



The Shift from the Land Acquisition Act, 1894, to the RFCTLARR Act, 2013

Sai Swethaa R

Department of Law, Chettinad School of Law, Chettinad Academy of Research and Education, Kelambakkam, Tamil Nadu, India

Abstract

The Land Acquisition Act, 1894, was a colonial-era legislation that was criticised for being exploitative, state-centric, arbitrary procedures and inadequate compensation to landowners. It became synonymous with injustice and displacement. It was replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR Act), aiming to be more people-centric and erase coercive procedures. It was sought to correct this historical injustice by embedding principles of transparency, consent and participatory justice. It introduced the key provisions such as Social Impact Assessment (SIA), prior consent of the land owners, compensation up to 4 times the market value and mandatory rehabilitation and resettlement, as the name of the Act itself states. The new Act redefines 'public purpose', 'affected person', etc. The paper critically analyses the shift from the 1894 Act to the 2013 Act and whether the 2013 Act has truly ensured fair procedures, compensation, consent of the affected person and complied with Social Impact Assessment (SIA) while also concentrating on rehabilitation and resettlement of the people. It evaluates the extent to which the Act balances the developmental needs of the nation with the protection of citizens' constitutional right to property. The study concludes that while the 2013 Act represents a paradigm shift from coercive acquisition to a rights-based approach, ensuring its success demands consistent policy commitment, judicial vigilance, and participatory governance at all levels.

Keywords: Land acquisition, fair compensation, rehabilitation, public purpose, social impact assessment, transparency, RFCTLARR Act 2013

Introduction

Objectives

- To examine the deficiencies in the Land Acquisition Act, 1894.
- To analyse major reforms enacted under the RFCTLARR Act, 2013.
- To evaluate the extent to which the 2013 Act ensures fairness and transparency

Literature Review

Maitreesh Ghatak and Parikshit Ghosh (2011) have conducted a study on the topic 'The Land Acquisition Bill: A Critique and a Proposal' and have concluded that Eminent domain is one of the most significant powers of the State, resulting either in development or causing injustice if misused. The Land Acquisition, Rehabilitation and Resettlement Bill, 2011, aimed to reform the colonial Land Acquisition Act, 1894, which had long been exploited by politicians and commercial interests, resulting in unfair land acquisitions. The Bill aimed to ensure fairness, transparency, and protection for affected individuals, but it fell short of striking a balance between economic growth and social equity. Critics argue that better, more participatory models for land conversion could have achieved inclusive development while safeguarding the rights of the poor.

Arnold H.T. Sangma and R Dhivya (2018) have conducted a study on the topic 'A Comparative Study on Land Acquisition Act, 1894 & 2013' and have concluded that the present government has revisited the 1894 Act to address the misuse of the scarce resources. It aims to modernise the process and remove hurdles to infrastructure growth while denying claims of being anti-poor. In spite of rapid development and technological advancement being essential

for India's progress, it is important to respect the agrarian nature. The exemption of key sectors from stringent acquisition rules is a positive step, but the government must also ensure fair and time-linked compensation reflecting real market values.

N Shivani Subbaiah & Jason Shara (2022) have conducted a study on the topic 'Critical Analysis of the Land Acquisition in India' and have concluded that land acquisition in India was controversial, as property owners lose valuable land for public purposes which resulted in the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013. However, despite these improvements, concerns are about the delays and the impact of SIA and consent requirements on development. This study suggests that continuous reforms are needed to balance and the growth of the landowner's rights.

Thimappa (2022) has conducted a study on 'Statutory rights to fair compensation in land acquisition in India: A review', pointing out the issues like accurate market value assessment, timely compensation, and effective rehabilitation measures. The author also suggests that to strengthen fairness and transparency, the market valuation methods to be improved, prompt participation and consultation of affected landowners, and accountable R&R schemes. Collaborative efforts by lawmakers, agencies and stakeholders are essential to create an equitable and sustainable acquisition.

Introduction

Land in India is not only seen as an asset but also as a source of livelihood, identity and dignity for millions. Under the doctrine of eminent domain, the state has the authority to acquire private land for a public purpose, subject to payment

of compensation. Various jurists and statutes have defined land. The following are -

Salmond's definition on Land - "Land includes not only the soil but everything that is attached to the earth, whether by nature or by human hand."

