CHAPTER III

RESEARCH DESIGN

The previous chapter has provided the perspective to identify the research gaps. This chapter presents a conceptual framework, which governs the research design of the present study. Besides, it spells out the research problem in terms of the objectives and hypotheses. Also, the chapter devotes separate sections for detailing the methodology and discussing the various concepts and definitions used in the work.

3.1 Theoretical Framework for Land Alienation

The concept of ‘alienation’ has a long history, but a recent vogue. Alienation as a concept and framework defines the State of human being in a social situation of the total socio economic formation of a society (Munshi 1979). Starting with Hegal, it was used by Marx in his early writings to describe and criticise a social condition in which man far from being the active initiator of the social world seemed more a passive object of determinate external processes.

No one denies that Marx is the first to provide a social scientific treatment of the concept of alienation. A satisfactory treatment of the Marxist concept of alienation proceeded from an actual economic perspective.

Alienation as a philosophical concept is vividly discussed by Hegal and his concept was highly non-materialistic and idealistic and with mystical over tones. To him, it is not real living people but the absolute idea that undergoes alienation. Marx
criticizes that Hegel’s philosophy suffers from the double defect of being at one and the some time uncritical positivism and equally uncritical idealism (Rao 1987).

Marx in his early writings especially in his “Economic and Philosophical Manuscripts (EPM)” discusses this concept, as an estranged labour. Alienation in Marx’s conception of the man in the capitalist society is the process with facilitates the exploitation of many by a few (Sharma 1979). For him, “Alienation is fundamentally a particular relation of property involving involuntary surrender to antagonistic ‘other’.” Alienation is also described as a process by which man is progressively turned into a stranger in the world, which his labour has created.

The entitlement of a person stands for the set of different alternative commodity bundles that the person can acquire through the use of the various legal channels of acquirements open to some one in his position. In a private ownership market economy, the entitlement set of a person is determined by his original bundle of ownership [what is called his “endowment”] and the various alternative bundle he can acquire starting respectively from each initial endowment, though the use of trade and production [what is called his “exchange entitlement mapping”]

The modern approach to entitlement is best explained by Amartya Sen. According to him, a person who lost high entitlement will be forced into poverty. A person is reduced to starvation if there is some change either in his involvement (e.g. Alienation of land, or loss of labour power due to ill health) or in his exchange entitlement mapping (e.g. fall of wages, rise in food prices, loss of employment etc.). Sen has argued that famines can be usefully analysed in terms of facilities of entitlement relations (Rathinasabapathi 1997).
Whenever the actual food consumption falls below their entitlements for a variety of reasons such as ignorance, fixed food labour or apathy, the people choose to sell their productive assets such as land. But Devereux (2001) criticised the view and stated that endowments are not always exchanged for food, because consuming productive assets undermines future viability.

Sen’s concept of entitlement is applied to study these effects ‘legal changes on property rights in terms of changing’ rights regimes and impacts on poor people’s functioning arising from changes in livelihood options or a capabilities set. A trend away from pluralistic approaches to law, and towards greater uniformity, it is suggested, contributes to the exclusion and marginalisation of the rural poor from the development process. The entitlement approach is concerned with the legal ownership by individuals of alienable commodities.

Conceptualising from Sen’s entitlement framework, the prospects (land rights) of the marginalised population viz., tribes need a power of special land laws in the country. It is said that survival and livelihood strategies of the tribal people are threatened and further marginalisation is likely if uniform property and land laws are introduced.

These relationships in the form of entitlement exchange mapping depend on the legal, political economic and social characteristics of the society in question. Entitlements therefore refer to “the set of alternative bundles of commodities that one can acquire in exchange for what he owns” which is the exchange entitlement or what he owns”. Sen further stated that production opportunities, trade possibilities, legal right of the produce, and social convention, all affected exchange mapping.
While endowments can define (land alienation) entitlements can also fail it; for instance, food entitlement declines because one has produced less food, (direct entitlement failure) or one cannot obtain adequate food through trade (trade entitlement failure). Poverty and starvation therefore result from both a fall in the endowment bundle and unfavourable shifts in exchange mapping. Analysis of legal shifts with reference to natural resource's ownership and control precisely enable us to understand how, for instance, the decline in access to and the degradation of common property resources can result in change in ownership bundles, and consequent entitlement failures (Myrervold-Hanssen 2002).

