

**ENCROACHMENT OF
COMMUNIDADE
LAND**

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RESEARCH METHODOLOGY

INRODUCTION

Meaning of Research:

The word research is composed of two syllables, re and search. The dictionary defines the former as a prefix meaning again, anew or over again and the latter as a verb meaning, to examine, closely and carefully, to test and to try or to probe. Together they form a noun describing a careful, systematic, patient study and investigation in some field of knowledge to undertake to establish facts or principle or one can also define research as a scientific and systematic search for pertinent information on a specific topic.

1.The Advanced Learner's Dictionary of Current English lays down the meaning of research as a careful investigation or inquiry specially through search for new facts in any branch of knowledge.

2.Burns defines research as a systematic investigation to find answers to a problem.

3.The Encyclopaedia of social science defines research as the manipulation of things, concepts or symbols for the purpose of generalising to extend or verify knowledge, whether that knowledge aids in construction of theory or in practice of an art.

4.Redman and Mory defines research as a systematized effort to gain new knowledge.

Though all these quoted definitions of Research are by different scholars, of different fields of knowledge, giving these definitions at different point of time. But there are something common in all these definitions.

1. Research is a kind of investigation or examination.
2. Research is a purposeful endeavour. There is a purpose in every exercise of research and specially it is called the research problem.

Someone has said, “research is a voyage”. Yes it is a voyage but it is a voyage to reach a particular destination or to search a particular thing in the sea. It is not a voyage to wander in the sea for joy or for adventure.

3. All the above quoted definition emphasise the need of a particular kind of methodology in the conduct of the research.

Meaning of Legal Research: After having brief introduction about research in general as such, let us focus our attention specifically on one specialized type of research, i.e., Legal Research.

Legal research means research in that branch of knowledge which deals with the principles of law and legal institution. The contents of various sources of law (legislation, precedents, custom, juristic writing, etc.) change with the changing requirements of the society and if these changes are not taken into consideration in interpreting the law, the existing law is

deemed to be doomed. Therefore, the aim of the law is to regulate the human behaviour in the present day society and hence, legal research must be directed to the study of the relationship between the world of the law and the world that the law purports to govern.

- (a) finding relevant cases and legislation (primary sources of law) using textbooks, journal articles, encyclopedias and other reference tools (secondary sources of law).
- (b) verifying that the law one has found is still valid and not overruled, repealed or otherwise questioned or criticized

Start your research using secondary sources of law to locate a broad overview or explanation of the law. Then finish your research by consulting and verifying primary sources of law.

- i. **Primary sources of law are:** legislation, case law and decisions of administrative tribunals.

You must consult primary sources since these affect legal rights

- ii. **Secondary sources of law are:** textbooks, journals, encyclopedias, reference or finding tools.

Secondary sources have only persuasive in value and are not binding on courts.

INTRODUCTION OF THE RESEARCH TOPIC

The **Comunidades** of Goa were a form of land association developed in Goa, where land-ownership was collectively held, but controlled by the male descendants of those who claimed to be the founders of the village, who in turn mostly belonged to upper caste groups. Documented by the Portuguese as of 1526, it was the predominated form of landholding in Goa prior to 1961. In form it is similar to many other rural agricultural

peoples' form of landholding, such as that of pre-Spanish Bolivia and the Puebloan peoples now in the Southwestern United States, identified by Karl Marx as the dualism of rural communities: the existence of collective land ownership together with private production on the land.

Members and dividends

Members of the *comunidades* were called *gaonkars*, or *zonnkars* (in Portuguese, *jonoeiros*).

The former were the members of the village, the latter were entitled to *zonn*, or *jono*, which is a dividend paid by the *comunidade* to *gaunkars* and *accionistas*, the holders of *acções* (sing. *acção*), or shares. The system applied equally to agricultural land and to village housing.

Changes over time

Over time and subject to conflicting land ownership and administration systems, the old institutions lost their original characteristics and *comunidades* are now mere societies of rights-holders who are members by birth.

After Portuguese rule ended in Goa in 1961, the village development activities, which were once the preserve of the *comunidades* or more specifically the *gaunkaris*, became entrusted to the gram panchayat, rendering the *gaunkaris* non-functional.