Blackstone (Commentaries on the Laws of England) defined "Land includes not only the face of the earth, but everything under it or over it. It comprehends all things of a permanent, substantial nature; everything which may be regarded as part of the earth."

According to the Land Acquisition Act, 1894, Land includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything connected to the earth.

Land acquisition is the process by which the government acquires private land for public purposes or for projects that serve the larger interests of the public. In short, the transfer of ownership of land from the private to the government for public purposes, such as development, infrastructure, or strategic purposes.

Historically, land acquisition in India was governed by the Land Acquisition Act, 1894, a colonial legislation which guaranteed sweeping rights to the state to acquire land for 'public purpose'

Over time, this Act came to symbolise injustice and a significant transition was made and which resulted in the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013).

The Land Acquisition Act, 1894, was enacted by the British for public purposes like railways, roads, and government buildings. Compensation under the Act was inadequate based on old valuation mechanisms, and with no provision for rehabilitation and resettlement of displaced families. The public purpose was ambiguous, allowing authorities to justify any acquisition.

By recognising these long-standing issues, the GOI introduced the RFCTLARR Act, 2013, marking a historical shift in land acquisition policy. It sought to balance the rights of the affected person, the intended public purpose by implementing principles of fair compensation, transparency, consent, rehabilitation and resettlement (R&R). This transformation not only symbolises a legislative change but also represents good governance by ensuring justice, participation and human dignity.

Eminent domain is the legal theory of government taking power; the power of the sovereign to take or destroy private property for public purpose without the consent of the owner. The term was taken from the legal treatise, *De Jure Belli et Pacis*, written by the Dutch jurist Hugo Grotius in 1625, who used the term *dominium eminens* (Latin for supreme lordship). It is a right inherent in every sovereign to take and appropriate the property belonging to individual citizens for public use. This right, which is described as eminent domain in American Law, is like the power of taxation, an offspring of political necessity, and it is supposed to be based upon implied reservation by Government that private property acquired by its citizens under its protection may be taken or its use controlled for public benefit irrespective of the wishes of the owner (*Chiranjit Lal Chowdhuri Vs. Union of India*) AIR 1951 SC 41 53-54

Overview of the Land Acquisition, 1894

The Land Acquisition Act, 1894, was a colonial-era legislation governing the compulsory acquisition of land in India. Its primary objective was to facilitate the acquisition for railways, roads, irrigation, and industrial development.

▪ Colonial context

The British introduced it to facilitate land acquisition. Aimed to support economic and administrative spread under their rule in the year 1894. It was aimed to introduce a uniform procedure for acquisition, to empower the acquisition of land for public purposes. It lays down notification, inquiry, compensation and appeal.

▪ Purpose and objective

It was mainly implemented to ensure a uniform and fair procedure for public purposes. But did not focus on the after-effects of the displaced people.

▪ Provision for landowners

The landowners, in return for their land acquired, gained compensation, but it was valued using an outdated valuation process and favoured the government over the public who suffered.

▪ Foundation for future laws

This LAA, 1894 formed as a base for the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013). Its shortcoming was the reason for the enactment of this new Act.

1. Functioning of the Act

The Act lays out several procedural steps that had to be followed for acquiring land for public purpose. Although it is in structure on theoretical way, it is heavily tilted in favour of the government. The Act had attracted trenchant criticism as it was defective legislation with major shortcomings in the name of being a welfare provision. The following illustrate the procedural design of the Act;

▪ Section 4 - Publication of Preliminary Notification and Powers of Officers

When the government believes that any land is needed for public purpose, it must publish a notification in 2 daily newspapers where at least one of them is in regional language, and in the gazette. The collector also gives public notice of the notification's substance. The date of publication is taken as the latest date among the Gazette, newspapers, and public notices.

The powers of the officers after notification include entering and surveying, digging or boring into the subsoil, performing any acts necessary to determine whether this land is suitable for the intended purpose and setting boundaries using marks and trenches.

▪ Section 5A – Hearing of the objections.

Any interested person in the land notified under section 4(1) may file an objection to the acquisition. It shall be submitted to the collector within 30 days from the date of publication of the notification.

The objector shall be allowed to be heard by the collector. The collector shall also conduct an inquiry and prepare the

report containing recommendations and a record of the proceedings.

