

Land acquisition and its impact on development and displacement

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ABSTRACT

In the context of a resurging and growing economy like India land is the most essential factor for development. While on one hand agriculture is necessary to feed the nation; on the other hand industry is essential to help the nation grow. Land acquisition led to entitlement failure which has not only harmed the deprived individuals but has also put the whole economy of West Bengal in jeopardy. This paper has attempted to analyse the recently passed Land Acquisition Act 2013 and understand the effects of development and displacement on the various sections of the society focussing mainly on the marginal farmers and the landless whose entitlement is seriously threatened. It also attempts to understand the industry agriculture trade off and suggest optimal allocation of land, which should be the outcome of development process and not a means to attain the end goal of development.

Keywords: land acquisition, entitlement failure, agriculture, industry, displacement

SECTION 1

INTRODUCTION

LAND ACQUISITION

Post-independence when India assumed self-rule Pt. Jawaharlal Nehru who was the first Prime Minister of this country had embarked on a process of wide scale industrialisation of the predominantly agriculture oriented country and had announce a slew of industrial projects. Armed with Land Acquisition Act 1894 which was used by the British to expedite land to be acquired for industries and Railways the Union Government went on acquiring forest land, agricultural land pasture land and waste land and built massive industries which were supposed to become pillars of growth for the new country. The act which stated that land was being acquired for “development” projects was enough to justify all kinds of forceful and misguided acquisitions and not much of debate arose around the issues of compensation, rehabilitation of the displaced people and the effects on the social lives of the people displaced.

Post 1991 after liberalisation with reforms in the economy and the banking sector industrialists of the country started investing in large scale industrial and manufacturing projects. India with its population of 1.2 billion people has more than 60% people directly or indirectly associated with the agriculture sector¹. The share of agriculture in the national GDP was around 51.9% in 1950-51, as per data by the CSO (Central Statistics Office). However with changing times India has embarked to a more industrialised economy. As per the latest data it shows that agricultural production has come down around 13.7% according to data released by the Union Agricultural Ministry².

In this shifting of mode of the economy the brunt has been borne by the rural poor including farmers, tribals, minorities whose lands in many cases have been forcefully acquired and not been properly compensated for their loss. This conflict is very evident from the skirmishes between the state and the people which have broken out in Gujarat around the Sardar Sarovar Dam over the Narmada, or the Nuclear power projects like in Koodankulam or Jaitapur or the Vedanta Project in Nyamgiri, Odisha or the debacles of Singur and Nandigram. It was only after this increase in conflict over industrial projects that the Government started questioning the whole concept behind land acquisition and the inherent faults in the process which was causing anguish among the displaced.

In this paper we would attempt to look into the manner in which industrialisation affects the rural economy and tries to analyse how it impacts the displaced. The second objective is to analyse the land Acquisition Rehabilitation and Resettlement Act 2013. The paper would also attempt to understand the impact of land acquisition and industrialisation on marginal farmers and landless agricultural labourers. As a conclusion we would also discuss the agricultural and industry trade off due to forced and flawed land acquisition processes of the Government.

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The rest of the term paper is organised into the following sections.

Section 2 Deals with the review of texts that have been produced by scholars on various issues regarding land acquisition in West Bengal.

Section 3 Deals with data and methodology used for the analysis of the paper.

Section 4 Deals with the process of land acquisition and what it means in the context of industrialisation in the state of West Bengal.

Section 5 Deals with the critical exploration of the Land Acquisition Rehabilitation and Resettlement Act 2013.

Section 6 Deals with graphical representation of the data collected and some correlations.

Section 7 The final section that deals with policy prescriptions and the concluding arguments.

SECTION 2

REVIEW OF LITERATURE

Maitreesh Ghatak in his work on the Land Acquisition Bill: A Critique and a Proposal has criticised heavily the Land Acquisition Act that has been tabled in the Parliament which he has felt to be severely flawed and lopsided (Ghatak [2011]). Ghatak strongly critiques the whole concept of paying the farmers four times the current market rate in rural areas and two times the rate in urban areas. His field work in Singur has taught him the problems in figuring out the correct market value of the land because of under reporting and also cases of illegal land transfers. The author is also talking about the whole notion of replacing property like arable land with bundles of cash. He raises doubt as to the ability of the farmer to efficiently utilise the cash and invest it in proper manner. Moreover the whole idea of land as a collateral value is getting disregarded in this Act. Ghatak also criticises the policy of land in lieu of land, because land being such a scarce resource there is hardly scope for such luxuries in a country like India. Finally he proposes a bidding system of acquisition. Ghatak feels this gives farmers the option to get land in lieu of land or cash in return of land and also give them some agency in their bargaining power with the Government where they can fix their own price for their lands.

