



This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Land acquisition Act

Akshatha Prathik

Land acquisition is an essential legal mechanism that enables the state to acquire privately owned land for public purposes while ensuring that affected landowners receive fair compensation and rehabilitation. And also India continues to expand its infrastructure, industrial base, and urban development, the demand of the land has increased significantly. Compulsory acquisition of land often raises concerns regarding property rights, displacement of communities, livelihood and environmental sustainability.

Land is one of the most valuable resources and forms the foundation of economic development, agriculture, industrial, growth, housing and infrastructure. In a rapidly developing country like India, the government frequently requires land for projects such as highways, airports, schools, hospitals, irrigation systems, industrial corridors, renewables energy projects. A legal mechanism is necessary to enable the state to acquire land for projects that serve the large public interest.

The legal process through which the government acquires privately owned land for public purpose is known as land acquisition. This process is based on the doctrine of eminent domain, which recognizes the sovereign power of the state to acquire private property for a public purpose, provided that the acquisition is carried out in accordance with the law and fair compensation is paid to the affected landowners.

Land acquisition is essential for a national development; it often gives rise to disputes because land is more than a financial asset. For many individuals, especially farmers and rural communities, land represents their primary source of livelihood, social identity, culture heritage, and economic security. Consequently, compulsory acquisition may result in displacement, loss of employment.

Land acquisition in India was governed by the Land Acquisition Act, 1894 enacted during British colonial rule. The government, to acquire land for public purposes, was widely criticized for granting excessive power to the state, providing inadequate compensation and failing to recognize the rights and welfare of affected persons. It contained no comprehensive provisions for rehabilitation, resettlement or public participation, leading to widespread dissatisfaction and litigation.

Meaning of Land acquisition

Land acquisition refers to the legal process¹ by which the central government or state government acquires privately owned land for a public purpose after following the procedure

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Act No. 30 of 2013, India Code.

established by law and paying fair compensation to the affected landowners and interested persons.

The acquisition must satisfy three essential conditions:

1. The acquisition must be authorized by law.
2. The affected persons must receive fair compensation and other statutory benefits as prescribed by law.
3. The acquisition must be for a genuine public purpose.

Mian Objectives of the 1894 Act

- To empower the government to acquire private land required for public purposes.
- To establish a legal procedure for compulsory acquisition.
- To provide compensation to landowners whose land was acquired.
- To facilitate railways, roads, defence establishments and other government projects.

Features of the Land Acquisition Act 1894

1. Power of Eminent Domain the act recognize the government authority to acquire private property whenever it considered such acquisition necessary for public purposes.
2. The Acquisition Act 1894 the term public purpose was construction roads, railways, government offices, schools, hospitals, irrigation projects, defence installations, and other public utilities.
3. The acquisition process commenced with a preliminary notification published by the government indicating its intention to acquire specific land.
4. Interested persons were permitted to file objections against the proposed acquisition. The final decision remained entirely with the government limiting the effectiveness of this safeguard.
5. If the government remained satisfied that the land was required for a public purpose it issued a declaration confirmation the acquisition.
6. Compensation was generally calculated based on the market value of the land on the date of notification. Additional statutory benefits were limited compared to the present legal framework.
7. The statutory procedure and payment of compensation the government assumed possession of the land whereupon ownership vested in the state.

The compensation awarded under the Act frequently failed to reflect the actual market value of the acquired land. Agricultural land situated near developing urban areas often appreciated substantially after acquisition, while original land owners received comparatively low compensation.

One of the most significant criticism of the Act was failure to provide rehabilitation and resettlement benefits to displaced families. Although compensation was payable, the legislation did not recognize the need to restore livelihood provide alternative housing effected communities in rebuilding their lives.

The acquisition process was largely administrative with limited public participation. Decision were primarily taken by government authorities without adequate consultation with affected persons.

The Act conferred extensive power upon the government to acquire land, often without obtaining the consent of landowners. This led to allegations of arbitrary acquisition and misuse of authority.

Agricultural communities suffered considerable hardship because fertile agricultural land was acquired without adequate safeguards relating to livelihood, food security or long term economic rehabilitation.

Disputes regarding compensation, valuation of land procedural irregularities, and interpretation of public purpose resulted in prolonged litigation before courts, delaying both development projects and payment of compensation.

Social Impact Assessment ²

One of the major reforms introduced by the 2013 Act is the requirement of a Social Impact Assessment

1. The necessity of acquiring the land.
2. The number of affected families.
3. Economic and social consequences.
4. Environmental impact.
5. Availability of alternative land.
6. Long term public benefits.

Consent Requirements.

The Act introduced mandatory consent in certain cases.

- Private Companies consent of at least 80% of affected landowners.
- Public private partnership project consent of at least 70% of affected landowners.

Compensation

The Act significantly improved compensation compared to the 1894 law.

Compensation is determined based on

- Market value of the land.
- Multiplication factor for rural areas.
- Additional compensation
- Value of assets attached to the land
- Damage caused during acquisition
- Other statutory benefits.

The Land Acquisition Act 1894 was widely criticized for its excessive emphasis on government power and inadequate protection of landowners. Compensation was generally calculated on the basis of market value prevailing on the date of notification, but this often failed to reflect the true economic value of the land particularly in rapidly developing areas where land prices

²The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, provisions relating to Social Impact Assessment, India Code.

increased significantly after acquisition. Social emotional attachment associated with ancestral property. It contained no statutory provision relating housing of income for affected families.

Conclusion

The Rights to Fair Compensation and Transparency in land acquisition Rehabilitation and Resettlement Act, 2013 represents a major reforms in India's land acquisition framework. The land acquisition of 1894 the 2013 Act emphasizes fairness, transparency participation and rehabilitation.

The law seeks to balance the government development need with the rights of landowners and affected families. Through provisions relating to social impact assessment enhanced compensation consent requirement and rehabilitation measures, it aims to make the acquisition process more equitable and accountable.

Although implementation challenges remain, the Act is an important step towards ensuring that infrastructure and economic development do not come at the cost of justice and human dignity effective implementation, timely compensation, and meaningful rehabilitation are essential to achieving the objective of the legislation and fostering inclusive and sustainable development in India.

As India continues to pursue rapid urbanization and industrial growth protecting agricultural land and safeguarding the interests of farmers must remain a national priority. Excessive conversion of fertile agricultural land into non-agricultural use may reduce cultivable land available for future generations and could have long-term implications for food security. Therefore sustainable development requires a balanced approach in which economic progress, environmental protection, and the welfare of farmer are given equal importance. Only through transparent governance, fair implementation of the law and respect for constitution principal can land acquisition contribute to inclusive and sustainable development.