



DEVELOPMENT AND AVAILABILITY OF LAND: EMERGING ISSUES

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ABSTRACT :

World is changing very fast, every passing day new innovations are coming into the society and these are deciding the new directions for society. Now in the globalized era when whole global world has become a global village development has become important destiny for the countries of the world. It becomes the vital objective for the third world countries to keep themselves in pioneer position for the development. For development it is necessary to have basic required infrastructure and these infrastructure can be built only through land. Therefore demand for land has increased manifold and almost third world and developing countries lacks in these basic infrastructures. Government of India has enacted various laws at different point of time to acquire land from peasants after paying adequate compensation and providing other assistance to the farmers. However it is necessary and need of the hour to develop infrastructure for faster development but to fulfill the requirement of land agricultural lands are also being acquired and agricultural land for food are shrinking and these are creating other problems like unemployment for peasants who were once dependent on land and other major environmental problems like climatic change, global warming, deforestation are emerging.

This paper has analyzed the issue of development, scarcity and availability of land in India and problem emerging after deforestation. It also discusses the efforts of government through various provisions in Land Acquisition Act related to acquisition of agricultural land by the government including other emerging issues.

KEYWORDS : Development, Infrastructure, Environment, Government, Land.

INTRODUCTION

India like other countries of world was colony of Britishers for more than 200 years. Before Britishers, many foreign invaders came to the India. They all exploited human and natural resources of country. They left the country after independence in very fragile and miserable condition. However it was time in history when India was considered as most prosperous country across the world but due to those foreign invaders and their exploitative nature country's economic, social and political condition deteriorated.

After independence when India got freedom from the Britishers, Indian government realized the need to develop the country and launched many programmes, policies and schemes for faster development. In view of this to achieve faster development the then government established an independent statutory body named as 'Planning Commission' whose task was to advise the government in formulating policies for all round and inclusive development of India and government started to acquire land for creating essential infrastructure. However, after independence for few decades there

was not much hue and cry against the land acquisition but after early 1980's question were started rising.¹ It is true that there is huge demand and necessity of development and if we want to cope us with fast changing world some essential issues which are rising at the cost of development and are also harmful in the long run cannot be avoided.

REALITY OF LAND AND DEVELOPMENT:-

No one can ignore this fact that development is necessary for each and every society and for these developments there are some pre requisites like any infrastructure can be developed only on the land or earth, and now in this present era ownership of land or piece of earth rests in various entities like individuals, governments and some others entities. While maximum ownership of land in India is possessed by the individuals and peasants and these lands are arable, where agricultural activities are performed. In India maximum peasants cultivate their land for their own sustenance and livelihood and their families are supported with those output obtaining after the farming.

Even after independence when it has passed seven decades but the basic infrastructure for development in country like connectivity of railways to every region, all weather roads connectivity to every home, electricity etc. is still lagging. According to a study, India has better road after Singapore and Japan but only 60 percent of villages have all weather roads connectivity.²

Along with the rail and road infrastructure India needs more housing plan to provide shelter to the urban poor, because every year huge number of youth migrates from village to cities for earning and better life, but due to lack of enough money to afford better home, they temporarily establish their home for short span of time which we generally recognize as 'Jhuggy'. These Jhuggies lacks basic facilities like toilet, bathroom, kitchen etc. Therefor all those basic necessity they do in the open and they add to pollution of cities which causes for various problems and diseases in the urban regions. In this way migration of rural poor youth to the urban is major issue and to provide them home in the urban city is necessary and government should make effort to provide affordable housing in the city. According to a report published in 2010 by Mckinsey Global Institute, in the coming years by 2030 Indian cities will be filled with 590 million people.³

In 21st century, after more than 70 years of independence from colonial powers India is still facing crisis for employment of their youth. For any country without utilizing their human resources in productive way cannot claim to have development. Development in the broader sense constitute of enhancing productive and innovative capabilities of individuals which contributes to better life of people. But it is not reflecting very much similar in present scenario in the country.

