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LAND ACQUISITION BY BDA: RIGHTS OF LANDOWNERS VS PUBLIC INTEREST

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Abstract

This paper studies the exercise of land acquisition powers by the Bangalore Development Authority and tension created by the authorities over planned urban development: BDA and the constitutional rights to property of individual landowners in Article 300A of the Constitution of India. The paper explores the legal aspects of BDA acquisitions, such as the Bangalore Development Authority Act, 1976 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It also analyses major judicial decisions like *Bondu Ramaswamy v Bangalore Development Authority* and *Offshore Holdings Pvt Ltd v Bangalore Development Authority* as precedents. Recurring issues like lapse of acquisition proceedings, compensation, and the extent of judicial review are studied in the paper. The paper finds that while the State has strong powers over land acquisition, the law is fragmented and a more adequate balance between protecting rights of landowners and performing an appropriate, effective job is needed.

Keywords: Land Acquisition, BDA, Public Interest, Right to Property, Article 300A, Rehabilitation and Resettlement, Lapse of Acquisition, Judicial Review, Karnataka

1. Introduction

India is one of the most controversial fields of law in which the power of the State to acquire land is exercised. The direct appropriation of private property for public use is a direct violation of the constitutional right recognised under Article 300A of the Constitution of India.¹ Bodies like the Bangalore Development Authority (BDA), created under the Bangalore Development Authority Act, 1976,² are often given extensive powers of eminent domain to purchase private property for uses such as creating layouts, building roads, and organising civic facilities.

¹Constitution of India 1950, art 300A.

²Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

The legal landscape of land acquisition has evolved significantly over the years. The colonial Land Acquisition Act, 1894³ was replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,⁴ which introduced more robust protection of land rights with greater compensation, social impact assessment, and consent requirements. Even with these reforms, the BDA continues its acquisition efforts, prompting significant litigation across the State of Karnataka, touching upon the fundamental question of balance between the rights of the individual and the State. This paper examines the extent to which the BDA has the power to acquire land, the rights which may be exercised by the landowner under the applicable law, and the judicial evolution of the law in this area. The paper concludes that public interest remains the main reason for urban development, but procedural justice and individual rights must be addressed, and a more transparent and comprehensive legislation must be developed.

2. Historical Background of Land Acquisition in India

2.1 Colonial Era and the Land Acquisition Act, 1894

The history of land acquisition in India dates back to the era of British colonisers, when the Land Acquisition Act, 1894⁵ was enacted, giving the government very wide powers to take over private property for public use. This Act provided the landowner with virtually no control, and the amount of compensation was determined by the Collector according to market value, which in practice was frequently far below the landowner's actual losses. The concept of public purpose was interpreted broadly and indiscriminately, giving the State the right to acquire land for many different uses with little accountability. The Act was in effect for more than 100 years and was heavily criticised for being skewed towards the State, at the cost of landowners.

2.2 Constitutional Recognition of Right to Property

After Independence, the right to property was provided for in the Constitution of India under Articles 19(1)(f) and 31,⁶ which provided some protection to landowners against arbitrary acquisition. However, the Forty-Fourth Amendment, 1978⁷ removed property from the list of

³Land Acquisition Act 1894 (Act I of 1894) (repealed).

⁴Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

⁵Land Acquisition Act 1894 (Act I of 1894) (repealed).

⁶Constitution of India 1950, arts 19(1)(f) and 31 (as originally enacted).

⁷Constitution (Forty-Fourth Amendment) Act 1978.

fundamental rights and placed it as a constitutional right under Article 300A,⁸ which states that no person shall be deprived of his property save by authority of law. This change greatly reduced the landowner's clout and increased the ease with which the State and statutory bodies could acquire land without full judicial process.

2.3 Emergence and Role of the Bangalore Development Authority

The Bangalore Development Authority was set up as a statutory body under the Bangalore Development Authority Act, 1976,⁹ with efforts to ensure the orderly growth of Bangalore and its surrounding areas. Before the BDA was created, the City Improvement Trust Board, established in 1945,¹⁰ was the body responsible for the development of Bangalore. As the city developed quickly, BDA was created with broad powers to acquire land, create residential layouts such as Rajajinagar, Jayanagar, and Arkavathy Layout, build roads, and develop civic facilities. Land acquisition is one of the most litigated powers a State has, as it directly affects the rights of individual landowners, generating a large body of litigation in the Karnataka High Court and the Supreme Court.

2.4 Reform and the Land Acquisition Act, 2013

As India expanded and cities grew rapidly, the issues that arose under the Act of 1894¹¹ became impossible to ignore. Landowners were being evicted without adequate compensation or rehabilitation. As a result, Parliament passed the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,¹² which introduced fair compensation, required social impact evaluation,¹³ consent of affected families for some categories of acquisition,¹⁴ and rehabilitation and resettlement rights for displaced families. For bodies like the BDA, this evolution in the law directly influences the rights of landowners whose land is acquired for Bangalore's development.

⁸Constitution of India 1950, art 300A.

⁹Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

¹⁰City Improvement Trust Board, Bangalore, established under the City of Bangalore Improvement Act 1945 (Karnataka Act).