▪ **Section 6 – Declaration that Land is Required for a Public Purpose**

After considering the collector's report, if the appropriate government is satisfied that the land is needed for a public purpose, it may issue a declaration. The declaration must be signed by a Secretary or an authorised officer, and can be issued separately for different parcels of land covered under the same Section 4 notification.

Every declaration must be published in the Official Gazette and in two daily newspapers (one in the regional language). The Collector must also give public notice in the locality. The date of publication is the latest of the Gazette, newspapers, or public notice.

The declaration must state:

- The district or area,
- The purpose for which land is needed,
- The approximate area, and
- Where the land plan (if prepared) may be inspected.

Compensation (Section 23)

The compensation is the market value of the land on the date of publication of the section 4(1). Compensation is paid for damaging crops and trees, Damage caused by the acquisition affecting other property or the livelihood of the owner and Reasonable expenses incurred if the person is compelled to relocate due to the acquisition. 30% of the market value is paid as solatium, recognising the compulsory nature of acquisition.

2. Shortcomings of the Land Acquisition Act, 1894

However, while efficiency in quick procurement of land was the hallmark of the legislation, dissatisfaction veered around its unfair implementation and inherent prejudice against the landowners. The issues emerging from the implementation of the LAA, 1894 were aptly captured more than forty years ago by the Land Acquisition Review Committee. The Committee consisting of Members of Parliament and nominees of the state governments was set up by GOI in 1967 to examine the entire framework of LAA, 1894 and its administration and to suggest improvement in its working.

a. Vague definition of 'public purpose'

The term 'public purpose', which was defined in section 3(f) of the Act, was vague, unclear, and allowed arbitrary acquisition by the government even for projects benefiting private companies. The court, over the years, expansively and also permitted the acquisition of private companies when it was beneficial to the public, which resulted in the misuse and fraud.

b. Lack of consent from land owners

Consent was never a procedure in this Act. Land was acquired compulsorily without consulting the people whose livelihoods were dependent. The act did not define the term 'affected family'. it only considered the landowners.

c. Inadequate compensation

This Act, unlike the RTFCTLARR, 2013, did not compensate the landowners fairly. The valuation was based

on old valuations. It did not consider the development of the land, loss of livelihood of the families dependents on the land, etc. Courts, such as in *Udho Dass v. State of Haryana* (2010) 12 SCC 51, recognized that compensation failed to match rapid increases in land prices.

d. Procedural delay and lack of transparency

Procedural delay and lack of transparency were the greatest problems in the LAA,1894. Notification, objections, hearings, appeals and awards took years to complete, leaving the landowners in a confused state about their livelihood. The affected people were rarely informed about their situation, compensation, calculation of such compensation, which led to the lack of transparency and only benefited the state. There is no procedural fairness in the land acquisition process.

e. No provision for rehabilitation and resettlement

The provision for rehabilitation and resettlement was the most neglected in the Act. It treated the land acquisition as a financially driven motive, focusing solely on monetary compensation for the property acquired. This resulted in leaving the affected people homeless and jobless to support their livelihood.

f. Excessive government power

The Act in question was state-centric rather than people-centric, which did not protect the public. Any land acquired in the name of 'public purpose' by the government was unchallengeable. It was compulsory, absolute and non-negotiable. Judicial intervention was very limited. People's opinion was not considered. This concentration of power was misused.

g. Social injustice and displacement

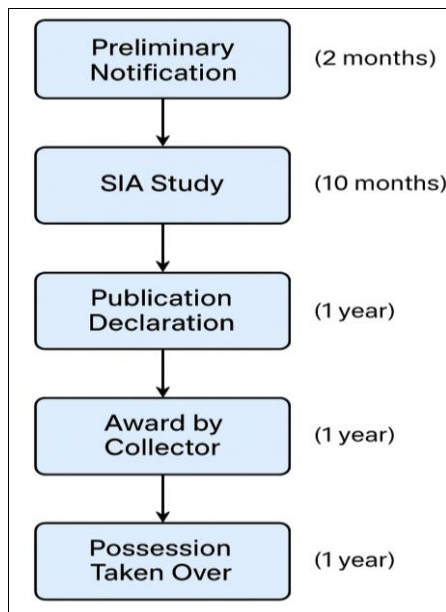
The Land Acquisition Act, being an act for acquiring land for public purposes, failed to protect its own people. It caused injustice to farmers, marginalised communities and tribals. The forced displacement without fair compensation is indeed an injustice to society. This led to the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In the State of Maharashtra V. Prashram Jagannath Aute AIR 2007 Bom 167, The Bombay HC stated that there is no fixed formula for determining land compensation. Each case is decided based on the market value as of the date of notification and in accordance with sections 23&24 of the LAA, 1894. There is no absolute universal method for payment of compensation.

