

EXCESSIVE CONVERSATION

OF AGRICULTURAL

LAND LEAD TO DECLINE IN

AGRICULTURAL ACTIVITIES

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- **What is Research**

Research means to search or to find out and examine again. This is the very essence of the process of acquiring new knowledge. John W. Best commenting on the “progress” has observed “the of our cultural development has been research, pushing back the area of ignorance by discovering new truths, which in turn, lead to better ways of doing things and better products. “ Research means scientific and systematic re – examination of existing facts or knowledge to ascertain whether the existing conclusion can be verified or not. The dictionary meaning of research is, “a careful investigation or inquiry especially through search for new facts in any branch of knowledge. The encyclopedia of social science defines research as the manipulation of things, concepts or symbols for the purpose of generalizing to extend or verify knowledge, whether that knowledge aids in construction of theory or practice of an art.

These definition points out to the fact that research is original and fundamental contribution to the knowledge on any subject or discipline leading for its advancement.

- **Objective of research**

Among all the creations of the nature human being is the most intelligent being. He is affected a great deal by his surrounding epically the social factors and he obliged, either knowingly or unknowingly, to take decision only after scrutinizing the factors affecting him, but every human being is not possessed of qualities to collect and analyses the factors properly. But any

one serious in understanding and knowing as to how social forces or factors act or behave is supposed to give serious thought to it. A researcher may be academician, a person occupying an administrative position or businessman. If a person is equipped with the ability to analyses the facts, he is in a better position to take an appropriate decision in the areas or field he is engaged in by interpreting and weighing appropriate documents and factors. Every research has its own specific purpose, however, the purpose or objective of research may broadly be classified as follows.

- 1) To familiarize with a phenomenon or to acquire new insight into an existing fact (Exploratory Research).
- 2) To determine the frequency with which something occurs or with which it is associated with something else, (Diagnostic research.
- 3) To portray accurately the characteristic of a particular object, situation or group (Descriptive Research).
- 4) To test a hypothesis of a casual relationship between two object, (Hypothesis testing Research) and
- 5) To separate fact from speculation and wish, (Distinguishing research).

- **What is Hypothesis**

A supposition or proposed explanation made on the basis of limited evidence as a starting point for further investigation.

A scientific hypothesis that survives experimental testing becomes a scientific theory.

- a proposal intended to explain certain facts or observations

- a tentative theory about the natural world; a concept that is not yet verified but that if true would explain certain facts or phenomena; "a scientific hypothesis that survives experimental testing becomes a scientific theory"; "he proposed a fresh theory of alkalis that later was accepted in chemical practices"
- a message expressing an opinion based on incomplete evidence.

- **What is legal research**

‘Legal research’ means research in that branch of knowledge which deals with the principle of law and legal institution. There are three main sources of law i.e. Legislation, precedent and customs. Juristic writing is another important though secondary source of law and their importance is depending on the fact whether it is due recognition by the courts or legislation or jurist in solving problems or not. The contents of these sources of law change with the changing requirements of the society and if these change are not taken into account in interpreting the law is, therefore, to regulate the human behavior 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.

- **Objective of Legal Research**

Law may be termed as behavioral science as it regulates human behavior. It is expressed in the words which are used in a particular context. Whatever be the source of law, it cannot provide remedy for the entire situation and for all the time to come. Change in society demands that law should move with the time if it has to remain alive and active and useful, if it is aware of its lacunae and takes step to overcome it with the passage of time. The object of legal research therefore is to find out lacunae or deficiencies in the existing laws and to suggest suitable measures to eliminate them. If there is an area for which there is no law at all the objective of legal research would be to suggest suitable legislation for the area. But if there is law for that area but due to one reason or the other, it

does not work; its aim would be to suggest reform in the existing law so as to make it workable. Thus the significant of legal research lies in the submission of proposal for reforms in the existing law are it enacted, customary or judicial. However, this should not be the end or the sole objective of legal research. When research is undertaken as a part of the process of law reforms, it is undertaken as a part of the process of law reforms, it is undertaken for making suggestion for improvements in the law on concrete and easily identifiable matters and the formulation of those proposal in precise terms. This is very significant and governing factor in the area of legal research.