Usage of fallow and barren land for industrial purposes can help in the growth of industrial cities and result in development of the people in those areas.

Ghatak argues that compensation provided at market value of the land at that specific time has a major problem in the sense that it fails to take into consideration the security, farming skills and location preferences of the farmers. [Ghatak et.al (2011)]. Therefore mere market rates are not sufficient compensation for landlosers. Secondly the paper talks about the farmers' families being involved in farming as an occupation for generations and they would not be interested in shifting to a different profession. Acquisition also affected the income of the farm labourers. Another important thing is the mode of compensation. The survey indicated that there was also some kind of preference for compensation in terms of land or some other source of income like shops or business ventures etc.

Therefore the author suggests competitive bidding and through auction processes it can be ensured that land is not overvalued which could have helped the Government avoid clash. This paper deals with the whole issue of compensation in the land acquisition process that was undertaken in Singur in West Bengal. The paper is a product of a survey conducted by the researchers in the villages in and around Singur. Households which were affected by land acquisition as well as households which were not; have both been included in the survey. Even those villages, where no land was acquired, were surveyed in order to be able to set a generalised standard across that whole area.

Abhirup Sarkar in this article mainly deals with the various facets of land acquisition and the problems with industrialisation in a state dependent heavily on agriculture. Sarkar, (2007). It suggests means that could help the State to ensure smooth acquisition and a comprehensive industrial policy.

The author says how industrialisation is necessary to ensure economic security of the state. Corporatisation would bring improved food storage, marketing and avoid bottlenecks. However the problem lies in the rehabilitation of displaced farmers and how to attract industries on a state where availability of barren land is a problem. That

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author hopes that industrialisation will improve the land man ratio of the state and encourage people to shift to services and the manufacturing sectors. The Government should ensure the interests of the farmers are protected, but mostly it ends up using its discretionary powers to evict the legal landowners and takes the side of the industry houses. One chapter on rehabilitation and compensation talks about how marginal farmers with small landholdings would always prefer to hold on to the land as it offers security to his family rather than taking money against it and earning 8 percent interest from the bank which would not be sufficient for his family. The author concludes his article with a huge criticism of the Government's pro industry and anti-people stand.

SECTION 3

DATA AND METHODOLOGY

The term paper based on data that has been collected from various sources from online journals, RBI reports and various other Government sources. For data regarding land use and land distribution in the state the paper has drawn upon Government publications like District Statistical Handbook, Statistical Abstract 2008 etc. Some survey reports published in renowned journals like Economic and Political Weekly by eminent scholars have also been relied on.

The paper is mainly exploratory in nature, it is based on tables, charts and diagrams. However we have used simple statistical tools and computed correlation coefficients to get an idea about the effect of land acquisition on marginal farmers, agricultural production, industrial output etc.

SECTION 4

INDUSTRIALISATION AND ITS IMPACT ON THE RURAL ECONOMY

The term land acquisition stands for the process of acquiring private land for some public purpose. Usually it is a process conducted by the Government this land can be transferred to some private or public enterprise for the purpose of development projects like industries, building dams, roads etc. In developing countries with high population and very fertile agricultural lands acquiring of land for industrialisation is a fiercely political and economic issue and has caused series of debates, clashes and problems.

A process of land acquisition is initiated by the Government. After it marks the land that needs to be acquired it needs to release a notification which would be circulated among the owners of that land. This is done either by publishing the circular in the newspaper that is circulated in that area. The notification also invites any kind of objection that people might have with the acquiring process. After a stipulated time frame if the objections are not found to be credible the acquiring process is initiated. However the Government is supposed to pay for the land acquired which is at par with the market rates that are existent at that point of time.

