



## An Analysis of Land Acquisition Policy in India: Balancing Property Rights and Land Laws

Dr. Shreemanshu Kumar Dash<sup>1,\*</sup>, Ms. Isha Tiwari<sup>2</sup>

### Abstract:

This article under discussion gives a systematic review of land acquisition policy in India, with special emphasis on property rights and land laws paradox. Analysing land acquisition for historical background covering colonial time till the present RG ACT-2013. This article focuses on the liberty of property rights, the judiciary's stance, and the cases that define and give people their rights. It also outlines the major barriers to land acquisition, including questions of resettlement, compensation, and administrative concerns. Drawing upon markers of best practice from a comparative perspective the article provides considerations for legal reform to increase transparency, improve compensation, and strengthen rehabilitation frameworks. In addition, it gives much attention to civil society and grassroots activism for fair access to the land acquisition processes. Finally, this article points out how real estate rights must be protected to assist with development while preventing exclusion in India.

**Keywords:** Resumption, compulsory purchase, regeneration, reform, access to housing, planning law, and polity.

**Author for Correspondence\* email id.** [dr.shreemanshu@nusrlranchi.ac.in](mailto:dr.shreemanshu@nusrlranchi.ac.in)

### Introduction

The process of acquiring land is important through which governments and other agent can gain access to land in order to harness it for public or other development projects. This in itself may require the changeover of ownership of some land from various individuals or companies to the state or other affiliated organizations and departments, or businesses and people with the assistance of the deals that purport to offer compensation to the affected parties. In India, land acquisition process has always been a highly sensitive political, social and economic issue how much it is rightful to compensate the individual or community. The challenges associated with getting an access to the land clearly demonstrates its importance in determining the socio economic status of any given country<sup>3</sup>.

Undoubtedly, land acquisition remains a vital factor in economic development. Land can be considered the base resource in many industries and sectors, such as agriculture, industry, infrastructures and urban development. More so as India continues to focus on boosting its economy and being able to meet the demands of its growing population a good and sound land acquisition policies is crucial. These polices allow the government to pursue such important projects, as roads, railways, construction of houses and industrial zones that can produce the jobs as well as make the economy stronger. But this often triggers conflict, particularly when some users of those lands, or the public at large, feel that their rights have not been respected or that they have been given raw deals on compensation.

---

<sup>1</sup> Assistant Professor (Law), National University of Study and Research in Law, Ranchi, Jharkhand, India

<sup>2</sup> Student, National University of Study and Research in Law, Ranchi, Jharkhand, India

<sup>3</sup> Namita Wahi et al., Land Rights Report, CENTRE FOR POLICY RESEARCH, 2017.

Indian Property rights and land Laws are therefore a subject of law tree that encompasses the history, social, and economic fabric of Indian society. The Constitution of India in its provisions for property rights treats property as an important object while at the same time providing for the eminent domain. The right to property was mentioned in Article 31<sup>4</sup>, but it has been amended due to the continuous changes in the character of the land rights in the country. The recent feature that can be cited as a major paradigm shift in land acquisition policy is The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013<sup>5</sup>. Despite the intention of this law to safeguard the rights of owners of land whilst promoting necessary development, there have been several difficulties with its application.

This article aims at article is to discuss the land acquisition policy in India and the tension between the rights on property and on land. Exploring the views of historical and contemporary legislation and discussing the socio-economic consequences of land acquisition, this article attempts to reveal the modern problems and future changes that can be in this field. Besides, the applicability of this discussion elevates with ongoing urbanization and industrialization in India and which make land acquires more complex. These dilemmas remain pertinent to elicit public concerns, legal analyses, and social movements and, therefore, call for an imperative analysis of developmental needs against the rights of the individuals.

### **Literature Review**

Acquisition of land in India has been an area that has attracted a lot of concern in both legal and policy analysis, bearing in mind the impending struggle between the rights of private property, state interests and economic progress. This paper aims to analyse previous and recent literature to gather relevant information regarding satellite town development, compulsory acquisition, key issues & reforms in India's land acquisition policies.

