

**Title of the Ph.D. Thesis** : **Land Acquisition Law in India: A Critical Analysis**

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### **Abstract**

Right to property is a human right inherent in an individual. Every individual possesses right to own, occupy and enjoy the property as the right to property is the natural and fundamental right of an individual. However, the citizens cannot have an absolute right to private property but subject to reasonable restrictions imposed by law in the interest of general public. Hence, the rights of the individual are in conflict with the rights of the State. The Government has sovereign authority under the doctrine of *eminent domain* to acquire land in the public interest subject to the condition that owner of the land is compensated in lieu of land.

The study expounded the principles governing the acquisition of land by the State and also understanding the relationships between land, state, citizen, corporation and community in a democracy purporting to be committed to social justice. The Government is primarily responsible for the development of the Nation. The development of the nation essentially needs planning and implementation of major projects such as, establishment of industries, construction of dams, irrigation projects for agriculture, agro-processing industries, building infrastructure, establishing manufacturing units, construction of roads, building houses and flats, schools, colleges, hospitals and strengthening of defense and national security and any other vital function. The land is an essential requirement for the execution of all these development activities and, therefore, the Government needs to acquire land for all these processes under various land expropriation laws.

The Government under the archaic Land Acquisition Act, 1894 had unlimited power and the landowner was left with no choice except to part with land or property. Thus, land acquisition under the colonial Act of 1894 raised vital issues relating to

public purpose, displacement, rehabilitation and resettlement, compensation, misuse of urgency clause etc. The forced acquisition of land without a free consent of the landowners under the colonial law would be problematic. This approach of Government for compulsory acquisition of land violates the democratic fabric of the Constitution of India. The author in the thesis has broadly examined and analysed the contested issues involved in acquiring land within the framework of the law of acquisition.

Now, the State has assumed a dominant role in the welfare of its citizens. The land is an indispensable part of human being for its welfare and development. It is the main source of livelihood of the millions in India. Post Neo-liberal transformation of the economy in India has led to urbanization, industrialization and infrastructure development across the country to fulfill the demands of growing population. The Government undoubtedly requires land for enforcement and implementation of economic development, building infrastructure and rapid growth of the country.

The findings of the study are that the provisions of the Land Acquisition Act, 1894 was found inadequate in addressing the issues related involuntary acquisition of private land. There were demands from the civil Society for providing a comprehensive legislation on land acquisition, rehabilitation and resettlement, compensation. In order to overcome the inefficiency and drawbacks of the Act, the Land Acquisition Act, 1894 was repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Act of 2013 made an attempt to balance within the larger political context of land acquisition in India. The research is undertaken to explore the legal dimensions of land acquisition and comparative study of the past as well as the present Land Acquisition Act.

The study concluded that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 not only protects the interest of individual landowner but also realize the needs of the State for various public purposes. The study suggested the amendments required in the Act of 2013 to regulate the acquisition of land in an efficient and transparent manner.