The issue about land acquisition is that it cannot be only measured and calculated in purely economic terms. A village which has been cultivating a chunk of land for generations, if they are asked to vacate it to make way for industrialisation or some other development project then it has very far reaching effects. Firstly, people lose their livelihood and source of income. They usually end up taking up odd jobs at the factory site or try to buy land elsewhere. This can be taken care of by giving them a heavy compensation. Secondly it causes a breakdown of the village social fabric which cannot be easily compensated. The biggest stumbling block for the Government is to resettle and rehabilitate the affected people, it inevitably causes them to lose their original way of life. Thus the whole concept of land acquisition should not be analysed or understood in purely economic terms, but the far reaching socio-political issues should also be analysed and included.

In independent India in a more globalised scenario where human rights and the civil society movement has gained immense pace and momentum taking care of the aspirations and rights of the affected displaced families have become a priority of the Government. It is in these changing times that the old act stands scrapped and has paved way for a new act .This gave birth to the Land Acquisition Rehabilitation and Resettlement Act 2013.

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SECTION 5

UNDERSTANDING THE FACETS OF THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT ACT 2013

- This Act was first introduced in the Parliament in the year 2011 by the UPA 2 under the leadership of PM Manmohan Singh. The Act has been christened Land Acquisition Rehabilitation and Resettlement Act and has been placed to replace Land Acquisition Act 1894. We would attempt to discuss few salient features of the Act.
- This Act would be applicable to all the states of the country except Jammu and Kashmir which enjoys a special status and about acquiring of land for 3 major purposes:
 - For the Government for some public purpose
 - For any Private entity who would use the land for some PPP projects or some other public purpose
 - For a private entity for immediate and declared use.
- Aims to protect the rights of the landlosers those who owned the land as well as the ones who worked on the land as agricultural labourers provided that piece of land was their primary source of livelihood.
- Applicable in cases where acquisition is more than 100 acres in rural areas and 50 acres in urban areas.
- It seems to identify projects for public purpose however the whole definition of public purpose is contested and debated in many cases. In this case the Government has gone ahead to define public purpose in terms of “Infrastructure projects”. Projects that would relate to power generation, transmission, telecommunication, defence, rail, mining, education, health, sports any kind of agro processing units etc. All these projects have to be ratified as public purpose projects by the Central Government.
- the Act stipulates the Government to conduct a social impact assessment of the affected area. This would include all kinds of aspects like assessment of the nature of public interest involved, or how the affected families would be displaced and disturbed or the way the socio economic profile of the area would be affected or extent of common properties to be affected etc.
- This Act has vehemently opposed acquiring of multi cropped land. However if it becomes an exceptional situation where there is no alternative available then the land can be acquired provided it does not exceed 5% of the total multi cropped land in the district. Moreover in such a case an equivalent amount of wasteland needs to be developed simultaneously in a different location.
- The Act deals with the price of the land to be acquired and how to arrive at the price. Firstly to arrive at the price of the demarcated land the Government needs to look into the sale deeds of the lands sold in the neighbouring villages over the last three years. It will then need to take the highest value and multiply it by a certain factor specified in the first schedule. The Collector is responsible for arriving at a certain market price of the land. He/ She has to take into consideration the structures in the land that would be acquired, the standing crops and the trees and other plantations that would be lost due to the acquiring process. For this matter the Collector needs to appoint an agriculturalist or a horticulturalist or an engineer as and when required. After this amount is decided a ‘Solatium’ amount will be arrived at which should be one hundred percent of the previous amount.
- acquiring land when it is for a hydel project or a dam: In such cases all kinds of rehabilitation and monetary compensation should be completed 18 months prior to the submergence of the land. However if the project is for a public purpose and it is a case of an emergency the Government enjoys certain privileges in the acquiring process. In such cases the Government can vest the Collector with the power to acquire land within 30 days of publication of notice even if rehabilitation and resettlement has not been awarded and the project can be initiated. However such kind of an emergency will only arise out of a natural calamity or defence projects. In such cases the Government is deemed to pay 75% more on the market price of the land acquired. The Act also mandates the setting up of a relief and rehabilitation authority under a Commissioner ranked civil servant who would ensure proper implementation of the project and relief to the land losers.
- the Government directs setting up of a National Monitoring Committee for reviewing this implementation of relief and rehabilitation schemes and the formation of a Land Acquisition Resettlement and Rehabilitation Authority. His job would be to preside over the entire acquisition process. This Act has clearly mentioned that no

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State Government can enact another law pertaining to Land acquisition which offers higher compensation or more benefits to the land losers.