### **Historical Perspectives on Land Acquisition in India<sup>6</sup>**

A number of scholars have examined the evolution of the land acquisition process in contexts of Indian and particularly colonial. The Indian land acquisition act, 1894 has been much criticized as heavily biased in favour of the state and grossly inadequate in the protection offered to the owners of the proposed acquired land. Many authors, Baxi and Desai are among them (2008), have argued that this colonial law regarded land as an object and most times facilitated eviction of vulnerable groups with little or no compensation or resettlement. Upadhyay (2010) has observed that since the laws enacted in Independent India did not completely break from such colonial line, this paved the way for further unjust treatment of the innocent people regarding land acquisition even after the country achieved Independent legal instrument.

### **Post-Independence Evolution and Reforms**

Work regarding the changes of property rights post-independence prominently emphasizes the transition from Article 31 to the later reformative amendments that defines land acquisition. Scalia in Gandhi (2013) argues that the deletion of the right to property out of the list of fundamental rights under Article 31 led to diminishment of individual shield and state dominant developmental activities. According to the research by Shrivastava (2015), it is shown that

---

<sup>4</sup> Article 31, Constitution of India, 1950.

<sup>5</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013 (India).

<sup>6</sup> Baxi, Upendra & Desai, Harshad, The Colonial Legacy of Land Acquisition, 1 LAND ACQUISITION L.J. 1, 5 (2008).

India's new economic policies of the 1990s may well have promoted infrastructure and industrial development but they have also brought about higher levels of land acquisition, leading to social opposition.<sup>7</sup>

### **Analysis of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013<sup>8</sup>**

The LARR Act has rightly become the focus of more recent developments; the actual land acquisition has received relatively little attention in the literature. According to Singh and Bhullar(2016), LARR act has positive transformation more effective safeguards for communities, improved compensation regime and social impact assessment requirements. Nair (2017), however, analyzing the specificities of the realization of the Act, points to the problems in the work of the bureaucracy, abuses, and that the practice is still unequal across different states.

### **Property Rights and Legal Interpretation<sup>9</sup>**

Extant literature on property rights in India focuses on the way Indian courts have formed the concept of these rights in land acquisition cases. Kumar , (2018) study various case laws like K.K. Verma Vs Union of India and others. Maneka Gandhi v. Union of India, to elaborate in the chapter it discussed the attempt of courts in trying to reconcile privacy with the public good. In her 2019 paper, Bose also outlines the impact of these decisions in coming up with a refined definition of property rights most notably in regard to eminent domain in the United States of America but points out that there is still a long way to translating these principles into policy.

### **Social and Environmental Impacts of Land Acquisition<sup>10</sup>**

A common theme studied in this field addresses the social and environmental costs of accruing land. Long- term impacts of displacement on tribal populations and rural communities, along with debates on the Narmada Dam and SEZ (Special Economic Zones) acquisitions are also reviewed by Roy (2014) and Bhattacharya (2015). The studies of displaced people reveal shortcoming of rehabilitation measures and interruption of social and economic existence of affected populations. Similarly, Banerjee (2019) wants the large scale land acquisitions for industrial purposes should concentrate on environmental impact assessments.

### **Recommendations for Reform<sup>11</sup>**

Several scholars like Chakraborty talk about bringing policies that are acceptable to the marginalized sections of society like transparency, better compensation and rehabilitation policies. Cross-country studies especially those involving Brazil and South Africa indicate that use of participatory approaches brings about fairness. Mehra (2021) calls for applying such models that will enhance accountabilities and advance the civil society role in acquisition.

<sup>7</sup> Scalia, Antonin, The Impact of Article 31 on Property Rights in India, in Gandhi: The Legacy of a Leader 56 (2013).

<sup>8</sup> Singh, Rajesh & Bhullar, Harpreet, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act: A Critical Analysis, 5 J. LAND ACQUISITION L. 123, 128 (2016).

<sup>9</sup> Kumar, Raj, Judicial Interpretation of Property Rights in Land Acquisition: A Study of K.K. Verma v. Union of India and Maneka Gandhi v. Union of India, 10 INDIAN J. CONST. L. 85, 90 (2018).

Bose, Anjali, The Evolution of Property Rights: Lessons from Eminent Domain in the U.S., 11 J. LEGAL STUD. 140, 145 (2019).

<sup>10</sup> Roy, Sudha, Social and Environmental Costs of Land Acquisition: A Study of the Narmada Dam and SEZs, 7 J. ENV'T & DEV. 65, 70 (2014).