In the Rawlsian sense, Sen thus displays explicit awareness of the role of laws and legality both in bestowing and transferring endowments, and in providing an individual with entitlements to meet her / his needs. Over the last couple of decades, scholars and activists have brought out the implications of shifts in property regimes (Integrated Property Rights (IPRs) Common Property Resources, patents, land alienation etc.) for peoples' livelihoods and well-being. Moral claims based on intrinsically valuable rights are often used in political and social argument. As Sen points out, rights may be important in three different ways. The first one is "instrumental view" which means that the rights have little or no intrinsic importance. The second view may be called "constraint view" which construes rights as constraints in what others can or cannot do. In this view rights are intrinsically important. The third approach is to see fulfilments of rights as goals to be pursued. This "goal view" differs from the instrumental view in regarding rights to be intrinsically important, and it differs from the constraint view in seeking the
fulfillment of rights as goals to be generally promoted, rather than taking them as demanding only (and exactly), that we refrain from violating the rights of others.

Sen’s entitlement approach provides a framework for analysing the relationship between rights, interpersonal obligations and individual entitlement to things (ODI 2001). A person’s entitlement set is a way of characterizing his or her over all command over things taking note of all relevant rights and obligations. Whereas rights are generally characterised as relationships that hold between district agents, a person’s entitlements are the totality of things he can have by virtue of his rights. Sen has hypothesised that most cases of starvation and famines across the world arise not from people not being entitled, in the prevailing legal system of institutional rights, to adequate means for survival.

Sen speaks of the failure of land titles to bolster the formal capital access of small holders appears to be a key breakdown in the linkage between land titling and improved land access of the well off (Parthasarathy 1998).

The peasants became a vulnerable group to famine because they lost their endowment, their land, which enables them to have an access to food through an exchange with nature (the peasant offers her / his land labour in exchange for a crop). Thus a person’s entitlement depends on her endowment that is what she owns initially that enables her to have an access to food through an exchange. Thus the entitlement theory gives a general view that failure of entitlement on the part of substantial sections of the population can arise from many different causes. Sen’s entitlement approach is schematising through the pathway diagram 3.1.
Diagram 3.1 Pathway of Land Alienation
From the perspective of Sen’s entitlement approach the researcher has approached the problem of tribal land alienation. The present analysis, shows how the dynamics of tribal poverty could be associated with their loss of entitlement i.e., land.

3.2 Objectives

The important objectives of the present study are

1. To review the land alienation acts and the policies of the government for preventing land alienation and restoration of alienated lands.

2. To portray the socio-demographic characteristics of the surveyed tribes of Nilgiris and Salem districts.

3. To study the income and ownership pattern of productive assets, expenditure and indebtedness of the surveyed households.

4. To analyse the major causes for land alienation of the primitive tribes of Nilgiris district and the scheduled tribes of Salem district.

5. To examine the forms and agencies of land alienation of the surveyed households of two different districts of the state.

6. To trace the relationship between the magnitude of land alienation and the sample villages situated at different locations from the growth centers.

7. To document and highlight the special cases on land alienation of the surveyed households of the study region.
3.3 Hypotheses

In view of the above objectives, the following hypotheses have been framed and tested using appropriate statistical tools. The hypotheses of the present study are

1a. The causes for land alienation are not associated with the spatial location of different study villages.

1b. The causes for land alienation are associated with the districts.

1c. The forms of land alienation are associated with the spatial location of different study villages.

1d. The forms of land alienation are associated with the districts.

2. The agency of the non-tribes influences greater extent of land alienation rather than the agency of the tribes (within and between tribes) of the primitive and scheduled tribes.

3. The extent of land alienation is attributed more to the endogenous factors viz., non-banking institutions, and the involvement of non-tribes than to the exogenous factors viz., extent of tribal ownership of landholdings before alienation.


3.4 Relevance and Justification

The first hypothesis tries to highlight the major causes and explores the forms of tribal land alienation of the spatial location of different villages of Nilgiris and Salem districts in Tamil Nadu. The nature of causes and the mode of alienation would have made significant impact on the households, and these impacts have also been varied among the households. Further, a similar type of cause and form of alienation too would have made a dissimilar impact on the households. The question arises in this context: Why these impacts vary among the households for similar causes and form of land alienation and why they could not absorb the shocks coming from the internal and external sources. This issue has been highlighted in various
works (Saravanann 2001, Rao and Baskaradoss 1989, and Karuppaian 2001), and it is revealed that social and economic causes influence land alienation. Further, the study analyses how these factors have influenced one another among the primitive tribes of the hilly district of Nilgiris and scheduled tribes of Salem district in Tamil Nadu. The present sample design highlights the problems faced by the communities who live at different distant location villages from the nearest growth centres. Testing the present hypothesis may give a clear picture to identify the problems and suggest certain ways and means to arrest the same.