SECTION 6

EMPIRICAL FINDINGS: IMPACT OF LAND ACQUISITION ON MARGINAL FARMERS AND LANDLESS AGRICULTURAL LABOURERS

Section 6.1: FARMERS' ENTITLEMENT TO LAND

The analysis of the data across the time period from 1990-91 to 2000-01 shows that there has been a change in the landholding pattern of the farmers in the state. An analysis of the data reveals the following bar graph.

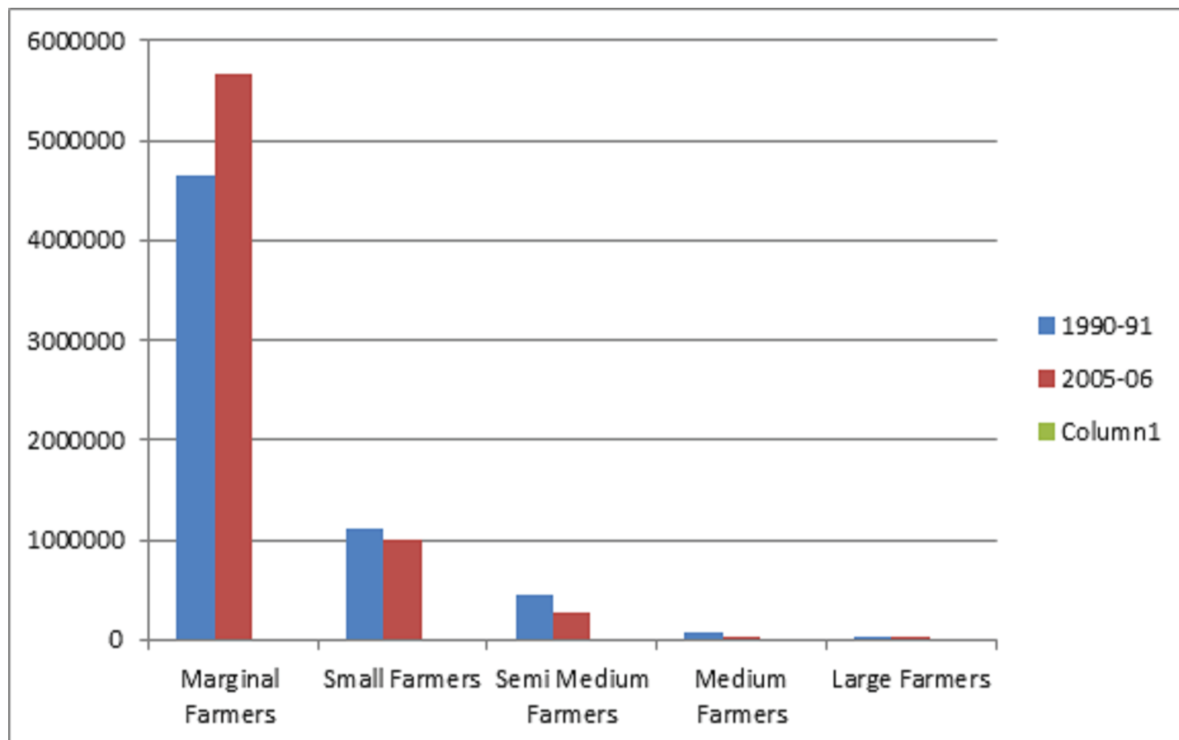


Table 6.1 Showing relationship between farmer's landholdings from 1990-2005.³

A look at the above graph reveals that marginal farmers have increased more than two folds from around 25lacs to somewhere around 56lacs. On the other hand the land holding area for these farmers has increased marginally from around 10lacs hectares to 27lacs hectares. On the other hand the landholding among large farmers have actually fallen from somewhere around 2.3lacs to around 2.2lacs and so has the number of them from more than 3000 to less than 700. This can be attributed to two factors firstly the break-up of land among family members over generations and the other being the implementation of Operation Barga which took surplus land from big farmers and redistributed it among the landless. This has also caused an increase in the number of marginal workers who cannot be dependent on their own landholding and requires additional income for survival. They become workers for others' fields of migrant labourers in the urban centres. Any industrialisation project needs to take into consideration the aspiration of this section of the society. Mindless industrialisation and land acquisition will make them landless and vagrants in the metropolitans. They need proper rehabilitation and resettlement and job opportunities in the industries.