Research is an enquiry for the verification of a fresh theory or supplementing prevailing theories by new knowledge. Since every knowledge is the extension of an existing knowledge, no research can be said to be absolutely new. A researcher while undertaking a project for his work possesses much of information about it and while conducting research, he proceeds onward to acquire more information about it and formulates certain hypothesis on the basis. Thus it is continuous process of acquiring knowledge through enquiry into existing laws.

The following may be taken as objective of legal research.

- 1) To discover the new facts.
- 2) To test and verify old facts.
- 3) To analyze the facts in new theoretical framework.
- 4) To examine the consequences of new facts or new principles of law, or judicial decision.
- 5) To develop new legal research tools or apply tools of other disciplines in the area of law.

- 6) To propound a new legal concept.
- 7) To analyze law and legal institution from the point of view of history.
- 8) To examine the nature and scope of new law or legal institution.
- 9) To ascertain the merits and demerits of old law or institution and to give suggestion for a new law or institution on place of old one.
- 10) To ascertain the relationship between legislature and judiciary and to give suggestion as to how one can assist the other in the discharge of one's duties and responsibilities.
- 11) To develop the principle of interpretation for critical examination of statutes.

- **Process of legal or any other research**

1. Evaluative.
2. Explicative.
3. Identificatory.
4. Projective.
5. Collative.
6. Impact analysis.
7. Interactive
8. Interpretative.

- **Kinds of Legal Research**

1. Doctrinal or traditional research.
2. Non- doctrine or empirical research.

- **Other Kind of research**

1. Descriptive and analytical research.
2. Applied and fundamental research.
3. Historical research.
4. Sociological research.
5. Action Research.

George D. Braden : Legal Research : A variations on an old Lament JILI, 1982, Vol 24, Nos. 2,3 &4
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- **Meaning of Agriculture**

The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.

- **Meaning of Agriculture Land.**

Agricultural land denotes the land suitable for agricultural production, both crops and livestock. It is one of the main resources in agriculture.

- **Meaning of Agriculture Activity**

(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock.

(2) Any activity directly related to the cultivation or harvesting of Crops.

- **Meaning of Conversion of Agricultural Land**

All lands are agricultural lands. Except for agriculture purpose, permission is necessary for non agricultural purposes like Residential, Commercial etc. which is known as Land Conversion i.e. changing the status of land from agriculture to Non-agriculture.

- **Stages of Human life and Agriculture**

In Initial period of Human life cycle there was no any difference between the animals and human being both were depending on Nature for their food and lively wood, the evaluation in human life from Stone Age to computer age passed through different stages. The ape man travelled his life through different span of life cycle, where by leading to form the troops leaving system, which lead to necessity of being together then to the evaluation of village system.

The village system and development of social life lead to need of agricultural activities, and the agriculture was the sole mean of earning and livelihood of human being till the Industrial revolution.

The industrial revolution gave birth to two categories of activity in society i.e. Agricultural Activity and Industrial activities. The glitter and flow of money due to industrial revolution tempted most of the people towards industrial activities and related jobs.

Reason for shifting of people from Agricultural activity to Industrial Activities.

(1) Hard work and Less Income

The Agricultural activity requires hard and continues work from first day of cultivation till its harvesting, and no income generation during this period rather expenditure on agricultural activities. If we take an example of a person working in Industrial sector his daily income exceeds 500 rupees per day rather than the person who works in field earns 100 to 150 rupees per day. So also the other benefits of transportation, Medical Expenditure, Insurance, etc. where in the life of worker in agricultural sector is unsecured.

(2) Olden methods of cultivation

India have achieved tremendous growth in all sectors of economy but on the same part it have neglected its foundation, i.e. Agriculture sector, The India`s 75% of population lives in Villages and they are depending on Agricultural activities, This peoples are working hard and giving their best to agricultural activity but their efforts goes in to vain due to related factor like monsoon, flood, famine, etc. So also the agricultural activities are done manually in many part of India, the modern techniques like tractors, Harvesting machines, etc can only be seen in few states of India like Punjab, Haryana and the growth in economy and living status can also be seen in this states, on other part the state like Orissa, Andhra Pradesh are still backward.

