the land grabbers. The OLR act has restored 6763 acres from 1992 to 1997. On all the occasions, most of the cases are solved and the lands are physically restored (Indian Social Institute 2000).

The prevention of land alienation in the country requires the following legal and administrative activities (Kaul 1977). The procedure for restoration should be simplified, protective land laws should be implemented (Dubey and Ratna Murdia 1977), procedure for sale should be revised, the land purchasers should get permission from the district collector, all types of transfer including temporary transfer should be banned, moreover involvement of voluntary organizations, general improvement in economic conditions of the tribes and plugging of the loopholes in the existing laws will be moderate situations for the problem of land alienation. Implementing these provisions in the tribal areas would reduce the problem drastically.

The new land acquisition bill 1998 enacted in Andhra Pradesh, instead of protecting the rights of the persons affected and displaced by the project made the land acquisition easier for private interests (Fernandes 1998). In general, the legal provisions were very conducive to land alienation rather than its prevention. Hence heavy alienation obtained in other states as well as amply illustrated in the case of
various states (Singh 1983). To set right the problem of land alienation in the
country, the tribes have to be educated well so as to plug the loopholes in the land
legislations, and provide alternative credit should be provided (Verma 1995).

To check the unhealthy trends of land alienation among the tribes of Assam,
steps should be taken to reduce the indebtedness (Kuri 2001).

The acts so far enacted in the state of Tamil Nadu are not enough to arrest
the land alienation and passing a fresh legislation is suggested immediately and
exclusively to arrest land alienation in the state (Karuppayyan 2000; Ramachandran
1992; Rao and Baskaradoss 1989). The British government has passed an act viz.,
Village Green in 1910, which prevents the land transfers among the Malayalis,
which allows them to transfer their lands among themselves and restrict the transfer
to the non-Malayalis (Saravanan 2001).

The Kerala ST Amendment Bill 1996, has changed the provisions of legal
remedies in the existing land laws. The former bill of 1995 had declared that the
lands alienated during 1962 – 82 should be handed over to the original owners
(tribes). But the present bill of 1996 has declared null and void the provisions of the
bill of 1995 (Viswanath 1997). So the tribes are handicapped much in fighting for
their land restoration. The Kerala state government has passed a bill recently,
purportedly to protect the interest of the tribes. But in practice, the restoration of the
lands through this act is almost impossible (Bijoy 1999). The Muthanga tribes
(Kerala) have taken to violence, provoked by the failure of their proper rehabilitation.

46 Through the legal provisions the land restoration has taken place in various states like Andhra
Pradesh (23771 acres), Bihar (13208 acres), and Orissa (35627 acres) during 1982 – 83. Whereas
from 1974 – 79 the land restoration is 7085 acres in Gujarat, 1200 acres in Madhya Pradesh, and
7920 acres in Maharashtra through the legal provisions.
(Krishna Kumar 2003; Roy 2003). The Kerala ST act has restored only 3336.16 acres against the officially announced 10,000 acres (Bhengra, Bijoy and Shimreichon Luithui 1997). To reduce the magnitude of land alienation in the state, the state government of Kerala should introduce suitable legislation to control moneylenders in the tribal areas and abolish the bonded labour (Mathur 1975).

The problem of land alienation has not been severe in the states and union territories of the country as it was some decades back. Protective laws and regulations, tribal development programmes, and tribal movements have combined together and changed the tribal land alienation scenario. At present the tribes purchase the non-tribal lands, which is higher than the purchase of non-tribes (Misra 1995).

The Andhra Pradesh government is proposing to remove the restrictions that now exist on land transfer in scheduled areas, i.e., the proposal prepared by the state government should expand the land alienation through the laws (Reddy 1988).

The tribes of Tripura have proposed to restore the alienated lands by the land legislations, but the failure of these legislations has induced them to form tribal movements against the immigrant Muslims from Bangladesh. The Muslims have also organized a movement to protect themselves from the tribal movements. It is concluded that the legal provisions alone would solve the problem between these two groups (Das Gupta 1984; Das Gupta 1985 and 1991).