The second hypothesis tries to explore the major agencies, which prevail in the study region and how they employed various deceitful methods to grab the tribal lands. It could be observed from the studies that the major agencies involved in land alienation are tribes and non-tribes. There is no uniform practice among the agencies, who involve directly or indirectly in extending their hands to help them. It is also observed from the studies that when the land legislations have been implemented efficiently, the transfer of lands has taken place among the tribes. If there is any weak administration or non-implementation of land alienation act, the non-tribes occupy the lands. In this context, the present study tries to identify the agents who prevail in the study region of land legislation (village green) implemented in Salem and non-implemented in Nilgiris of Tamil Nadu. Besides, the involvement of tribes in land alienation does not give much scope for grabbing a larger extent of land due to poor financial conditions rather than the involvement of non-tribes. It is necessary to examine the magnitude of land alienation under these two agencies.
The third hypothesis identifies the influence of factors and its impact on land. This hypothesis could be found in the earlier works, where they have identified the factors responsible for land alienation and analysed the factors independently. They have not attempted to interrelate how these factors work together on land alienation. The case of land alienation has been recorded in all types of landholders, irrespective of the size and type of land. The question boils down to how these factors influence the loss of land and what is the impact on lands possessed by households before land alienation. These factors would have made different levels of impact on different sizes of landholding. It is observed from the earlier works that the involvement of non-tribes is higher than the other agencies, government and private organisations, NGOs, and the tribes themselves, in grabbing the tribal lands. Land is one of the primary assets of the tribes, hence they come forward to dispose of this asset to meet some urgent expenses. In this context, an attempt has been made to identify the factors attributed more to the extent of alienation.

The last hypothesis brings to focus the issue of land productivity and land alienation. If the tribes possess both wet and dry lands with a significant difference in its productivity, they try to sell or lease out their less productive dry lands first. On the other hand, the stakeholder (moneylender) aims to grab their productive wet lands at first. There is a lobby among these groups, and the final settlement would have been reached, and this depends upon their bargaining strength and their emergency. Studies too have revealed that the non-tribes have tried to occupy the most productive fertile lands rather than the less productive ones. At this juncture, the researcher tries to assess the relationship between the magnitude of land
alienation and productivity of land. Validating this hypothesis may give some clues to arrest the land alienation, which is the primary source of the livelihood of the tribes.

3.5 Methodology

The present study is based on primary data. They have been gathered from the tribes of 8 select villages in the districts of Nilgiris and Salem in the state of Tamil Nadu. A stratified random sampling technique has been employed to identify the districts and villages.

At the first stage, the districts were identified on the basis of concentration of primitive and scheduled tribe population. In conforming to the factor concentration, the primitive tribes of the district of Nilgiris (28373 (4.26%) as per 2001 census) and the scheduled tribes of Salem district (103921 (15.59%) as per 2001 census) have been chosen for selection of land alienated households.

In the next stage, the villages were identified on the basis of their distance to the nearest town / taluk headquarters. Based on the distance, 4 villages viz., Proximity Location (PL) (less than 5 kms), Close Location (CL) (10-15 kms), Distant Location (DL) (15-20 kms), and Remote Location (RL) (above 20 kms) were selected from each district. All these villages have been screened from the District Census Handbooks of 1981 and 1991. Besides, the basic information on these villages also have been compiled from the District Census Handbook of 1981 and 1991.
At the final stage, a complete enumeration was made of all the households affected by alienation. (Earlier, the households had been identified by a pilot survey). The surveyed population varies from village to village. Of the 120 households surveyed in Nilgiris, 55 were drawn from PL village, while 40 were from CL village. There were 7 and 18 households drawn from DL and RL villages respectively. In Salem, the 155 households surveyed were distributed as 22 from PL, 36 from CL, 42 from DL and 55 from the RL villages. The pre-tested interview-schedule was administered to all the 275 listed households.