The emergence of private property in land created a new set of socio-economic relationships at the village level, especially the *comunidades* and the *ghar-bhaatt*, the two principal forms of land tenure that came to characterise Portuguese Goa.

The working of the *comunidades* is now tightly controlled by the Goa state government, which supporters of the *comunidade* movement say leaves little scope for them to act as self-governing units.

Limited role

The sole official function of the *comunidades*, currently, is to parcel out their land at government-approved rates. However, supporters of the *comunidade* movement, have been waging a determined, if small, campaign to safeguard what they see as their rights, and continue to fight against the erosion of the *comunidade* system in Goa, by, for example, bringing land ownership lawsuits. In 2004, the Goa Su-Ray Party issued a polemic supporting the *comunidades*.

The Tenancy Act, passed in the 1960s by the government under the leadership of the then Maharashtrawadi Gomantak Party government, extended the rights of the tenants of private landowners to those who rented their lands from the *comunidade*, for the payment of a quit-rent called the *comunidade foro*¹. This has resulted in most field property of the *comunidades* passing into private hands, and erosion of the *comunidades* as a whole.

Thus at present most of *comunidade* land is in the hills, which is either uncultivated or given over to cashew plantations, which typically have usufructs. Such uncultivated *comunidade* land draws squatters² who develop shanty towns.

¹ The *foro* which the *comunidades* were paying to the National Exchequer is now abolished (Legislative Enactment No. 2070)

² A person who settles in or occupies property with no legal claim to the property. A squatter is one who resides on a property to which he or she has no title, right or lease. A squatter may gain adverse possession of the property through involuntary transfer. A property owner who does not use or inspect his or her property for a number of years could lose title to another person who makes a claim to the land, takes possession of the land and uses the land. <http://www.investopedia.com/terms/s/squatter.asp>

In the populous and well-developed central coastal parts of the state, almost all the land that once belonged to the *comunidades* has been taken over by condemnation in direct state government land acquisition, by tenants acquiring fee simple, and by condemnation for industrial parks which pass title to industries.

Typically, no action has been taken by governments against such usurpation: the viewpoint is rather the contrary, namely that *comunidades* should disappear. For example, in Canacona taluka *comunidade* officer who attempted to reclaim occupied *comunidade* lands was transferred away and the demolition of the shanty town stopped.³

³ http://en.wikipedia.org/wiki/Comunidades_of_Goa

The 223 Comunidades of Goa



TISWADI TALUKA (31) Azossim, Bambolim, Batim, Calapur, Caraim, Carambolim, Chimbél, Choroa, Corlim, Cujira, Curca, Ela, Gancim, Gandaulim (comissa), Goa Velha, Goalim-Moula, Goltim, Jua, Malar, Mandur, Mercurim, Morombi-o-grande, Morombi-o-pequeno, Murda, Naroa, Navelim, Neura-o-grande, Neura-o-pequeno, Passo de Ambarim, Talaulim de Santana, Taleigao.

SALCETE TALUKA (37) Aquem, Benaullim, Betalbatim, Calata, Camorlim, Cana, Carmona, Cavelossim, Cavorim, Chandor, Chinchinim, Colva, Curtorim, Davorlim, Deussua, Dicapale, Donculim, Dramapur, Gandaulim, Gonsua, Guirdolim, Loutulim, Macasana, Majorda, Margao, Nagoa, Orlim, Raia, Sarzora, Seraulim, Sernabatim, Sirlim, Telaulim, Utorda, Vanelim, Varca, Verna.

BARDEZ TALUKA (39) Aldona (2), Anjuna, Arpora, Assagao, Assonora, Bastora, Calangute, Camorlim, Canca, Candolim, Colvale, Corlim, Cunchelim, Guirim, Mapusa, Marna, Marra, Moira, Nachinola, Nadora, Nagoa, Nerul, Olaulim, Oxel, Paliem, Parra,

Pilerne, Pirna, Pomburpa, Punola, Revora, Saligao, Sangolda, Siolim, Sirsaim, Serula, Tivim, Ucassaim, Verla.