Due to huge population and low in literacy rate Indian youth lacks in better employment. It is also true that being more qualified and possessing high qualified degrees, huge numbers of youth are unemployed. Scholars have classified unemployment into various categories but in context of India some are easily identifiable like structural, cyclical, disguised and seasonal unemployment.

Our governments have not been successful in overcoming these unemployment issues even after manydecade of independence. According to latest data on unemployment in the country it has increased manifold. A report published in the daily news revealed that unemployment rate in the last year was worst and it has touched the highest rate of unemployment after 45 year since 1972-73 and it stood at 6.1 percent, further report reveals that unemployment stood at 7.8 percent in urban regions while overall unemployment across the country stood at 5.3 percent.⁴ It means that unemployment rate

¹Ganguly, V.B & C. Shridhar (2016) *Special issue on Land acquisition, Rehabilitation Resettlement in India*, Journal of land and Rural Studies Volume 4 Issue 1 p.1

²Sahoo, P. (2011) Transport Infrastructure in India: Developments, Challenges and Lessons from Japan available on <https://www.ide.go.jp/library/English/Publish/Download/vrf/pdf/465.pdf> accessed on 28/12/2018

³https://economictimes.indiatimes.com/india-in-need-of-a-structured-infrastructure/toshibashow_dp/50867072.cms accessed on 22/03/2019

⁴<https://auto.economictimes.indiatimes.com/news/industry/indias-unemployment-rate-hit-45-year-high-in-2017-18-report67772184> accessed on 22/03/2019

in urban city has increased in comparison to rural regions. Above discussed issues shows that India has to go much far to achieve development and to create basic and important infrastructure.

After independence in the name of public purpose and eminent domain government has acquired huge amounts of lands which were mostly of poor peasants who used to cultivate their lands for their food and sustenance, We knows that India is agriculture dominated country where mostly peoples are dependent on their land and lands denotes the prestige and status of peasant but due to acquisition at large scale peoples and peasants worried about their agricultural land which has been taken by them for non-agricultural purposes.

There has been case of some major land acquisition across country which has created major protest in country and was noticed not in the India only but by the reputed foreigner media also. The peasant, owner of these land were protesting against the move of acquisition of their lands because they were growing crops on that land and was only source for food producing. Some major acquisitions that were faced protest and agitation from the peasants were Nandigram in West Bengal, Maha Mumbai SEZ in Maharashtra, anti Posco agitation in Orissa and Yamuna Expressway in Uttar Pradesh⁵.

However these were land acquisition which were confronted on many issues despite that there has been more land acquisition drive which have acquired thousands of acres of agricultural land but they were not in news because they were paid more than the market value. In recent time previous SP led Uttar Pradesh government built a 302 Kms. long Lucknow- Agra Expressway which was inaugurated on November 2016, acquired huge amount of arable land, although it did not face hurdles because farmers were satisfied with the amount they got in lieu of their agricultural land.⁶ Nevertheless across the country many new projects, factories, industries, institutions have been built after converting agricultural land.

Lands are natural resources and these are different from other resources which cannot be reproduced. It is considerable that lands are limited and it cannot be stretched or increased by any means while population across the globe is increasing at very fast pace and we all know that people do mostly all their activities on land without land no life on earth can be imagined. While population figure in India is much bigger in comparison to other countries of Asia except China, therefore these countries will be more affected by the increasing in population and shrinking size of land holding. However, conversion of agricultural land is not only confined in India alone or its neighbor countries but it has become a global phenomenon across the globe and conversion of agricultural land in developing countries in the name of development and infrastructure construction is very much prevalent.

SIDE EFFECTS OF EXCESSIVE LAND ACQUISITION:-

In the age of technology and internet, it is essential to have basic infrastructure for development. Development is not the things which automatically happen but it requires many pre conditions in which land is considered as crucial. Whether we want to establish factories, companies, ports, airports, highways, roadways or any other infrastructure it require lands and government and private investors are taking away huge amounts of lands for various activities, therefore some very alarming issues are rising before the people.