The survey enabled the researcher to collect specific information on land alienation corresponding to the agricultural year 2001-2002. The land alienation cases have been registered for the period of last over decades. These pieces of information have been obtained from the same households. The researcher had to rely on recall method, for the reason that the usual problems associated with the method would not arise in the case of possession of land and its loss, which is the primary source of income-bearing and social status-giving asset.

3.6 Statistical Tools

To make a comprehensive analysis of the problems of land alienation, the simple percentage analysis, chi-square and Multiple Linear Regression (MLR) models have been used. Chi square test is used to test the association between the factors. The MLR model is applied to trace out the determinants of the magnitude of land alienation.
Sampling

Tamil Nadu

Nilgiris
(Most Primitive Tribal Populated District)

Sample Villages

PL - < 5 Kms
(55 Households)

CL - 10 to 15 Kms
(40 Households)

DL - 15 to 20 Kms
(7 Households)

RL - > 20 Kms
(18 Households)

All the Households Involved in Land Alienation
(120 Households)

Salem
(Most Scheduled Tribal Populated District)

Sample Villages

PL - < 5 Kms
(22 Households)

CL - 10 to 15 Kms
(36 Households)

DL - 15 to 20 Kms
(40 Households)

RL - > 20 Kms
(55 Households)

All the Households Involved in Land Alienation
(155 Households)

Diagram 3.2 Sampling Design
3.7 Concepts and Definition

3.7.1 Alienation

As per the guidelines of Government of India, alienation or transfer would cover not only transfers by sale to a person, but also all kinds of transfers including benami transfers, transfer to wives, plough men, servants, adopted sons or daughters, sons or daughters taken in adoption by non-tribes, transfers through marriage with tribe women, transfer through consent decree, declaratory suits and deeds of surrender or abandonment of executive by a person belonging to ST in favour of non-tribes would also be covered.

Encroachment on the land belonging to a member of ST or his forcible dispossession from it by a person not belonging to STs with or without oral or written contract would also constitute alienation.

3.7.2 Proximity Villages

The villages which are very close to the nearest town / taluk headquarter (within a radius of 5 kilometers) are treated as Proximity Villages (PL). Accordingly the New Kothagiri of Nilgiris and Thalaisolai village of Salem come under this category.

3.7.3 Close Location Villages

Villages which are at a distance of 10 to 15 kilometers to the nearest town / taluk headquarters are treated as Close Location (CL) villages. In the present study, Kollimalai of Nilgiris and Vellakadai of Salem are considered as close location villages.
3.7.4 Distant Location Villages

The villages located at a distance of 15 to 20 kilometers to the nearest town or taluk headquarters are taken as Distant Location (DL) villages. In this study Kunjapanai in Nilgiris, and Paithur in Salem villages are treated as the distant location villages.

3.7.5 Remote Location Villages

The villages, which are above 20 kilometers to the nearest town or taluk headquarters are treated as Remote Location (RL) villages. Under this category, Ithalar of Nilgiris and Aladipatti of Salem district are chosen for the present study.

3.7.6 Form of Land Alienation

Form of land alienation means the way in which the tribal lands are transferred to others. The major forms of land alienation found in the study region are sale, mortgage, lease out, and acquisition.

3.7.7 Agency of Land Alienation

The agencies are those who are getting the tribal lands in any of the forms stated above. The important agencies found in the study region are tribes, non-tribes, and government.

3.7.8 Net Productivity of the Alienated Land

Per acre net productivity of the land has been calculated as per 2002 prices. The information on crops and its prices is gathered from the respondents and it is suitably adjusted to the current prices for comparison. The Rural Price Index Numbers have been used to adjust the prices.
3.7.9 Magnitude of Land Alienation Index

The magnitude of land alienation index is constructed to analyse the association between the factors and also the determinants of the factors. This index facilitates comprising and analysing factors which influence land alienation. This index has been created as following the basic principles of Human Development Index evolved by the UNDP. Accordingly,

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\text{Magnitude Index} = \frac{\text{Actual acres alienated} - \text{Minimum acres alienated}}{\text{Maximum acres alienated} - \text{Minimum acres alienated}}
\]

3.7.10 Limitations

The present study has not crosschecked the extent of alienated lands and their value with land records, corresponding to the land gainers or purchasers. Further, only those who are residing in the villages, after land alienation have been surveyed.