MORMUGAO TALUKA (14) Arossim, Cansaulim, Chicalim, Chicolna, Cortalim, Cuelim, Dabolim, Issorcim, Mormugao, Pale, Quelossim, Sancoale, Vadem, Velcao.

PONDA TALUKA (28) Adcolna, Bandora, Betora, Betqui, Boma, Borim, Candepar, Candola, Codar, Conxem, Cuncolem, Cundaim, Curti, Marcaim, Nirancal, Orgao, Ponchevadi, Priol, Querim, Queula, Siroda, Talaulim, Tiurem, Vadi, Vagurbem, Velinga, Verem, Volvoi.

BICHOLIM TALUKA (23) Advolpale, Amona, Arvalem, Bordem, Bicholim, Cotombi, Cudnem, Dumaxem, Gangem, Latambarcem, Mencurem, Mulgao, Naroa, Navelim, Pale, Piligao, Pissurlem, Sarvona, Sirigao, Surla, Usgao, Vainguinim, Velguem.

PERNEM TALUKA (12) Agarvaro, Alorna, Arambol, Dargalim, Ibrampur, Mandrem, Morgim, Paliem, Pernem, Tuem, Uguem, Virnora.

QUEPEM TALUKA (24) Molcornem, Ambaulim, Assolda, Avedem, Chaifi, Chic-Xelvona, Cotombi, Curchorem, Cusmane, Quepem, Xelvona, Sirvoi, Vodar, Xeldem, Cacora, Provincia de Bali, Quitol, Naqeri, Bali, Adnem, Fatorpa, Quedem, Canvorem, Pirla.

SANGUEM TALUKA (7) Astagarar, Colomba, Curdi, Netrauli, Nunem, Rivona, Zaqui.

CANACONA TALUKA (7) Canacona, Cola, Gaundongrem, Loliem, Nagorcem-Palolem, Poinguinim, Polem.

OTHERS (3) Ambelim, Assolna, and Velim to be re-established. ⁴

State obligations

The Ex-Portuguese Government was under bilateral Treaty with the *Comunidades* to give administrative *tutelage* to *Comunidades* with respect to the provisions of the Code. The Gaunkars have always considered and accepted the Head of State to be the Supreme Arbitrator to settle all and whatsoever disputes or breach of contract inter alia the *Gaunkars* or the others as the case may be, by contractual obligations. On change of Government rule after liberation, the State continues to be under constitutional obligation to comply with the duty to provide the same *tutelage* and respect the 'Code'. The appointment of the Administrators and other staff by the Head of State (Governor) is on account of a contractual obligation of the State since the beginning of the Portuguese rule in Goa. The Administrator and other staff of the administration are lawfully bound to give timely assistance and compliance to the provisions of the Code. The State has so far failed to provide *administrative tutelage* to *Comunidades* and has committed a breach of obligation. The Gaunkars are subject to pay '*derrama*' (in Portuguese, '*tithes*' in English) to the State for the *tutelage* provided. This *derrama* is coming down from ages when Gaunkars were paying *tithes* to the then kings or rulers for protection of their interests. This contribution had been accepted by the ex-Portuguese rulers in the form of *derrama* to render protection to Gaunkars as was the case under the then kings/rulers. The State [*includes* all organs of the State in terms of Article 12 of the Constitution of India] and its agents, are under fiduciary duty at all times to the Gaunkars.⁵

⁴ <https://sites.google.com/site/comunidadesofgoa/>

⁵ Supra 6

HYPOTHESIS

A hypothesis is a tentative statement which expresses the nature or relationship between two or more variables usually in the form of cause effect relationship. ‘hypo’ means less than or under; and ‘thesis’ means idea or general opinion to be defended by a person and thus “hypothesis” means an idea formed beforehand which has less value than the generally formed view.⁶

Webster’s New International Dictionary of English Language, defines a hypothesis as a proposition, condition or principle which is assumed, perhaps without belief, in order to draw out its logical consequences and by this method to test its accord with facts which are known or may be determined.⁷

The importance of hypothesis can be more specifically stated as under:

- 1) The formulation of hypothesis provides a study with focus. It tells us with specific aspects of a research problem to investigate.
- 2) As it provides direction to research, it tells us what data to collect and what not to collect, thus preventing the review of irrelevant literature and the collection of useless or excess data.
- 3) As it provides a focus, the construction of a hypothesis enhances objectivity in a study.
- 4) A hypothesis serves the function of linking together related facts and information and organizing them into one comprehensible whole.