6.2

LAND USE PATTERN IN WEST BENGAL AND INDIA

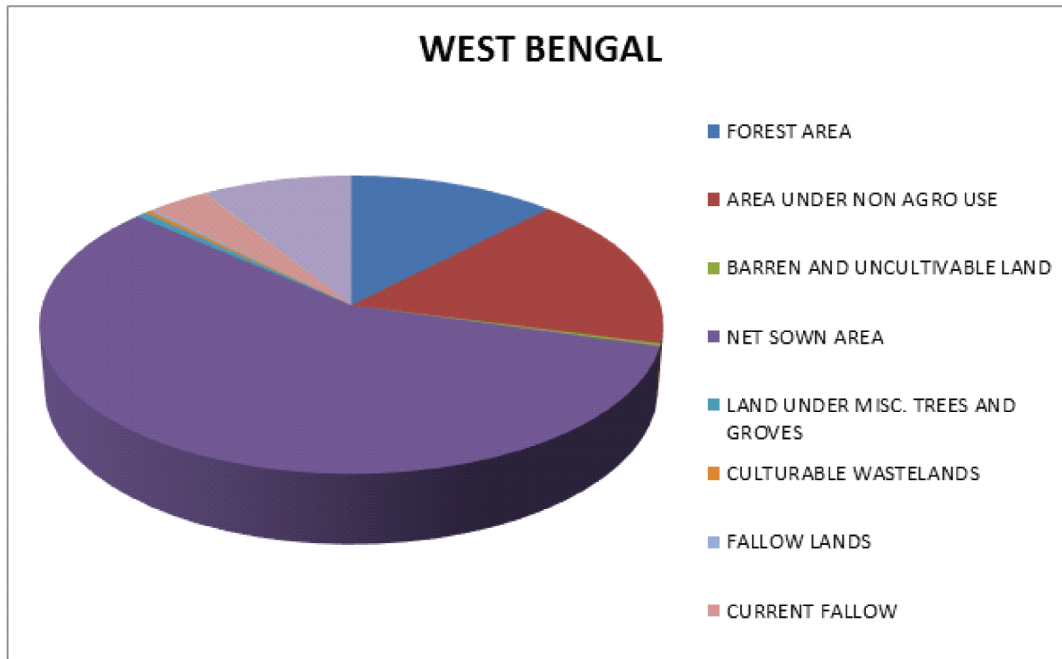


Chart 6.2.1: Land use pattern in West Bengal

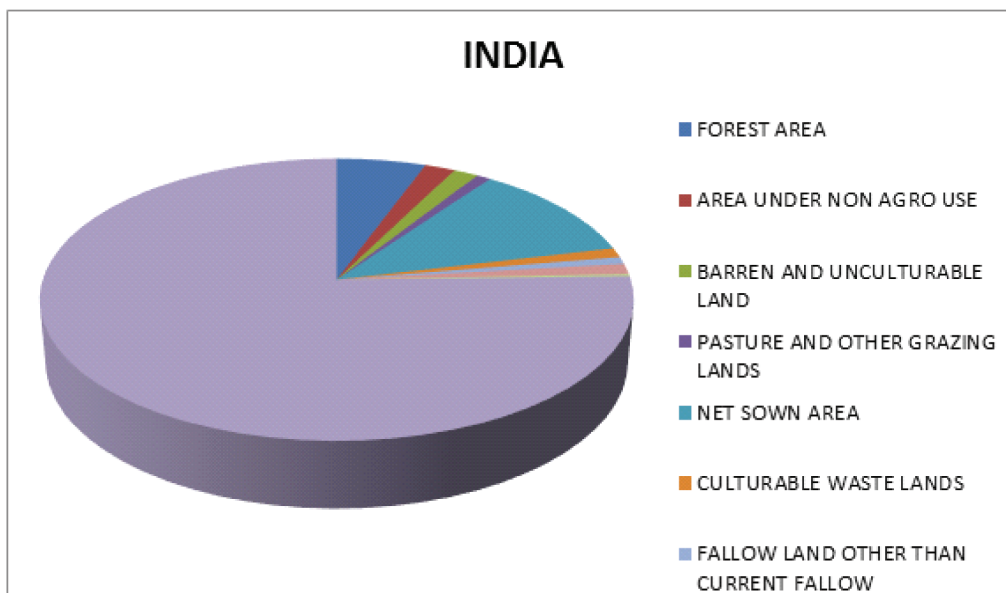


Chart 6.2.2: Land use pattern in India.⁴

The above chart reveals that amount of land under agricultural use in the state is much higher than rest of the country. In India it is around 46% where as in West Bengal 64%. Also the availability of barren land which is ideal for infrastructure and industries is very low. In West Bengal only 0.31% of the land is barren and uncultivable

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mainly in districts of Bankura, Burdwan where infrastructure is dismally bad causing industrialists to stay away from investing in those regions. At the same time land usage for non-agricultural purposes is still higher in West Bengal than the national average. Whereas in rest of the country it is 7.7% in our state it is 18%. This shows the area occupied by traditional industries of the state like Jute, textiles, mining, heavy engineering etc. However the tragedy lies in the improper implementation of reforms and policies which