In Pune Municipal Corp.& Anr Vs Harakchand Misirimal Solanki & Ors on 24th January, 2014 (Civil Appeal No. 877 of 2014, (Arising out of SLP(C) No. 30283 of 2008). the SC Constitution bench overruled at least 999 cases, including Supreme Court's and High Court's judgments and held that if land acquisition proceedings lapsed under the LAA,1894, it would be reinitiated under the RFCTLARR Act,2013, so that the affected families can receive enhanced compensation as per the 2013 Act.

3. Process of acquisition under the Land Acquisition Act

As per the Land Acquisition, the procedure for acquisition starts from



The Need for Reform and the Genesis of the RFCTLARR Act, 2013

The Land Acquisition Act, 1894, being a colonial era legislation, prevailed for 6 decades, but the growing industrialisation, urban expansion and liberalisation exposed its structural inequities. By the 1990s, liberalisation of markets had accelerated infrastructural and industrial development. Mega projects such as highways, ports, mining operations, and Special Economic Zones (SEZs) required vast tracts of land, often located in rural and agrarian regions. This expansion created a new class of “development-induced displaced persons”—farmers, tribals, and smallholders whose livelihoods depended directly on land.

The efforts to reform the 1894 Act began in early 2005, with the National Rehabilitation and Resettlement Policy (NRRP), 2007, an attempt was made to provide basic minimum requirements for families involuntarily displaced by development projects. But it lacked statutory force and had a weak enforcement mechanism.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was introduced in the Lok Sabha on 7th September 2011. Out of 235 members backed the bill while 16 members voted against it.

On 29th August, 2013 Lok Sabha passed the bill to replace the Land Acquisition Act, 1894, as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement bill 2013.

Rajya Sabha passed the bill on 4th September 2013, and it got its presidential assent on 26th September. The New Act of 2013 (RFCTLARR Act) came into effect from 01.01.2014

1. Impact of RFCTLARR, 2013

- Social impact assessment and rehabilitation & Resettlement is now an integral part of the acquisition process.

- Ensures the sustainability and livelihood of the displaced families
- Dedicated authority for the disposal of disputes
- No displacement before rehabilitation
- Consent of the affected persons required
- Transparency and participatory approach at various stages of land acquisition, R&R process.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act)

Unlike the LA Act 1894, this Act addresses the shortcomings by considering the public’s concerns. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act) introduced several procedural safeguards so that the public’s rights are not ignored and also holds the authorities liable.

This Act includes a more inclusive definition of affected families, Social Impact Assessment, R&R programs, and compensation for displaced persons.

1. Retrospective applicability under Section 24

Under Section 24(1), if an award had already been passed under the Land Acquisition Act, 1894, before 1st January 2014, the acquisition proceedings would continue to be governed by the old law. However, Section 24(2) provides that if an award was made five years or more before the commencement of the 2013 Act but either physical possession of the land was not taken or compensation was not paid, the entire acquisition would be deemed to have lapsed, and fresh proceedings would have to be initiated under the new Act. Furthermore, the proviso to Section 24(2) stipulates that if the compensation in respect of the majority of landholdings was not deposited in the accounts of the beneficiaries, then all landowners would be entitled to have their compensation determined in accordance with the provisions of the 2013 Act, thereby ensuring uniformity and fairness in the compensation process. Union of India v. Shiv Raj (2014) 6 SCC 564 the Court ruled that the litigation period (time spent in challenging acquisition) cannot be excluded while calculating the five-year limit. Hence, if possession or payment was delayed due to litigation, the acquisition still lapses.