⁶ Dr. S.R. Myeneni; Legal Research Methodology

⁷ Agrawal Shipra; Legal Research Methodology; First Edition 2003; p. 78

- 5) It may enable us to add to the formulation of theory and help you to bridge the gaps in the body of knowledge.

The characteristic of Hypothesis:

- a) Hypothesis should be capable of verification.
- b) Hypothesis should be simple, specific and conceptually clear.
- c) Hypothesis should be related to the body of knowledge.
- d) Hypothesis should be operationalisable.

TYPES OF HYPOTHESIS

P.V. Young has divided hypothesis into three broad categories:

I. UNIFORM: uniform hypothesis relate to the existence of empirical uniformities.

II. COMPLEX: the complex types are concerned with complex ideal type. They aim at testing the existence of logically desired relationships between empirical uniformities.

III. ANALYTIC: the analytic hypothesis deals with relationship of analytic variables. They are aimed at finding out the relationship between changes in one property leading to changes in another.

Another classification divides Hypothesis into:-

- i. Uni-variable and multi-variable:- uni-variables hypothesis describes only one variable. Multi-variable hypothesis involve two or more than two variables.
- ii. Associational and non associational: - associational hypothesis show association or relationship between two variables. Non associational hypothesis show absence

of relationship or negative relationship between two variables. Non-associational hypothesis are also known as Null Hypothesis.

- iii.** Universal and statistical:- universal hypothesis tell about a phenomena or relationship between variables which is true all the time and at all the places. Statistical hypothesis talk of probability.
- iv.** Temporal and cross-sectional:- a temporal hypothesis is true at a point of time. A cross sectional hypothesis is spelt out as true at the same point in time. Both of them do not imply causality.
- v.** Descriptive, relational, explanatory: in descriptive hypothesis, there exist propositions of descriptions. When a statement describes the relationship between two variables, it is said to be relational hypothesis. In explanatory hypothesis, there are relational propositions which strongly state the existence of cause-effect relation.
- vi.** Working or exploratory and Barren hypothesis:- working hypothesis is a causal relationship between different facts that are formed by way of earlier observation and probability. If the assumed results of a hypothesis does not accept with the natural laws it is known as barren hypothesis.
- vii.** Null hypothesis: - the hypothesis may be classified as hypothesis stating relationship and hypothesis which study the existence of no relationship between variables or null hypothesis. When a hypothesis is constructed stipulating that there is no difference between the two situations, groups, outcomes, on the prevalence of a condition or phenomenon, this is called a null hypothesis. A crude null hypothesis is one which is at low level of abstraction and it does not lead to

higher theoretical research. A refined hypothesis is one which has more significance in research.

- viii. Hypothesis of difference: - a hypothesis in which a researcher stipulates that there will be a difference but does not specify the magnitude is called a hypothesis of difference.
- ix. Hypothesis of point- prevalence: - a hypothesis in which a researcher stipulates that there will be a difference and knows also the magnitude is called a hypothesis of point- prevalence.
- x. Hypothesis of association: any type of hypothesis, including a null hypothesis, can become the basis of an inquiry. When a null hypothesis becomes the basis of an investigation, it becomes a research hypothesis.

SOURCES OF HYPOTHESIS

Goode and Hatt have given the following sources of hypothesis:

- a. A general culture: the general pattern of culture helps not only to formulate a hypothesis, but also to guide its trend.
- b. Scientific theory: theory gives us the basic idea of what has found to be correct and the knowledge of theory leads us to form further generalization and these generalizations form the part of the hypothesis.
- c. Analogies: sometimes a hypothesis is formed from the analogy. A similarity between the phenomenon is observed and hypothesis is formed to test whether the two phenomenon are similar in any other respect.