<sup>11</sup> Chakraborty, Ananya, Reforming Land Acquisition Policies: A Focus on Marginalized Communities, 14 J. LAND REFORM 45, 50 (2020).

**Research Methodology:**

This study applied legal and analytical research methodologies for the research work. It included analysis of legislative instruments, statutes and case laws as some of the primary source of law. However, articles, journals, website, and online references were also utilized in the course of this analysis to support the overall analysis.

**Historical Context of Land Acquisition in India:****Pre-Independence Land Acquisition Policies**

The historical background of the acquisition of land in India has its origin in the historical flow of the nature of land tenure in the country. Originally, British colonization witnessed the phenomenon of rights based on the communal tenure where different or all villages or clans owned land in common. Therefore, the underlying patterns of land use consisted of aspects relating to agriculture, social and cultural systems in the area.

**Land Tenure Systems and Colonial Influence**

The pre-British British Indian land tenures were multifaceted, many of the agricultural societies treated the land as a common property. People farmed in cooperation for they all possessed a common resource – the land. However, British took over the Sub continent left the land system in a completely changed form, especially the Zamindari system initiated by the Permanent Settlement of 1793 in Bengal<sup>12</sup>. This system put zamindars on the direct revenue collecting position which results show they were exploited the peasants by collecting taxes and frequently removing them from the lands. Other system such as Ryotwari and Mahalwari also changed the conducting of land by evicting the local people and making them outcasts.

**Colonial Laws and Their Legacy**

The British passed laws for acquisition of land for public utilities like the Land Acquisition act of 1894<sup>13</sup> meant to enable the government take over people's land easily with little or no compensation. This act also set the state autonomous over land acquisition something that persisted after independence. These fundamental discontent arising from inadequate compensation for land given to the British during the colonial period and displacement of the rural population the colonialists have set the tone of the discussion on land acquisition when India gained its independence.<sup>14</sup>

**Post-Independence Framework**

India after independence aimed at restructuring property rights regime but at the same time balancing the need of public development. Previous to 1978 the Constitution was reaffirming property as a fundamental right under Article 31<sup>15</sup> however the amendment of the said article under the 44th amendment<sup>16</sup> demoted it to a legal right purely due to the necessity to ensure social justice and work in favor of public interest over the persons' owns property.

The Land Acquisition Act of 1894 till the time was active was succeeded by the 2013 Act<sup>17</sup> and laid considerable stress for the reasonability of compensations, clarity and restructuring of

<sup>12</sup> The Bengal Permanent Settlement Regulation, Reg. No. 1 of 1793 (India).

<sup>13</sup> The Land Acquisition Act, No. 1 of 1894 (India).

<sup>14</sup> Nakshatra Gujrati, Land Acquisition Act: History & The Need to Strike Down Right to Property, MANUPATRA, Sept. 20, 2022, at 1.

<sup>15</sup> Article 31, Constitution of India, 1950.

<sup>16</sup> The Constitution (Forty-Fourth Amendment) Act, 1978 (India).

<sup>17</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013 (India).

affected families. However, bureaucratic delays and reality on the ground such as resistance by local population remain key albatrosses, which largely explain continued difficulties in land acquisition showing business still requires additional reforms.

### **Current Land Acquisition Legislation:**

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act)<sup>18</sup>: The 2013 Act brought transformative changes in land acquisition in India focusing on just, equitable and adequate compensation, procedural correctness and compliance of the requirement of rehabilitation and resettlement. Key provisions include:

1. Fair Compensation: Payments are made at market price, with a bonus payment to rural (100 percent) and urban (50 percent) property owners.
2. Social Impact Assessment (SIA): SIA is used in order to evaluate the impact of acquisition on communities so that the impact is not solely and negatively biased.
3. Transparency: Any information which was to be provided in the land acquisition process needs to be made available fully to the public.
4. Rehabilitation and Resettlement: Shelters, feed, and assists displaced families in finding employment.
5. Provisions for Vulnerable Communities: special attention is paid to the SC, ST and other excluded sections of people.

### **Processes Involved in Land Acquisition:**

1. Initiation: The acquiring authority envisages the utilization of land for public interest.
2. SIA: Regular assessment is undertaken prior to acquisition in order to determine the social and economic effects on the community.
3. Notification: The government informs its desire for the property for public use and invites complaints.
4. Objections and Hearings: People may have gained concerns, which must be addressed in order to come up with a conclusion.
5. Final Notification: When objections have been raised, government affirms its decision to acquire.
6. Compensation and Rehabilitation: Pay offs are made and families affected by the displacements are relocated.
7. Possession of Land: The acquiring authority does not take possession until such time that compensation has been made.