2. Public purpose

Here, public purpose includes,

- Strategic purposes like national security, police, defence, etc.
- Infrastructure projects like agro processing, water conservation, sanitation, education, health care and research, etc.
- Projects for the Rehabilitation of Project-Affected Families
- Housing projects for specific income groups
- Planned development of rural or urban areas
- Housing for poor, landless or displaced persons.

Consent requirement:

- 80% consent of affected families for private company projects.
- 70% consent of affected families for PPP projects.

The consent process must be conducted alongside the Social Impact Assessment (SIA). No acquisition in Scheduled Areas violates laws protecting indigenous land rights.

3. Affected families

Section 2 (c) of the Act defines

“Affected family” includes—

1. a family whose land or other immovable property has been acquired;
2. a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years before the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;
3. the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land;
4. family whose primary source of livelihood for three years before the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to the acquisition of land;

a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes, and such land is under acquisition;

(vi) a family residing on any land in the urban areas for the preceding three years or more before the acquisition of the land or whose primary source of livelihood for three years before the acquisition of the land is affected by the acquisition of such land;”

For public projects, 70% of the public consent is needed, and in the case of private projects, 80% of the consent is needed.

4. Social Impact Assessment (SIA)

Social impact assessment is a structured process to analyse, supervise and determine the positive and negative social consequences of a project, plan or policy. This assessment very much helps in the acquisition process as it determines the following –

- Whether the proposed acquisition serves the public purpose
- Estimation of affected families and families likely to be displaced
- Extent of lands, public and private, houses, settlements and other CPRs likely to be affected
- Whether the land proposed is an absolutely bare minimum requirement
- Whether alternative sites are found feasible
- Study of social costs of the project vis-à-vis the benefits of the project.

The SIA shall be done by the appropriate government and is evaluated by an independent multi-disciplinary body.

The composition of the independent multi-disciplinary body is

- 2 non-official social scientists
- 2 representatives of Panchayat/Gram Sabha/Municipality

- 2 rehabilitation experts
- 1 technical expert related to the project

The government may nominate a chairperson from among the members.

If the project is not in the public interest, then it shall be abandoned within 2 months with reasons recorded in writing. If the project serves public interest and benefits outweigh social costs, the Group must recommend whether:

- The land acquisition is bare-minimum required, and
- No less displacing alternatives exist.

Recommendations to be recorded in writing and publicly displayed in the local language. SIA study may be exempted if land acquisition is carried out under urgency provisions (Section 40).

5. Rehabilitation and resettlement program

Rehabilitation and resettlement refer to the support provided to the families displaced by land acquisition so that their livelihood can be rebuilt. While rehabilitation focuses on restoring economic and social well-being, resettlement involves providing alternative land, housing, or a location for relocation. The collector issues a separate R&R award for each affected family. The award includes:

- R&R amount payable with bank details
- House site/house
- Land allotment
- Compensation for cattle shed
- One-time aid for artisans or traders
- Fishing rights
- Annuity or other entitlements
- Employment rights
- Subsistence and transport allowance
- Special provisions for SC/ST

Additional compensation shall be granted in case of multiple displacements. If so, the compensation shall be equivalent to the compensation determined under this Act for the second or successive displacements.

The administrator of R&R is appointed when people are displaced. He/she handles planning, execution and monitors R&R Schemes. Whereas the state-level officer supervises and ensures proper implementation of R&R schemes. The state level officer conducts an audit with the Gram Sabha /municipality after implementation.

6. Compensation

Unlike the old Act, compensation is fair, transparent and paid on time for individuals and families who are affected. Here, the collector determines the market value using the highest of

- Value specified under the Indian Stamp Act, 1899, or
- Average sale price for similar land
- Consented compensation amount.

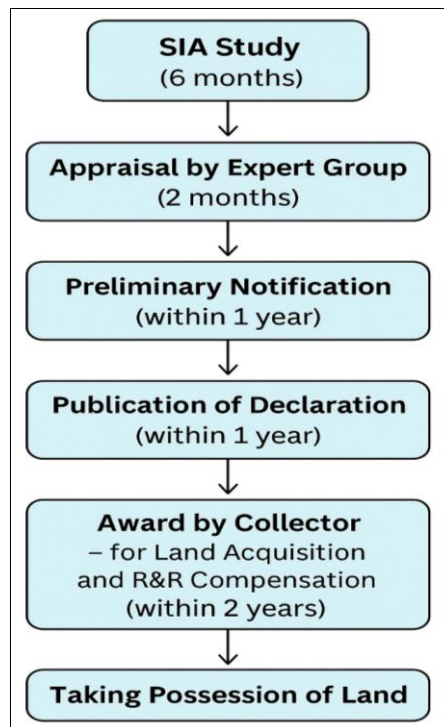
Market value is determined as of the date of notification. If market data is not available, it is decided by the state government based on the nearby land price.