- d. Personal experience: hypothesis is formulated according to the way in which an individual reacts to culture, science and analogy. The facts will be true but the hypothesis may be formulated when a rightful individual sees it in a rightful perspective.

The researcher has done the following hypothesis:

There is lack of awareness in the Goan community as to the the concept of *comunidades*. It is often misunderstood that the *comunidade* land is the land of state ownership. However it is not the truth. Infact *comunidade* land are collectively owned by the community (gaucarias) for agrarian purposes. And government has mere administrative tutelage over the administration of the *comunidades*. The researcher further submits that it is also because of the corruption rampant in the administrative section of the *comunidade*.

Legal Regime:-

The code of comunidades, Legislative Enactment No. 2070

Codified by the Portuguese

Comunidades were a variant of the system of *gaunkari* system called *gramasantha* that pre-existed the arrival of the Portuguese, but was codified by them. The term *gram* in *gramasantha* refers to the village. *Comunidades* is the Portuguese word for "communities". The *khazan* system of managed wetlands in Goa is an offshoot of the *gaunkari* system, but now quite distinct from the *comunidades*. **CODE OF COMUNIDADES** is a conventional law codified, having its origin in Vedic Indian Jurisprudence and based on the principle of

Hindu Code which in turn is based on *Shrutis* devolved since times immemorial. In addition, every *Comunidade* has its own Private Law based on the particular nature of their locality. The Code of *Comunidades* is declared Public Law vides DIPLOMA LEGISLATIVO No. 2070 dated 15.4.1961 and recognizes that absolute ownership of land lies with the respective *Comunidade*, down to the center of the earth.⁸

The 1933 code has undergone profound changes, as a result of the successive and frequent alterations introduced in it

It is true that many of those alterations have been made by amending the articles of the Code it is none the less true that many others have resulted from the framing of rules which renewed, modified or added the provisions of the Code, without making any reference to those articles.

This has created chaos in the enforcement of different concepts which govern the *comunidades* of Goa, spreading varied legislative enactments, based many a times in divergent views.

Indeed, the many legislative enactments that have altered the provisions of the Code have adhered to the basic principles, compound in provisions settled in it, for in many cases, the solutions adopted amounted to the application of new and different principles, if not actually contradictory, to those that had guided the framing of the Code, to difficulties in harmonizing many other provisions contained in new enactments.

In this way the advantage of having one 'Code of *comunidades*' have lost to a great extent.

⁸ <http://web.archive.org/web/20120719060326/http://www.goa-world.com/goa/comunidades/>

Thus in the new Legislative Enactment⁹ no new changes are introduced for the purpose of revision, as it would lead to more confusion. Instead an attempt has been made to condense the work of revision in one single publication.

SAMPLING DESIGN FOR LEGAL RESEARCH

The primary purpose of the legal research is to discover principle that have universal applications .For this, the data has to be collected and analzed. There are two methods of Data collections

(A) **CENSUS METHOD**:- When the whole area or population is contacted,the method is known as census method . If the size of the units of the study is small one, census method is generally used to collect data.

(B) **SAMPLING METHOD** :-when a small group is selected as representative of the whole, it is known as sample method “it is smaller representative of large whole”.

MERIT S OF SAMPLING:

Saving of time ,less expensive , detail study, administrative convenience, impossibility of use of the census method ,scientific base etc.

DEMERITS OF SAMPLING

⁹ Legislative Enavtment No. 2070

Chances of bias, need of specialized knowledge, difficulties in sticking to sample, less accuracy, impossibilities of sampling.

PROCEDURE TO SELECT SAMPLE

- (i) Preparation of source list
- (ii) Deciding the sample unit
- (iii) Selecting the sampling techniques

TYPES OF SAMPLING

(I) **Probability sampling**:- in this method it is possible to state in advance the probability that any given unit will be included in the sample. Once such a probability model is set up, a mechanical procedure is devised to select elements from the population

(a) **Random Sampling**:- it is the form applied when the method of selection assures each individual or element in universe on equal chance of being chosen. 7 methods of drawing random sample are Lottery method Random numbers, selection from sequential list Grid system etc .