have caused these industries to suffer huge losses. Thus keeping all these mind West Bengal desperately is in the lookout for a comprehensive land use policy, land acquiring mechanism and a robust industrialisation principle which takes into account the aspiration of the masses and also the food production capacity of the state.

6.3

AGRICULTURE AND INDUSTRY GROWTH SCENARIO IN WEST BENGAL

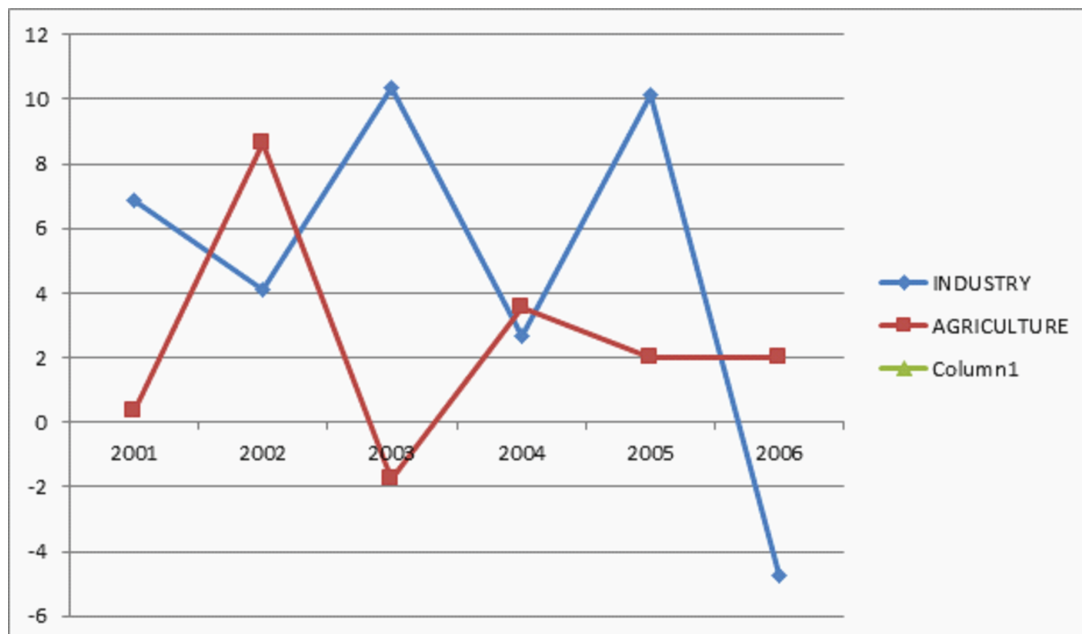


Table 6.3: Comparison of agriculture and industry scenario in West Bengal⁵

The above line graph reveals a very peculiar trend in the state. On the one hand where agriculture has shown a steady growth over the decades industry shows a steep rise with a subsequent sharp fall trend. This is evident of the fact that West Bengal has always lacked in proper management of its industrial resources. With industry being in this kind of doldrums it is never a viable option of livelihood for the marginal farmers. To instill confidence among this group of people the government requires an industrial policy which will be able to secure the lives of the marginalised and also ensure a steady growth of the industry sector.