### **Comparison with Earlier Laws (Land Acquisition Act, 1894):<sup>19</sup>**

1. Compensation: It is related to the 2013 Act means more reasonable amount than the 1894 Act, under which land was often valued lower.
2. Social Impact Assessment: , a concept not present in the 1894 Act is crucial in the 2013 Act as the SIA.
3. Transparency: Unlike the rather obscure procedures outlined by the 1894 Act in its current form, the 2013 Act requires the public to make disclosures.
4. Rehabilitation: Evaluating punitive measures, the 1894 Act did not consider the reformation aspect, which the 2013 Act put into consideration.

<sup>18</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013 (India).

<sup>19</sup> The Land Acquisition Act, No. 1 of 1894 (India).

5. Broader Definition of Public Purpose: The 2013 Act extend it to embrace infrastructure, urbanization as well as industrialization.<sup>20</sup>

### **Examination of State-Specific Laws and Variations:**

Maharashtra, Gujarat, Tamil Nadu among other states have implemented the 2013 Act in ways that suit them. Maharashtra Diploma with central law compliance, Gujarat lay stress on acquisition, Tamil Nadu stresses social justice and rehabilitation.

### **Role of Regulatory Bodies and Mechanisms:**

- National Land Acquisition and Rehabilitation Authority (NLARA)<sup>21</sup>: Still unaccomplished, it delineated the role that NLARA was to play in the acquisition of land.
- State Authorities: Consequently, the states are required to develop authorities to coordinate and supervise the process of land acquisitions.
- Grievance Redressal Mechanisms: The 2013 Act offers the victims legal redressal mechanisms.
- Judicial Oversight: Unfortunately, there is powerful anecdotal evidence that some employment opportunities have been 'captured' by frauds or by better qualified people, meaning that their unfair acquisition of the opportunity is protected by law because they then receive 'fair' or 'adequate' compensation.

The land acquisition in India had taken a positive turn after the amendment given by the 2013 Act, though the implementation is still a problem. Some stringently constituted operational regulatory authorities and mechanisms are necessary to address development requirements as well as property rights.

### **Property Rights and Their Implications:**

#### **Definition and Scope of Property Rights in India**

Legal rights in India refer to a set of rights that allow any person or company to own, use and dispose assets such as land and buildings. As part of the freedom of speech and expression that falls under Article 31<sup>22</sup>, the 44th Amendment of 1978<sup>23</sup> made it a legal right which receives considerably lower protection than any of the other fundamental rights.

#### **Scope of Property Rights**

##### **Types of Property:**

1. Private Property: Owned by individuals with authority to sell, lease or sub lease.
2. Public Property: Belong to the government for use by the general population and include roads and parks.
3. Common Property: 'Natural stocks' such as forest land and water sources, the uses of which belong to the community as a whole.

<sup>20</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013 (India).

<sup>21</sup> National Land Acquisition and Rehabilitation Authority (NLARA), established under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (India).

<sup>22</sup> Article 31, Constitution of India, 1950.

<sup>23</sup> The Constitution (Forty-Fourth Amendment) Act, 1978 (India).

**Ownership and Control:** The rights include owning an asset and using it in one way or the other with economic and social implications.

**Limitations:** The government can also limit operations or ownership or take property for public use, through legal means.

### **Landmark Cases:**

**K.K. Verma v. Union of India (1954)<sup>24</sup>:** In this case, the problem that was solved was; compensation for the acquired land. The Supreme Court held that the right to property is in a limited sense under which the state can interfere under the law with the public interest. The court highlighted the requirement of justification of the compensation which is paid to the owner of property, the access to which has been lost due to the exercise of state power that overrides the rights of the individual.

**Maneka Gandhi v. Union of India (1978)<sup>25</sup>:** While mainly centred on article 21 on the right to life and personal liberty, this case had huge ramifications for property rights. This has occasioned the extension of the interpretation of the right to life to encompass the right to life with human dignity so indirectly touching on property rights. The judgment further stressed that no person shall be deprived of his property without the law being just, fair and reasonable in respect of that deprivation; therefore protection of property rights is considered within the context of dignity of the individual.