(b) **Systematic Sampling**:- it requires that the population be accurately listed in such a way that each element of the population can be uniquely identified by its order.

(c) **Stratified Random sampling** :- in this method the population is first divided into a number of strata based on same characteristics, such as age, sex, educational level etc. and then a simple random is taken from each stratum and such samples are brought together to form the total sample.

(d) Cluster sampling or sub-sampling:-a sampling procedure in which the sampling unit is a cluster of elements and after selecting a sample clusters, information is collected on each element in the sampled clusters.

(II) **NON PROBABILITY SAMPLING**:-in this technique sample is not based on the probability with which a unit can enter a sample but by other consideration such as common sense, experience, intention and expertise of the sampler. The main defect of such samples is that they are biased samples. The following techniques represent the non-probability sampling.

(III) **QUOTA SAMPLING**:-in this method both stratification and judgment is used. In this type, samples of prefixed size are taken from each stratum of the universe using judgement sampling method.

The researcher for the purpose of its study will use Sampling Method.

METHODS OR TECHNIQUE OF LEGAL STUDIES :-A method is the way of approaching problems. The truth involved in a problem can be found only by following systematic steps. The type of steps to be taken depends largely in the object sought to be achieved and the nature of study. Hence every science has its methodology, so is the legal study. Thus by legal method, we mean 'essential technique of law study'. Technique is different from method. Techniques are merely means and differs as nature of subjects. They are the way of collecting data. Most of the techniques are repetitive and routine and require mechanical skill on the part of researcher. Methods on the other hand related to the research as a whole from beginning to the end. A method stands independently and its nature remains same throughout.

(a) **OBSERVATION METHOD**:-

Observation is an accurate watching and noting of the phenomena as they occur in nature with regard to the cause and effect or mutual relation. In social legal research, one of the most important and extensively used methods is observation. It is both the most primitive and the most modern method of study. Generally, observational techniques are adopted for testing hypotheses where structured methods cannot be employed.

TYPES OF OBSERVATION

- (I) Uncontrolled and controlled observation:-in uncontrolled observation, observation being made in the natural surroundings and the activities are performed in their usual course without being influenced or guided by an external force. The observer visits the place of the occurrence of the phenomenon in order to observe. However, in controlled observation, controls are imposed on the observation or in the objects. The following are a few control devices generally used in the controlled observation:
- (a) Preparation of the detailed observation plan.
 - (b) Use of observational schedule.
 - (c) Use of mechanical appliances like photo, tape recorder etc.
 - (d) Use of hypothesis.
 - (e) Use of socio metric scales.
 - (f) Use of control group.
 - (g) Use of ten observations.

(II) Participants and non participants observation:- in participants observation, the investigator actually participates in the activities of the group under investigations. The researchers associates himself with the group under investigation. Whereas in nonparticipants observation observer does not actually participates in the activities of the group, but simply observes them from distances. In this type although the observer associates himself with the group physically he keeps aloof from its activities which he observes the phenomenon as it occurs passively. They are called as Quasi-participants observation” or “ partial participate observation”.

(III) Structure and unstructured observation:-in sturtered observation the units to be observed are carefully defined, information to be collected is recorded, the source of data is selected and the conditions of observation are standardized. It is used mostly in studies designed to provide systematic descripstion or to test casual hypothesis. Whereas unstructured observation is exactly the opposite of structured observation. In this type of observation, the observer does not know inadavance which aspect of the situation will prove relevant. The observer’s understanding is likely to change as he proceeds.

(IV) Intra-Subjective and intersubjective observation:-the test of intrs-subjectivity is that repeated observationof a constant phenomenon by the same observer will yield constant data while the test of inter-subjectivity consists of finding that repeated observant of constant phenomenon by different observers yield constant data.

(b) INTERVIEW METHOD (SCHEDULE METHOD)

The interview is the oldest and most often used device for obtaining information among the human beings. As a data gathering technique, it is verbal method of securing data. Its is

conversation with the purpose. It is face to face interpersonal role situation in which one person ask the person being interview. Interview may be classified into various types such as structured interview, unstructured interview, and focused interview, repetitive, the clinical interview, the non directive interview and the depth interview.