(3) Negligence of Government and Lack of Infrastructure

The Government is concentrating more and more on Industrial development and service sector due to its fast revenue earning and exports which help for earning the dollars, and neglecting Agricultural sector, the concern and allotment for the development sector can only be seen if the government is declaring any plan but the same are on paper, If we really interested to grow the agricultural sector then there is need of proper Infrastructure like, Water harvesting by constructing Dams, Harvesting of water at mountain area using rain water by proper storage system by developing lakes or artificial water bodies, etc, so also distributing hybrid seeds, development in other sector like dairy farming, floriculture, etc.

(4) Growth in literacy and trend of white collar jobs

The literacy growth is tremendous in India after Independence and various educational elated plans helped to achieve it, but on the same side the 10th pass or fail person will prefer to work as office attendant rather than to work in his own field due to less hard work and status in society, so also the education provided is of brain drain nature as we follow the Garbage in and Garbage out education methods which do not pay in practical life. If we see the Institute and Universities in India are more interested in educational field like Medical, Engineering, M.B.A, etc but there are few Universities in India which provide education in Agriculture education like Agricultural Science, Agricultural Engineering, M.sc in Fisheries, Veterinary science,

etc. The Goa is the best example of same as we see Goa is a state having longest coast and fishing is the major occupation in the same belt but no any Institute in Goa provide M.sc in Fisheries so also absence of Agricultural science, Veterinary science, etc. for which we have to depend on state like Maharashtra, Madhya Pradesh, Karnataka, etc.

(5) Source of Easy and fast money

The Industrial and service sector is a easy and fast money making source in today's economy, The production Industry and Hotel Industry is fast and easy money making businesses where the youth are concentrating to grab job in same sector, and they are trying to take education in same field and grab the opportunities in same industry rather than agriculture. So also the person working in such industry has more respect in society compare to person working in agricultural sector so people shifts their children if not them self, from agriculture to other fields.

(6) Failure of Law enacted for benefit of people and agricultural sector.

The law like Goa Daman and Diu agricultural tenancy act 1964, is a failure of its prime object of allotting the property or agricultural field to the tenant for transfer of ownership from land lord to actual cultivator, as we see today the people who were given ownership of such land have sold out their land/ property to builders for construction of building or other activities where in main motto of transferring ownership and creating free atmosphere for agricultural cultivation and its enjoyment left apart.

(7) Failure of machineries/ Government Bodies.

The Government bodies like Agricultural Department, Veterinary Department, etc are not performing at the full extent, so also they have bounded themselves in A/C offices rather than reaching practically in fields, there is lack of coordination between Government bodies and farmers due to educational level, hectic formalities of government department. So also the economical problem is the prime issue of farmers where they fall short to utilize the benefits or schemes in initial stage.

(8) The complication in Agricultural Scheme and Law Related to Scheme.

There are many schemes allotted to farmers by government for purchase of machinery, Animals, Equipments, Fencing of property etc. but in other side they are not allotted properly such as the General category person is given subsidy of 75% and Reservation category person if given 90% but in reality of Goa a person belonging to reserve category is having less property compare to general category so utilization of schemes cannot be done by farmers due to rigid formalities of finance and bank in initial stage of loan process and economical background.

(9) Alternate use of Agricultural Land.

The income from agriculture is less and slow process which requires hard works, but in other case if such land are leased or sold to other activities like construction, mining, manufacturing Industry etc. then the income is instant and without any work only,

so this attitude of people lead to sale or leasing of agricultural activities.

(10) The miss use of power and law by politicians and Government Machineries

It is seen people involved in mining and construction lobby contest for elections and once they are elected they try to grab the agricultural or any other type of land for their private or business purpose, In which the government authority or machineries help them to do so, and toll used for such activities is Land and acquisition Act 1894. Sec 6 where the misuse of law can be seen in Noida Case.