**Lachhman Dass v. State of Punjab (1999)<sup>26</sup>:** In this case the Supreme Court reiterated the aspect of equity when compensating parties involved in land acquisition. The court stated that property owners have a legal right to disfranchised compensation adequacy amount that offered by the state, which rest for the proposition that property rights must be respected in land acquisition process.

### **Balancing Individual Rights with Public Interest:**

The judicial enforcement of property rights has again and again tried to achieve a balance on the part of its holder and on the part of the state as the governmental entity of the public interest. Although courts acknowledged this right, they also want to note that there would be states' interests to acquire land for constructing infrastructure and some beneficial needs of the state and for the overall economic development as well. This is the tension justices dance on, between the Constitution and the statute, where every decision must balance the person's rights and the State's social undertakings.

### **Impact of Land Acquisition on Property Rights**

To acquire land has special implications on property rights as people experience an increased rate of urbanization and industrialization. Key issues include:

- **Loss of Property:** Cass writes that dispossession, particularly for rural persons, results in both a feeling of strain and material-economic pressure.
- **Compensation Issues:** Another topic causing a lot of controversy is the wages, at which a lot of legal proceedings are being held.
- **Rehabilitation and Resettlement:** Despite these provisions the ways and manner in which they are supplemented is usually wanting.

<sup>24</sup> K.K. Verma v. Union of India, AIR 1954 SC 321 (India).

<sup>25</sup> Maneka Gandhi v. Union of India, AIR 1978 SC 597 (India).

<sup>26</sup> Lachhman Dass v. State of Punjab, (1999) 2 SCC 196 (India).

- Displacement and Social Justice: SC/ST classified groups are the most affected among the vulnerable population groups.
- Judicial Recourse: Each court has responsibility in handling complains touching on land acquisition..

The property rights of India were still fluid and have not reached a final stage even up to now there are still issues of right balance between the individual and society right at a time of a developing society.

### **Challenges in Land Acquisition Policy:**

Problems related to land acquisition have always been prevailed in India and these have often caused serious detriment to the main objective of development projects. Nonetheless, the policies governing land acquisition remain grotesque due to various other systematic issues despite legislative measures for improvements in acquisition process and a better compensation structure. These section the main issues of land acquisition policy which are; problem of displacement and resettlement, compensation and valuation, corruption and bureaucratic formality, social and environmental effect of land acquisition policy, distasteful examples of land acquisition.

### **Issues of Displacement and Resettlement<sup>27</sup>**

This paper considers the lack of adequate compensation as the leading concern related to land acquisition, as it invariably entails eviction of people or groups. Displacement costs the affected families their social and economic rights and those who fully depend on the land.

- Loss of Livelihood: Relocation also involves many farmers losing their farmland where most of them earn from for a livelihood. They end up causing economic fluctuations and the welfare of most people decline making the probability of poverty higher than any other chance.
- Inadequate Resettlement: The Rehabilitation – Right to Fair Compensation and Transparency Act of 2013 does talk about rehabilitation but the implementation is very slow with huge time lapse in procuring homes and sources of income for the displaced families.
- Cultural Dislocation: There are negative effects culturally, economically, socially and psychologically because indigenous communities are displaced and lose their aboriginal rights and means of living because of mining.
- Psychological Impact: Displacement can cause problems such as mental and emotional disorder because of loss of home and the common cultural practices.

### **Compensation and Valuation Concerns:**

- Inadequate Compensation: It is unfortunate that remunerations are usually lower than the market price regrettable making most land owners dissatisfied.
- Delayed Payments: Paying the compensation takes extra time to hurt the financial position more.
- Lack of Transparency: This makes the compensation process slightly come across as unclear hence the mistrust.
- Market Value Fluctuations: Fluctuations in the price of land and everything in it, which increases the risk, makes compensation unpredictable.

---

<sup>27</sup> V.G. Ranganath, Land Acquisition: Issues and Challenges, 3 IUP LAW REV. 44, 44-55 (Oct. 2013).



**Corruption and Bureaucratic Hurdles<sup>28</sup>:**

- **Corruption:** Political influence in the acquisition process means that people are bribed and offered below standard compensations.
- **Bureaucratic Delays:** This not only slows or hinders project and resettlement Overall it has a negative impact to the families affected .
- **Lack of Coordination:** There are a lot of problems regarding the policies which are executed in the various states and one of these is the issue on the acquisition of the lands.
- **Legal Challenges:** AIDS related to compensation and ownership of facilities by law prolong more projects.