SCHEDULES:- are used as tools to elicit information in structured interviews. The schedule is the form containing some questions or blank tales which are to be filled by the workers after getting information from the informant. There are various kinds of schedules such as observation schedule, rating schedule, document schedules and interview schedule.

(c) QUESTIONNAIRE METHOD: - questionnaire method is one of the most suitable methods of investigation of socio-legal problems. Tool of questionnaire is used for collecting data from large, diverse, varied and scattered persons from different places. Facts or information about their views. Questionnaires can also be divided into structured and unstructured questionnaires. Structured questionnaires may be further divided into closed form and open end questionnaires.

(d) SURVEY METHOD: - the literal meaning of survey is to see over something from a high place. The term is used for technique of investigation by direct observation of a phenomenon or collection of information. Surveys are categorized into four kinds, they are

- (i) General and specific survey
- (ii) Regular and adhoc survey
- (iii) Preliminary and final survey
- (iv) Census and sample survey

There are basically five types of survey

- (1) Interview survey
- (2) Questionnaire survey
- (3) Telephone survey
- (4) Group survey
- (5) Panel survey

(e) CASE STUDY METHOD: - this study is more suitable for the study of a fewer persons and to find out the root cause for a particular problem. It is the oldest method and was introduced by Friedric Le play in social scientific investigation.

(f) PROTECT TECHNIQUE METHOD

The observation, interview and case study methods depend upon the willingness and participation of the respondents. At times, the respondents may be unwilling to discuss controversial topics. They may not like to express their opinion or views due to fear. To get the desired data under such unfavorable conditions, indirect techniques have been devised. Project technique is one of such indirect techniques of data collection.

(g) CONTENT ANALYSIS

In content analysis, the research procedures involve of books, magazines, newspaper, radio programmes, T.V. serials etc. for analysis and this in turn is used to test hypothesis.

(h) CAUSE AND EFFECT ANALYSIS (CAUSALITY):-

Causality means the principle that nothing can happen without a cause and it is related to the relation of cause and effect. One of the objectives of research is finding the cause for the

existence of the problem. So in this method the researcher has to establish the cause and effect relationship.

The researcher in his study will use observation, questionnaire, interview and case study method.

- a. For the purpose of observation method researcher will visit offices of various comunidades.
- b. For the purpose of questionnaire and interview researcher will consult advocates, attorneys of comunidade, president of comunidade, various members of comunidade and clerks.

The researcher will ask following questions:

1. What methods are taken to control the encroachment of comunidade lands?
2. Is there any inspection carried out to keep a check on such encroachments?
3. If yes, then what is the frequency of such inspection?
4. Do you think that the rise in such encroachments is due to corruption in administrative sections and various other administrations related to the comunidade land?
5. What are the safeguards used to keep a check on such corruptions?
6. What according to you is the main reason for encroachment of such comunidade lands?

DATA COLLECTION

Collection of data is regarded as fascinating phase of research. Through the collection and handling of information, the researcher begins to feel the actual excitement of research. A researcher can either collect the data himself or rely on others for their collected data or information available with them.

A data is what observed, is manifest is phonotypical. Data is socio-legal studies, as in other sciences are based on our sense observations. In data collection, stimuli (questions, tests, pictures or other objects) are presented to the respondent (subject). The stimuli may be classified as systematic stimuli and unsystematic stimuli. By systematic stimuli we mean those that are kept constant while objects are changed. The unsystematic stimuli are those which lack standardization. E.g. questions asked in informal interviews.

The main forms of data collection responses can be presented in the following breakdown table setting.

SETTINGS		RESPONSE	
	Non verbal	Oral verbal	Written verbal
Formal	Participant observation	Conversations	Letter, articles, biographies
Formal unstructured	Systematic observation	Unstructured interview	Open-ended questionnaire
Formal structured	Experiments	Structured interviews	Structured questionnaires

Data collection is related to

- (a) Primary and secondary sources of data
- (b) Census and sampling techniques
- (c) Methods of data collection.