Section 6 of Land And Acquisition act 1894

➤ **Section 6:- Declaration that land is required for a public purpose.**

(1) Subject to the provision of Part VII of this Act, [appropriate Government] is satisfied, after considering the report, if any, made under section 5A, sub- section (2)], that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders[and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub- section (I) irrespective of whether one report or different reports has or have been made (wherever required) under section 5A, sub- section (2)]; [Provided that no declaration in respect of any particular land covered by a notification under section 4, sub- section (1)

(i) Published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of three years from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of one year from the date of the publication of the notification:] Provided further that] no such declaration shall

be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority. [Explanation1. - In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub- section (1), is stayed by an order of a Court shall be excluded. Explanation 2.- Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.]

(2) [Every declaration] shall be published in the Official Gazette[and in two daily newspapers circulating in the locality in which the land is situated of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state] the district or other territorial division in which the land is situate, the purpose for which It is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be; and, after making such declaration, the appropriate Government] may acquire the land in manner hereinafter appearing.

What is a Process for Conversation of Agricultural Land?

➤ Section 32. The Goa, Daman and Diu Land Revenue Code, 1968. Procedure for conversion of use of land from one purpose to another

(1) If an occupant of land or a tenant of such land.

(a) Which is assessed or held for the purpose of agriculture wishes to use it for a Non-agricultural purpose, or

(b) Where land is assessed or held for a particular non-agricultural purpose, wishes to use it for another non-agricultural purpose, or

(c) Desires to use it for the same non-agricultural purpose for which it is assessed But in relaxation of any of the conditions imposed at the time of grant of land or Permission for such non-agricultural purpose, such occupant or tenant shall, with Consent of the tenant or, as the case may be, of the occupant, apply to the Collector for Permission in accordance with the form prescribed.

(2) The Collector, on receipt of an application,—

(a) Shall acknowledge the application within seven days;

(b) May, unless the Collector directs otherwise, return the application if it is not Made by the occupant or, as the case may be, the tenant or if the consent of the tenant, Or as the case may be, of the occupant has not been obtained, or if it is not in Accordance with the form prescribed;

(c) May, after due enquiry, either grant the permission on such terms and conditions As he may specify subject to any rules made in this behalf by the Government; or Refuse the permission applied for, if it is necessary so to do to secure the public health,

Safety and convenience or if such use is contrary to any scheme for the planned Development of a village, town or city in force under any law for the time being in Force and in the case of land which is to be used as building sites in order to secure in Addition that the dimensions, arrangement and accessibility of the sites are adequate for The health and convenience of the occupiers or are suitable to the locality; where an Application is rejected, the Collector shall state the reasons in writing of such rejection.

(3) The Collector shall take a decision on the application within a period of sixty Days from the date of receipt of the application and in case of his failure to do so, the Person shall have the right to make an appeal to the Secretary (Revenue) to the Government who shall dispose of the appeal within a period of thirty days from the date Of filing of appeal.

(4) The person to whom permission is granted. 25[] under this section shall inform the Mamlatdar in writing through the village accountant of the date on which the change of User of land commenced, within thirty days from such date.

(5) If the person fails to inform the Mamlatdar within the period specified in Sub-section (4), he shall be liable to pay in addition to the non-agricultural assessment Such fine as the Collector may, subject to rules made in this behalf, direct but not Exceeding five hundred rupees.

(6) When the land is permitted to be used for a non-agricultural purpose, a sanad Shall be granted to the holder thereof in the prescribed form, on payment of fees at the Following rates, namely:—

(i) Personal housing Rs. 20/- per square metre.

(ii) Commercial/Industrial housing

C 1-200 FAR Rs. 100/- per square metre.

C 2-150 FAR Rs. 80/- per square metre.

S 1-100 FAR Rs. 60/- per square metre.

S 2-80 FAR Rs. 40/- per square metre.

I 2-80 FAR Rs. 40/- per square metre.

(iii) Commercial/Industrial housing in Rs. 150/- per square metre.

C1-200 FAR under 'A' class

Municipalities and Coastal Areas.

(b) Commercial/Industrial housing in Rs. 120/- per square metre.

C2-150 FAR under 'A' class

Municipalities and Coastal Areas.

(iv) For any constructions—

(a) In Coastal villages falling within Rs. 150/- per square meter.

500 meters from HTL

(b) Beyond 500 meters from HTL Rs. 80/- per square meter.