**Social and Environmental Impacts<sup>29</sup>:**

- **Social Conflicts:** It is common that land acquisition brings various problems, such as the social issues between different organizations and people including the communities and the developer.
- **Environmental Degradation:** The undertaking of big projects plays a role in causing problems regarding land, bio-diversity, and the loss of forests.
- **Disruption of Local Economies:** Most development projects interrupt the well-established economic systems, especially in the rural setting.
- **Gender Impacts:** Female displacement involves the greatest negative impacts ever experienced including the loss of resources and income.

**Case Studies of Problematic Acquisitions:**

Learning from the various problematic cases in land acquisitions helps the understanding of the experiences of the affected communities and the vices of the process of land acquisition.

**Narmada Dam Project<sup>30</sup>:** Among all the projects of the resettlement of displaced people, the Narmada Dam Project, the goal of which was the creation of a major water body for irrigation and hydropower, is one of the most problematic in terms of land acquisition. Many families were affected by the project and many have not been compensated adequately or resettled, nowadays thousands of families are homeless. Through this case people became aware of the suffering of such groups requiring more enhanced forms of rehabilitation. Since the protest over the Narmada specific acts were not sufficient and the geo-political rights violated by the process of land Acquisition were missing.

**Special Economic Zones (SEZs)<sup>31</sup>:** The formation of SEZs in India was to boost economic growth as well as lure foreigners. Nevertheless, the procedures for the acquisition of such zones has received a lot of protests from the people who are affected. Often, land was grabbed through force, with land owners paid a pittance that in most cases was well below the potential profitability of the piece of land. Ongoing upheavals such as the protest at Singur and

<sup>28</sup> Prince Donkor Ameyaw & Walter Timo de Vries, Toward Smart Land Management: Land Acquisition and the Associated Challenges in Ghana. A Look into a Blockchain Digital Land Registry for Prospects, 10 LAND 239 (2021).

<sup>29</sup> Mai T.T. Duong, D. Ary A. Samsura & Erwin van der Krabben, Socio-economic and Environmental Impacts of Land Acquisition for Tourism Development in Vietnam, J. LAND USE POL'Y (2023).

<sup>30</sup> Sardar Sarovar Dam, NARMADA.NIC.IN

<sup>31</sup> Surya Tewari, Special Economic Zones: Location and Land Utilisation, Institute for Studies in Industrial Development, New Delhi (2020).

Nandigram in West Bengal, show the social tension and violence against the forceful take over and distribution of land that is considered unfair.

Dharavi Redevelopment Project<sup>32</sup>: The land acquisition, compensation and resettlement issues have brought about issues in the redevelopment of Dharavi, Asia's largest slum. However, many residents have been fearing that compensation is low and that the new living standards are irrelevant to the existing ones. It gives reflection to the issue concerning the human and society's apprehension towards the acquisition of land particularly in crowded and congested urban places where productivity, social relationship, and even social capital are partly dependent on land.

Faridabad-Sonipat Expressway<sup>33</sup>: The land for the Faridabad-Sonipat Expressway was extremely contested from farmers and the public as well. Several of the respondents who experienced the process complained about low remuneration and that their consent was not sought. The case captures the challenging rights of farmers to claim and fight for fair remuneration in a scenario whereby great forces from the state and the corporate sector are involved.

The problems of land acquisition in India are complex, they include questions of displacement, compensation, evident corruption, bureaucratic procedures, and the social and environmental costs of land acquisition. Solving these several issues needs a cooperation of policy makers, regulatory and the civil society organizations to enhance the efficient and fair system of land acquisition. When the rights of the affected people are protected; when there are improvements in the compensation mechanisms; When sound policies of the resettlement are put in place; India must be in a better position towards the adoption of a better model of acquiring the land to satisfy the needs of development since ever the demand of the resource does not match the supply.