An additional 100% of the total compensation (market value + factor) is payable as solatium. This is an additional

compensation to the market value. An additional 12% p.a is added to the market value from the date of SIA notification up to the date of award by the collector. 9% interest is levied from the date of taking possession until payment if not paid

before taking such possession. If the delay exceeds 1 year, 15% p.a is payable on the unpaid portion.

Process under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013)



Comparative Analysis: LAA 1894 vs. RFCTLARR Act, 2013

The shift from the Land Acquisition Act, 1894, to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

(RFCTLARR Act, 2013) represents a shift from a colonial, state-centric to participatory and rights-based Act. This chapter undertakes a detailed comparative framework analysis of the 2 Acts.

Land Acquisition Act, 1894	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013)
The term 'public purpose' is defined vaguely under section 3(f). It includes land for public offices, companies or works beneficial to the public.	Section 2 of the Act defines public purpose clearly and has a restrictive definition. It includes infrastructure purposes, strategic purposes and other projects mentioned above.
This broad discretion led to the misuse of acquisition for private benefit.	The new law narrows the interpretation and mandates SIA
There were no provisions for SIA, and it was conducted by the district collector or government officers	Chapter II mandates SIA before any acquisition. It is conducted by an independent expert body and published for public scrutiny.
No consultation with the stakeholders	Public hearings and stakeholders' participation are mandatory
No consent is required. The process was entirely government-driven.	Section 2 of the Act states that 70% of affected families' consent is needed for public-private partnership; 80% for private projects
Compensation was based on market value under section 23 with 30% solatium for compulsory acquisition. No clear formula for calculation, or it was based on outdated and undervalued data.	Here, compensation is under section 26-30, where compensation is Market value × multiplier + 100% solatium + value for assets attached to land. It is transparent and formula-based with updated market value.
There was no mention of rehabilitation and resettlement. Landowners only received cash as compensation. Therefore, displaced persons faced livelihood insecurity and social disruption.	Chapters V-VII deal with the R&R package. R&R must be completed before displacement, which gives security for the affected families.
Has no structured timelines for compensation, possession takeover and other procedural steps	Strict timelines are followed. If an award is not made within 5 years of declaration, the acquisition lapses (Section 24).
Minimal transparency and decisions are rarely published.	Mandatory disclosure of SIA, project details and R&R packages, etc.

The 2015 amendment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013)

Replacing the colonial era legislation, the new act came into force on 1st January 2014. However, several infrastructure

projects, national security projects were delayed due to time-consuming SIA and consent procedures. To address this situation, the government sought to amend the Act, but it faced a lot of criticism and strong opposition in the parliament. Many called it 'Anti-farmer', saying this new

amendment would reverse the protective nature of the 2013 Act.

Now, the original 2013 is in force, and the 2015 bill lapsed in 2016 because it could not pass in the Rajya Sabha. Some of the proposed changes were:

- Exemption from consent and SIA for certain categories of projects

The following categories are exempt from SIA and consent requirements:

Defence and national security requirements

- Rural infrastructure, including electrification and irrigation
- Affordable housing and housing for the poor
- Industrial corridors
- Infrastructure projects, including PPP, where ownership of land vests with the government.
- The 2013 Act provided that if compensation is not paid or possession is not taken within 5 years of acquisition, the acquisition process shall lapse. This amendment implemented that if the delay was caused by court or by landowner litigation, or the tribunal's specified period for taking possession, it would not be counted towards the 5 years.
- This amendment also stated that no action shall be taken without prior government sanction to prosecute the government officials.
- Under the 2013 Act, if the land is unutilized for 5 years, it shall be returned to the original landowners. But under the 2015 amendment, the time period becomes 'a specific period mentioned for setting up of the project or 5 years, whichever is later'. This ensures that there is no automatic reversal of land in cases where certain projects take a longer period of time for completion.
- Under the new 2015 amendment, at least one member of the affected families will get employment under the rehabilitation and resettlement award.