Shrinking of agricultural land is alarming for future concern. In India we classify the peasants into three different categories in first categories we include those people who have less than 1 acre of land such peasant constitute 35% of the population and in second category we include those who possess between 1 to 2.5 acres of land while in last category we include those who possess more than 2.5 acres of land and it is considerable that there are only 30 % of peasants who have more than 2.5 acre of land.

According a report after 1995-96 the average size of land holding is decreasing from 1.41 hectares to 1.15 hectares; it means that average 30,000 hectares of agricultural land is declining in each

⁵Chakravorty,S. (2013) Price of land Acquisition, Conflict, Consequence, New Delhi: Oxford University Press p.47

⁶<https://www.financialexpress.com/india-news/lucknow-agra-expressway-did-not-face-hurdles-like-manyothers/434064> available on 30 October 2016 accessed on 24 March 2019

year⁷. Due to reducing in size of land holding people employed in the agricultural fields are also abandoning to cultivate the farm, according to a report in 2001 almost 57% of total work force was employed in agriculture while in 2011 it get decreased and stood at 54.61%. In contrast to this population is also increasing with fast pace after 1970s population in India's has touched high rate which are creating issue of unemployment of these people. Increasing population figure has been shown in table below-

Table 1- Increasing population trend in India

Census Year	Population	Decadal Growth of Populatin	(%)	Average Annual Growth Rate (%)
1901	23,83,96,327			
1911	25,20,93,390	1,36,97,063	5.75	0.56
1921	25,13,21,213	-7,72,177	-0.31	-0.03
1931	27,89,77,238	2,76,56,025	11	1.04
1941	31,86,60,580	3,96,83,342	14.22	1.33
1951	36,10,88,090	4,24,27,510	13.31	1.25
1961	43,92,34,771	7,81,46,681	21.64	1.96
1971	54,81,59,652	10,89,24,881	24.8	2.22
1981	68,33,29,097	13,51,69,445	24.66	2.20
1991	84,64,21,039	16,30,91,942	23.87	2.14
2001	1,02,87,37,436	18,23,16,397	21.54	1.95
2011	1,21,01,93,422	18,14,55,986	17.64	1.62

Source⁸: Registrar General Of India (2001)

It is not hidden fact that to fulfill the requirement of development and other associated activity we are neglecting the importance of environment and destroying the forest fluently, when the entire globe is facing climatic problems like global warming, acid rain, seasonal imbalances, depletion of Ozone layer, carbon emission, destroying of forest on land it all may be dangerous for the coming future.

For fulfilling the developmental needs government and private investors are cutting the trees and forest cover. According to a report in the year between 2015-18, a large amount approximately 20,000 hectares of forest land has been acquired by government for various infrastructural necessity like mining, thermal power plants, dams, roads, railways and other works. Government of India puts the data in the parliament and said that approximately 20,314.12 hectares of forest land has been finished during the year of 2015-18.

According to the data published by government it clears that during these years most forest land covering state of India like Madhya Pradesh, Odisha and Telangana has been most affected and among these states Telangana alone lost 5137.38 hectares of forest land while Madhya Pradesh 4093.38 hectares and Odisha 3386.67 hectares of land.⁹

Destroying of forest is serious and huge concern for the society and other living organism. We know that various species of animals, plants and birds grow and habitate in forest and they contribute in the making of atmosphere clear and pleasant for everyone, therefore by cutting trees and destroying forest it leads to the threat for biodiversity conservation and danger to the ecological system. Sreetama and Rajita claimed on the basis of analysis by the Center for Global Development that "If the loss of

⁷DabasM.(2016) "With 30K Hectares Cultivable Land Decreasing Per Year, Food Surplus India Might Become Food Deficient In Future" available on <https://www.indiatimes.com/news/india/with-population-on-the-rise-and-agricultural-land-shrinking-india-might-become-food-deficient-254964.html> accessed on 15/01/2019