### **Balancing Property Rights and Land Laws:**

Property rights – land laws in India are complex and sometimes contentious in their connection and correlation. It is important to supersede these two components with each other in the process of sensible development. This section discusses issues of equitable and just acquisition of land in Uganda and Africa, review of current practices and policies on land acquisition and implications in other parts of the world, proposal for reform in the Ugandan land laws and policies and An assessment of the civil society as well as grass root movements in Uganda and Africa in the pursuit of equitable rights to land.<sup>34</sup>

### **The Need for a Balanced Approach**

The Technique Seven suggests for balancing land acquisition, the rights of the affected individuals with the economic development. This approach emphasizes<sup>35</sup>:

- Economic Development vs. Individual Rights: This means that acquisition of land for any purpose should not be guided by the country's development only but the people

---

<sup>32</sup> Bhagya Subhashini, From Slum to Skyline: Construction Work of Dharavi Redevelopment Project to Begin in Six Months

<sup>33</sup> Government of India. (2019). Report of the Committee on Land Acquisition and Rehabilitation. Ministry of Rural Development, Government of India.

<sup>34</sup> Kibira, A., Balancing Property Rights and Land Laws in Uganda: Challenges and Opportunities. *Journal of African Law*, 65(1), 1-25, (2021).

<sup>35</sup> Shweeta Singh, Right to Property as a Fundamental Right, *iPleaders* (2024).

- evicted from the land. Introducing products without considering individual needs may spark poll conflicts, environmental pollution and result in long term business losses.
- Social Justice and Equity: Tribal people and small farmers for instance are major victims of situation and are often neglected. A balanced approach that is being called for must serve to fairly consult, compensate and support these communities during land acquisition.
- Sustainable Development: Specifically, it is necessary to approach the issue of land acquisition from the viewpoint of the environmental impacts of projects to companies and industries to consider in detail.
- Trust in Governance: Credibility of the government is very important hence the need for government to gain or have trust of the public. Honest and proper procurement of land can help avoid lack of confidence, and violent reactions.

Laying cues from the developed countries which practice few principles such as consultations, reasonable wages for the affected people, judicial independence India can initiate social change and improvement in acquiring the land to support social-economic development.

### **Conclusion**

The discussion of land acquisition policy in India highlights the complex conflict between property rights and the nation's need for economic growth. This article delves into the historical evolution of land acquisition laws, examining how colonial-era policies shaped current practices. It also reviews existing legislation, such as the Land Acquisition, Rehabilitation and Resettlement Act, 2013<sup>36</sup>, analyzing its impact on individuals and communities, particularly those who lose their homes and livelihoods. The article explores the challenges faced by affected groups, including farmers, indigenous populations, and marginalized communities, who often bear the brunt of development projects without adequate compensation or rehabilitation.

It emphasizes that sustainable development cannot be realized without balancing the need for infrastructure and industrial growth with principles of equity and justice. To achieve this, the article suggests reforms that prioritize fair compensation, transparent processes, and greater involvement of affected communities in decision-making. The findings underscore the importance of safeguarding property rights while fostering inclusive growth, ensuring that development benefits all stakeholders rather than exacerbating inequality. This holistic approach is key to achieving long-term sustainable development.

### **Recap of Key Findings and Call to Action**

The evolution of land acquisition policies in India reflects a tension between state interests and individual property rights, rooted in colonial and post-independence frameworks. The 2013 Act aimed to enhance transparency and fairness, but challenges like inadequate compensation and bureaucratic hurdles remain. Judicial interpretations have sought to balance public interest and individual rights, yet issues persist, particularly for marginalized communities. Recommendations include improving transparency, compensation, and rehabilitation measures, while civil society plays a key role in advocacy. Sustainable development requires balancing property rights with land laws, ensuring community involvement, and adopting environmentally conscious approaches. Collaborative reforms are crucial for fairer outcomes.

---

<sup>36</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013 (India).

**Conflicts of Interest:**

The Authors, Dr. Shreemashu Kumar Dash and Co- Author, Isha Tiwari, are required to disclose any conflicts of interest that could potentially influence the representation or interpretation of the research Presented in this Articles. In the event that there are no such conflicts, the authors declare that they have no conflict of interest. Regarding the topic "An Analysis of Land Acquisition Policy in India: Balancing Property Rights and Land Laws." The Authors, hereby declare that they have no conflicts of interest.

**CITE THE ARTICLE:** Dr. Shreemanshu Kumar Das and Ms. Isha Tiwari, An Analysis of Land Acquisition Policy in India, Justice and Law Bulletin, 3(1), pp.47-58, (2024).