The methods of data collections are:

- (a) Observation schedule
- (b) Interview schedules
- (c) Questionnaires
- (d) Project techniques and case study methods.

(1) PRIMARY AND SECONDARY SOURCES OF DATA COLLECTION

(A)Primary or field source or internal source of data:- it is original information collected for the first time. It is called as internal sources of data as the data is collected directly from the subjects. This primary source can be sub-divided into

(a) Direct primary source:- the researcher personally goes and observes events, things, behaviour, activities and so on. Observation can be of three subtypes:

- (i) Participant observation
- (ii) Non-participant observation
- (iii) Quasi participant observation

Direct observation is the best, but difficult. In some cases, it may be either legally inadmissible or physically impossible.

(b) Indirect primary source: as the researcher cannot observe things which occurred long back, he has needs to contact those persons who have made observations relevant to his research. This can be done through interviews, questionnaire or schedules.

(B) Secondary or external sources of data :-

This information is obtained from outside, either a published source or someone else who has already worked on the subject. They can be broadly divided into two types:

(a) Personal documents which consists of life histories, diaries, letters, memories and

(b) Published documents which come from public bodies, government and private organization. This category also includes Books available in libraries, records, published statistics, reports of newspaper and journals with special report, film, or T.V. programe, tapes and so on.

- The researcher will opt for primary source for data collection by way of interviewing advocates, attorneys of comunidade, president of comunidade, various members of comunidade and clerks.
- The researcher will opt for secondary source by referring to books, articles and reports on comunidades.

ANALISIS AND FINDINGS

After the data been collected, the researcher shifts his attention to their analysis. Analysis of data may be considered as having a reference to the process of viewing the data in the light of

the hypothesis or research question as also the prevailing theories and drawing conclusion that will make some contribution in the matter of theory formulation or modification.

The stages of analysis are:

- (a) Use of non qualified data, determination, formulation, and conceptualization.
- (b) Preparation of tentative classificatory scheme.
- (c) The application of categories to raw data through coding.
- (d) The tabulation of responses
- (e) Statistical analysis of data
- (f) Drawing of inference about casual relation
- (g) Interpretation

(A) STATISTICAL ANALYSIS OF DATA

In order to estimate the reliability of generalizations to the population from the data, statistical methods are useful. The statistical methods that are used to summarize the obtained data are called as descriptive statistics, whereas the statistical methods utilized in making and evaluating generalizations from data are known as sampling statistics.

(B) PICTORIAL ANALYSIS OF DATA

Tabulation of data :- Putting in a tabular form in such a manner that the variables are so arranged so as to enable the application of statistical techniques to them.

- (a) Line graph:- this is a plot of one variable against another in a set of axis (namely X and Y axis) in such a way that the reader gets a pictorial image of the relationship. E.g. To show the growth of cases of cyber crime in recent years.

- (b) Pie chart:- basically used for distribution of entities wherein a subtotal of all constitutes the whole.
- (c) Frequency polygon:- Frequency is founded and it is plotted against the variables in the set of axis.
- (d) Histogram:-a frequency polygon is converted into vertical columns wherein the para of each column represents the size of the disorder, problems etc.

The researcher will adopt line graph for the purpose of showing increase and decrease in the cases of encroachment of comunidade lands and also adopt piie chart for the purpose of showing percentage of methods used to encroach such land.

CONCLUSION

The comunidade lands were the lands which were in possession and ownership of community (gaunkaris) since time immemorial. Later during the regime of the Portuguese such community had to pay a tax that is land revenue to the Portuguese as *foro*, the same reflected in the old code of comunidades, which was then amended by the new legislative enactment number 2070 and such *foro* was abolished. This made it quite evident that such land is not a estate of the state government whereas it isa property of a large community since time immemorial. The role of the state government is only that it has administrative tutelage over the overall administration of the comunidade. It is reflected from the code of comunidade that it has its own administrative structure. Thus the researcher submits that the reason behind encroachment of such comunidade lands is majorly due to corruption in the administration of such comunidade's administrative department.

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