6.4

By definition, marginal farmers are those whose agricultural landholding is less than 1 hectare. The paper mainly takes marginal farmers (significant variable) into consideration because land acquisition causes the greatest impact on this section of farmers who tend to lose their landholdings and get displaced as industrial workers or urban migrant labourers. The attempt of this paper is to show this link through the following correlations.

INDUSTRIALISATION AND MARGINAL FARMERS

There exists a significant positive correlation between IIP and marginal farmers (refer appendix). With increase in industrialisation followed by increase in land acquisition leads to the conversion of agricultural land into industrial land there is an ever increasing number of marginal farmers. ($r=0.9453$)

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INDUSTRIALISATION AND NET SOWN AREA

There exists a negative correlation between IIP and net sown area (in million hectares) as shown in a table in the appendix. An analysis of the table reveals that with more industries being set up the net cropped area is supposed to go down because of more land getting acquired for industrialisation. ($r=-0.6026$)

INDUSTRIALISATION AND AGRICULTURAL PRODUCTIVITY (YIELD PER HECTARE)

There exists a high positive correlation of 0.8021 which shows that industrialisation is likely to have a favourable effect on agricultural productivity. This shows a trade-off between agriculture and industry. One of the likely reasons for this correlation could be that with increased industrialisation fragmentation of landholding will be reduced hence allowing improved agricultural practices causing an increase in production.⁶

SECTION 7

POLICY PRESCRIPTIONS AND CONCLUSION

Our findings and observations reveal that all is not perfectly balanced regarding the economic state of West Bengal. The faulty administrative policies of the State Government as well as the Union Government have caused large scale displacement, migration, loss of livelihood for the poor and the marginalised. West Bengal in spite of having experienced radical land reforms and 35 years of a pro agricultural Government lags behind in any average Indian growth indicators. It ranks towards the lower end of state rankings in terms of Human development especially in the rural sector. Therefore we sincerely believe it requires some radical policy shifts to improve the situation in this state.

Our analysis of the skewed land man ratio of the state especially with regard to marginal farmers reveals a horribly adverse environment for the rural poor. The poor need access to proper markets as well as storage facilities for their produce. Abhirup Sarkar in his article on Land Acquisition in West Bengal reveals the need for big investment in the rural infrastructure in turn enhancing retail processing. However such big marketing ventures require corporatisation of agriculture which has its own adverse effects on the society. The surplus labour created from these steps should be accommodated in the new industries in the state. Therefore the Government needs to balance investment in agriculture as well as investment in industries. Another important aspect is the fact that West Bengal suffers from huge land crisis. So in order to boost its economy it is bound to convert agricultural land for industrial use. However West Bengal can import products from rest of India selling in return of industrial goods and services. Hence it can be concluded that the only long term solution to Bengal's rural poverty and backwardness is industrialisation, this of course will involve transforming land from agriculture to industrial use but that can hardly be a threat to overall food security of the state. However the absurdly high compensation rates fixed for acquiring agricultural land for industries in the Land Acquisition Act 2011 does not help. It might cause private investors to shy away and look for cheaper alternatives elsewhere. In this case an alternative proposed by Maitresh Ghatak⁷ makes acquisition more people as well as industry friendly. He proposes an auction based method where the landowner fixes the price of the land and negotiates it with the buyer. These incorporations in the Act could have made it more effective.

Another issue is that of creating land banks. The idea of acquiring land in advance at cheaper rates from peasants in order to facilitate speedy acquiring of land for industries is known as land banking. Land banks allow Governments to chart areas lying vacant or already in the possession of the Government. This helps in offering available land to industrialists and encourages them to take possession of land immediately. This was observed in the case of Jindal Steel project in Salboni. In that project land acquisition was done very smoothly because most of the land was already with the Government and the rest of the land was mostly uncultivable. However a detailed and well mapped land bank needs to be created by the State Government to help in the acquisition process.