Provided that no such fees shall be livable in cases where sanad is granted –

(i) For an area not exceeding two hundred square meters;

(ii) For the purpose of churches, temples, mosques, gurudwaras, sports, hospitals or educational, charitable, cultural or religious institutions.

(7) It shall be lawful for the Collector, either on his own motion or on the application of a person affected by the error to direct at any time the correction of any clerical or arithmetical error in the sanad arising from any accidental slip or omission.

❖ **Comparison of Income from agriculture and from other sector.**

Below is the table of land utilized for agriculture and other sector.

Land Used for Agricultural activity.

<u>Land In Sq. Mtrs.</u>	<u>Amt. Earned Per. Sq. Mtrs. In Cashew Plantation.</u>	<u>Total amount.</u>
1000	1 trees x 1000 = 2000 x 25 tress in 1000 sq. mts.	50000.

Land is sold for Mining / Production Industry.

<u>Land In Sq. Mtrs</u>	<u>Amt. Earned Per. Sq. Mtrs. In Cashew Plantation.</u>	<u>Total amount</u>
1000	100 x 500 = 50000 x 1000 mtrs.	5,00,000.

In the above example we see the person is utilizing the land with him for agriculture purpose but earns short amount in short term.

And in second example he sells it out for other purpose and earns huge amount in short term.

But, if we see this in long term person who utilize the same land for agriculture purpose is in profit for long term as land remains with him and earning is continue.

Where as in case of person who sold the land losses the right on property and earns for smaller period of time/ short span.

- **Alternate source/ sector to Agriculture**

1. Construction/ Property development.
2. Mining sector.
3. Production Industry.
4. Service Sector, etc.

- **Failure in stopping of agricultural land conversion.**

1. No strong rules and regulation to control the conversation of agriculture land.
2. Involvement of politician in construction and property development.
3. Increasing need of land for construction and industrial sector.
4. Lump sum earning of capital/ money from sale of property or lease of property for other sector.
5. Need of land due to increase of population to satisfy their shelter and profession in white collars.
6. Increase in demand of natural resources like iron ore, etc.
7. Migrating of people from village to urban areas for livelihood.
8. Lack of interest by public in agriculture sector.

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Steps to be taken up so that people can be attracted towards agriculture.

1. Providing/ Financing the farmers at cheapest rate of Interest by bank or government.
2. Providing Mechanized cultivation and harvesting system.
3. Direct sale of agriculture product in the market by farmers.
4. Providing better ware house and storage facility especially for perishable goods.
5. Opening new branch of studies in agriculture sector and providing assistance in experiment in various agriculture field.
6. Strong rules and regulation to stop conversation of agriculture land.
7. Promoting the schemes like self help group and contract farming in agricultural work.
8. Strong rules and regulation to acquire barren lands if kept purposely with malified intention of conversation.
9. Providing facility for export of agriculture goods to various countries.
10. Providing fertilizers, pesticide and wee deicide at subsidized rates.
11. Providing support price for agriculture product.

Conclusion

The man's basic needs are food, Shelter and clothing and it was since his development time, but due to industrialization and further development needs and wants increased to car, fully furnished bungalows, other related facility like television, Refrigerator, Air conditioner, etc. and in this race of wants and needs the human being lost his basic needs and started after Industrialization, service sector and forgot about his stomach and food which lead to decrease in agriculture activity and increase in Industrialization where we forgot the real needs. The race of this wants and needs lead human being to concrete jungles and six lane roads and the actual need of food grain and day to day requirement is forgotten where people left the agriculture activity and started after industrialization which lead to hike in the price of food grains and eatable products, secondly the land which was used for the same is converted into concrete jungles. Now it's a time to think of our originaty and concentrate on our basic need so the time may not force us to eat the cement and iron rods for lively wood.

The people should give equal importance to the agriculture activity and respect to the people working in agriculture field so the life can be smooth and balanced.

If we take example of Countries like Holland, Australia, Switzerland, etc the main occupation is agriculture and they are self sufficient and strong in economy so we should open our eyes at this stage and stop this all conversion and decline in agriculture activity and be self sufficient and strong economy, as it is well said that a army cannot fight battle field on empty stomach.

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