⁸https://www.researchgate.net/figure/Population-Growth-in-India-1901-2011_tbl1_235685832 accessed on 23/01/2019

⁹<https://www.indiatimes.com/news/india/in-past-three-years-india-has-lost-forest-land-the-size-of-kolkata-for-infrastructure-projects-360097.html> accessed on 25/03/2019

vegetation continues unabated, forests covering an area nearly the size of India will be destroyed by 2050.”¹⁰

Provisions in the Indian Land Acquisition Acts:-

In India land acquisition was regulated by the old Act enacted by the British government in colonial India. At that time the government's motive was to anyhow acquire the land which was in their interest and at that time land was abundant and on very a few land was cultivated, therefore they do not envisage any provision regarding the acquisition of agricultural land. However that old Act was in practice till the year of 2013 before coming into force of new Act enacted by the UPA led Congress government. However government has acquired huge agricultural land by old Act, after growing protest, agitation and concerns government realized the need to protect food security. UPA led Congress government introduced a new chapter (i.e. Chapter III) in the new law as 'Special provision to safeguard food security'. In this Act it has provisioned that no irrigated multi cropped land shall be acquired. Subsection (2) of chapter III says that multi cropped land shall be acquired only in exceptional cases. Subsection III of the chapter says that if such land has been purchased by the government then comparable area of cultivable wasteland shall be improved for farming purposes. Further subsection III describe that if agricultural land cannot be developed then equivalent amount to the acquired land shall be deposited with the appropriate government consequently they can invest these amount in agriculture for enhancing food security.¹¹ Subsection IV of chapter III says that no acquisition of land should exceed the limit of total net sown area of that district or state.

Although Congress led UPA government passed this Act with great enthusiasm and fervor and made strict provisions regarding acquirement of agricultural land but UPA government could not win in the next Loksabha general election and government faced defeat and new BJP led NDA government come into the power and it tabled a new amendment Bill Land Acquisition Bill 2015 which sought to weaken the Act with favouring corporate and disappointing the land owner in context to acquire agricultural land. In the new proposed bill by the NDA government it dilutes the provision to acquire agricultural land and envisage that for public interest projects government may acquire agricultural land such projects include essential to national security, requirement to defence of India or preparation for defence or defence production, rural infrastructure including electrification, affordable housing and housing for the poor people, industrial corridor set up by the appropriate government, infrastructure projects including projects under public private partnership¹².

CONCLUSION:-

It is obvious that without land no new infrastructure or projects can be imagined and developments are also necessary for developing countries to meet their basic necessity and aspirations. But all these aspirations and necessities cannot be achieved at the cost of other important necessity of all individuals that is food. However India has made appreciable progress in food production and it has become independent to feed their population after 'Green Revolution' in country. But using of agricultural land for non-agricultural use is matter of concern for coming future. However some governments have tried to protect the agricultural land by the laws but these laws have also threat in some special circumstances. Therefore government should enact some concrete and strong legislation against the acquisition of agricultural land and it should promote to development of more agricultural land when any piece of agricultural land will acquire. Government should promote to acquisition of only barren and waste land.

¹⁰Bhaya G.S &Kurup R. (2018) "India's forests are under threat" available on <https://www.aljazeera.com/indepth/opinion/india-forests-threat-180425104442969.html> accessed on 24/03/2019

¹¹<http://www.legislative.gov.in/sites/default/files/A2013-30.pdf> accessed on 24/03/2019

¹²[https://www.prsindia.org/uploads/media/Land%20and%20R%20and%20R/LARR%20\(2nd%20A\)%20Bill,%202015.pdf](https://www.prsindia.org/uploads/media/Land%20and%20R%20and%20R/LARR%20(2nd%20A)%20Bill,%202015.pdf) accessed on 18/07/2018

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