In Bihar, there is a drastic change in the process and pattern of land alienation after 1970s especially with the enactment of SAR act. But this act also has helped in regularizing the earlier illegal land alienation by the tribes. It is suggested
that Gram Sabhas under new Panchayati Raj Act can play an important role in arresting the land alienation (Sharan, Amarkumar Singh, and Batra 1999). The government of Bihar has enacted various land legislations viz., SAR (1969), SPT, and CNT to prevent and restore the alienated lands to the tribes. Through these acts 38 per cent of the tribes have been compensated by cash, lands and employment opportunities, and 25 per cent of the tribes have regained the lands. The SPT act does not cope with the tribes to restore their alienated lands (Sinha 1977; Sinha 1989 and 1990). The Chota Nagpur Tenancy Act of 1908 protects the tribes from the backward classes. In this region, about 7140 acres have been restored in the districts of Ranchi (6495 acres to 4936 tribal households), Palamau (562 acres to tribal 225 households), and Singhbum (140 acres to 164 tribal households). Out of the total cases applied for restoration, 50 per cent of the cases are rejected and the total restoration is 32 per cent in the state of Bihar. CNT, SPT and BSRA regulations have allowed 50 per cent of the cases to alienate their lands and the suggestions made by these acts do not seem to be effective (Sinha 1989).

The Maharashtra Land Revenue Code has laid down some provisions to prevent land alienation in the state of Maharashtra. In future there will be no land transfer from tribes to non-tribes by way of sale, gift, exchange, mortgage, lease or otherwise, except on the application of such non-tribes and except with the previous sanction of the collector in case of lease or mortgage not exceeding five years (Kulkarni 1979).

Land transfer regulations in several states, mainly in the fifth scheduled areas (tribal concentrated areas) have not been effectively implemented. This non-
effective implementation on the other hand has given rise to greater incidence of tribal land dispossession (Government of India 1981).

The NGOs and the government of Uttar Pradesh have combined together to restore the alienated lands. Most of the cases filed in District courts, High courts and Supreme court have been disposed in favour of the tribes, of which a few tribes have been paid compensation by the government to gain their possession (Sharma 1991).

About 150 Dalit peasant families of Ambedkar village in Kashipur tehsil of Udham Singh Nagar in Uttaranchal have approached the National Commission for SC/ST to direct the local administration to stop the alleged selling of land in their village, which is subjudice and whose ownership has been challenged in the Supreme Court (Ahmed 2001).

Tribal Lands Programme has been created to expand partnerships with tribes to assist them in reversing a history of dispossession. Tribes have proven leaders as natural resource stewards and restoring traditional lands to tribal ownership or under public ownership where tribal values are afforded legal protection assist native communities in meeting their land conservation, natural resource restoration and cultural heritage objectives (Tribal Lands Bulletin 2003).

Large-scale disruption and displacement from aboriginal lands can strain the cultural and spiritual values derived from the land that form the basis of tribal society. Restoration of tribal lands is fundamental to the preservation of tribal heritage and history, economic survival of Indian communities, and for conservation of precious natural resources for physical subsistence (Tribal Lands Bulletin 2003a).
In the light of various developments, which occurred among the tribal regions of the country, it is observed that the Ministry of Rural Development and Home Affairs have decided to conduct thorough studies on various tribal concentrated states (12 States) including Tamil Nadu. The working group committee has clearly pointed out that, due to various difficulties, these studies are delayed, some of the initial drafts sent by the research institutes are unsatisfactory, as they do not give a clear picture of the magnitude of tribal land alienation. Nor the institutions have made an in-depth analysis of the legislations pertaining to land alienation and restoration of land. Some of the studies have adopted a different methodology, which is not directed by the government, in some cases the analytical areas are very defective, some have been collected very small samples. Apart from these reports, some of the institutes, individual scholars, and activists have conducted many studies to assess the magnitude, causes, modes, agents and adequacy of land legislation. These aspects have been covered by many authors separately or in combinations. In Tamil Nadu, of the studies conducted so far, except the studies by the Tribal Research Institute, none has conducted field level survey to assess the magnitude of land alienation separately. To fill these research gaps, an attempt has been made to assess the magnitude, causes, agents, type of land, and adequacy of legal provision to safeguard the tribes from the non-tribal grabbing.