Suggestions

- The act can simplify the SIA process so that the intended public purpose can be achieved, while maintaining community participation and its protective nature.
- Instead of the traditional land acquisition, land pooling can be beneficial to both the land owner and the person acquiring. A successful example of land pooling can be observed in Gujarat (Town Planning Schemes) and Andhra Pradesh (Amaravati Land Pooling Scheme)
- Land leasing can also be an alternative to land acquisition, benefiting the landowners by receiving regular rental income or profit-sharing benefits.
- Regular reviews every five years to evaluate the outcomes of the land acquisition and incorporate feedback from affected communities, NGOs and independent experts
- Conduct training programs and public awareness campaigns for district collectors, revenue officials, and local bodies to enhance understanding of the Act's intent and help affected persons know their rights under the 2013 Act.

Conclusion

The shift from the Land Acquisition Act, 1984, to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, represents a great shift from a colonial and state-centric approach to a people-centric approach. The 2013 act not only corrects the injustices but also provides transparency,

accountability and social justice in the acquisition process. Nevertheless, the introduction of the RFCTLARR Act still encounters a number of obstacles, including delays in the process, bureaucracy, industry opposition, and insufficient stakeholder awareness. There is a fine line between national development and the constitutional rights of citizens. Implementation of this legislation cannot be fully successful without not only the statutory provisions but also the willingness in politics, administration, judicial supervision, and the engagement of the involved communities. Essentially, the RFCTLARR Act, 2013 is a milestone in the socio-economic legislation of India that reflects the shift in the state-oriented acquisition to a citizen-oriented development. With the promise of transformation that it offers, there must be long-term endeavors to align developmental aspirations with social justice, so that growth is not at the expense of justice and human dignity.

References

1. Halai N. An elaborative study on the "Social Impact Assessment" under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. *International Journal of Law Management & Humanities*, 2021;4(4):4082–4087. DOI <https://doi.org/10.10000/IJLMH.111852>
2. Chaudhuri A. Land acquisition, governance and the state: some issues and complications around the LARR 2013. *Journal Article*, 2014.
3. Kabra A, Das B. Global or local safeguards? Social impact assessment insights from an urban Indian land acquisition. *Routledge*, 2019, 195–218. <https://doi.org/10.4324/97811351031820-12>
4. Goswami A. Land acquisition, rehabilitation and resettlement: law and politics. *Book Publication*, n.d. <https://doi.org/10.24943/9789351568360>
5. Bhardwaj V. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – an unattainable utopia? *Social Science Research Network*, n.d. <https://doi.org/10.2139/ssrn.3960079>
6. Kumari P. Land acquisition and development: who gets the actual benefit? *Social Science Research Network*, 2014. <https://doi.org/10.2139/SSRN.277935>
7. Ghatak M, Ghosh P. The Land Acquisition Bill: a critique and a proposal. *Working Paper*, 2011.
8. Sangma AHT, Dhivya R. A comparative study on Land Acquisition Act, 1894 & 2013. *Research Paper*, 2018.
9. Subbaiah NS, Shara J. Critical analysis of the land acquisition in India. *Research Article*, 2022.
10. Thimappa. Statutory rights to fair compensation in land acquisition in India: a review. *Research Article*, 2022.
11. Rishikesh R. Land Acquisition Act in India: inadequacy of compensation. *International Journal of Law Management & Humanities*, 2025;8(2):2084–2095. DOI [10.10000/IJLMH.119268](https://doi.org/10.10000/IJLMH.119268)
12. Ghosh P, Ray A. Social Impact Assessment under RFCTLARR Act 2013 and social costs – an analysis. *Artha Journal of Social Sciences*, 2019, 18(2). DOI [10.12724/ajss.49.2](https://doi.org/10.12724/ajss.49.2)
13. Mallik C, Sen S. Land acquisition policy and praxis: the case of peri urban Delhi. *Land, Water and People: Sustainable Management of Natural Resources in India*, 2017, 85–102. https://doi.org/10.1007/978-81-322-3583-5_7
14. Singh S. Land acquisition in India: an examination of the 2013 Act and options. *Journal Article*, 2016. <https://doi.org/10.1177/2321024915616673>