Thirdly is the issue of displacement and rehabilitation of the people affected by land acquisition. The new act offers a very comprehensive resettlement policy, but in a state like West Bengal where the amount of marginal farmers is huge, special care needs to be taken of this section. It was noted in the Nandigram as well as the Singur episode that the marginal farmers were always against leaving their small landholdings. The sale of such small amount of land would neither offer them a handsome amount of money nor would they get jobs in the factory. Again the Jindal project was innovative in offering shares to these landlosers in the new industry that made the people excited about

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the project and also made them feel a part of it. Such innovative means are required to make the landlosers feel safe and secured. Here we would like to take the cue from Abhirup Sarkar again and argue that the Government needs to dawn a pro-people avatar and bargain for the people against the industries so that the interest of the farmers is not neglected.

Fourthly, following violent protests by farmers over the acquisition of their farmland in West Bengal and other states the Govt. of India put a freeze on SEZs on January 22, 2007. States will no longer be able to compulsorily acquire land for SEZs, 83 SEZs were cleared a comprehensive rehabilitation policy for people displaced by SEZs will be worked out by Govt. The central government stated that first priority should be given to waste and barren land and if necessary to single cropped agricultural land. This would enhance food security.

Finally we would like to conclude this paper talking about the research goals we had started with. The first part of work deals with the analysis of both the Land Acquisition Act of 1894 which has been replaced by the new Land Acquisition Rehabilitation and Resettlement Act 2013. The reasons for the new law has been analysed in the context of the Nandigram incident. Secondly through my observations and collection of data from various sources we have looked at the following things:-

- The data on marginal farmers and their land holdings in the state has shown how they might be affected by an industrialisation drive and my policy prescriptions have aimed at showing how the Government should attempt to secure their rights and interests.
- The data on the state industrialisation situation vis-à-vis agriculture reveals how robust policies are required to ensure a steady growth in the industry sector to make it a viable alternative source of livelihood for the rural displaced and marginalised.
- Through these observations and data we have tried to comprehensively imagine an alternate industrial policy which affects the rural economy in a positive fashion. Rather than creating a pool of landlosers industrialisation needs to create a zone where people would be employed, made stakeholders in the project and help in improving the state GDP.

We believe with the latest Acquisition policy the Government is moving in the right direction towards attaining a harmonious balance of growth for the state.

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APPENDIX

TABLE: 6.1

Farmer's entitlement to land.

	1990-91	2005-06
MARGINAL FARMERS (between 0 and 1.25 acres)	4639055	567488
SMALL FARMERS (1.25 to 2.5 acres)	1107006	1005594
SEMI MEDIUM FARMERS (2.5 to 5 acres)	457150	282767
MEDIUM FARMERS (5 to 10 acres)	79284	27862
LARGE FARMERS (5 acres and above)	1291	652

Source: Statistical Handbook of West Bengal 2008-10.

TABLE 6.2.1

Land Use pattern in West Bengal and India

	WEST BENGAL
FOREST AREA	13.48
AREA UNDER NON AGRICULTURAL USE	18.52
BARREN AND UNCULTIVABLE LAND	0.31
PERMANENT PASTURE AND OTHER GRAZING LANDS	0.06
LAND UNDER MISCELLANEOUS TREES AND GROOVES	0.67
CULTURABLE WASTELANDS	0.4
FALLOW LAND	0.25
CURRENT FALLOW	3.84
NET SOWN AREA	62.89
REPORTED AREA	9.69

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TABLE 6.2.2

Agriculture and industry growth scenario in India

	INDIA
FOREST AREA	22.66
AREA UNDER AGRICULTURAL USE	7.7
BARREN AND UNCULTIVABLE LAND	6.29
PASTURE AND OTHER GRAZING LANDS	3.56
LAND UNDER MISCELLANEOUS TREES AND GROOVES	1.1
CULTURABLE WASTELANDS	4.46
FALLOW LAND OTHER THAN CURRENT FALLOW	3.33
CURRENT FALLOW	4.83
NET SOWN AREA	46.07