¹¹Land Acquisition Act 1894 (Act I of 1894) (repealed).

¹²Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

¹³Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), ss 4–9 (Social Impact Assessment).

¹⁴Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), s 2(2) (requiring consent of 70–80% of affected families for certain categories of acquisition).

3. Legal Framework Governing BDA Land Acquisition

3.1 Right to Property under Article 300A

According to Article 300A of the Indian Constitution, no person shall be deprived of his property save by authority of law.¹⁵ Even though the right to property was reduced from a fundamental right to a constitutional right by the Forty-Fourth Amendment of 1978,¹⁶ it continues to be an important protection for landowners. The courts have ruled that any action affecting property must be enacted by a valid law, must have a public purpose, and must be accompanied by fair compensation.¹⁷ In the context of BDA acquisitions, Article 300A implies that the BDA is not able to acquire private land without due process and without providing remuneration to the landowner.

3.2 Articles 14 and 21 of the Constitution

Article 14 of the Constitution provides equality before the law and equal protection to all persons, ensuring that acquisition is fair, non-discriminatory, and non-arbitrary.¹⁸ Article 14 has been invoked in courts to challenge acquisition notifications issued in an arbitrary or discriminatory manner. Article 21, which assures the right to life and personal liberty,¹⁹ has been interpreted by the Supreme Court as including a right to livelihood and a dignified life.²⁰ The right to life under Article 21 is especially significant in land acquisition where communities depend on their land for their livelihood, and courts have determined that failure to rehabilitate families after forced displacement may constitute a violation of Article 21.

3.3 Bangalore Development Authority Act, 1976

The main Act under which the BDA acquires land is the BDA Act, 1976.²² Under this Act, the BDA formulates a development plan for a specific area and, upon its approval, can take up land within the scope of the scheme. The Act makes provisions for notifying the scheme, hearing objections from affected landowners, and providing compensation. The Act also stipulates that proceedings shall be terminated if the BDA is unable to take possession of, or pay

¹⁵Constitution of India 1950, art 300A.

¹⁶Constitution (Forty-Fourth Amendment) Act 1978.

¹⁷MP Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 1345–1350; Durga Das Basu, *Commentary on the Constitution of India* (9th edn, LexisNexis 2015) vol 10, 11234.

¹⁸Constitution of India 1950, art 14.

¹⁹Constitution of India 1950, art 21.

²⁰*Maneka Gandhi v Union of India* AIR 1978 SC 597 (Supreme Court of India).

²¹*Olga Tellis v Bombay Municipal Corporation* AIR 1986 SC 180 (Supreme Court of India), where the Court held that the right to livelihood is an integral component of the right to life under art 21.

²²Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

compensation for, the land within the specified period.²³ This lapse provision has been one of the most litigated parts of BDA acquisitions, as it provides landowners with an opportunity to reclaim ownership of their property when the BDA fails to act in time.

3.4 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

The Land Acquisition Act, 2013²⁴ replaced the colonial Land Acquisition Act, 1894²⁵ and introduced an all-new policy on land acquisition in India. It requires social impact assessment before any acquisition,²⁶ a requisite percentage of consent from affected families in some categories of acquisition,²⁷ and a solatium rate of one hundred per cent of the market value of the acquired land.²⁸ It also introduced, for the first time, provisions on rehabilitation and resettlement for displaced families. In cases where the BDA Act, 1976 does not provide for a specific matter, this Act applies, and courts have relied on its provisions to enhance the rights of landowners in BDA acquisition cases.

3.5 Karnataka Land Acquisition Laws and Related Regulations

Apart from central laws and notifications, there are also rules and notifications issued by the Government of Karnataka governing land acquisition by statutory bodies. The Karnataka Town and Country Planning Act, 1961²⁹ also plays a participatory role in land use and in controlling development in the Bangalore metropolitan area. These laws form the regulatory environment in which the BDA exercises its acquisition powers. However, the complexity of the laws and regulations has caused confusion and inconsistency in practice, resulting in a large collection of litigation over the years.

²³Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976), s 27.

²⁴Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

²⁵Land Acquisition Act 1894 (Act I of 1894) (repealed).

²⁶Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), ss 4–9 (Social Impact Assessment).

²⁷Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), s 2(2) (requiring consent of 70–80% of affected families for certain categories of acquisition).

²⁸Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), s 30 (providing for solatium of 100% of the market value of acquired land).

²⁹Karnataka Town and Country Planning Act 1961 (Karnataka Act 11 of 1963).

4. Judicial Developments

4.1 Judicial Approach Towards Public Purpose

Public purpose is the basis on which any lawful acquisition of land is founded, and courts have played an important role in setting its boundaries. In *State of Karnataka v All India Manufacturers Organisation*,³⁰ the Supreme Court found that a court has the power to interfere with an acquisition where public purpose is used as a cover for malicious intent, or where there is a clear breach of statutory procedure. In *KT Plantation Pvt Ltd v State of Karnataka*,³¹ the Court also reiterated that Article 300A mandates that any law taking away the property of a person must be for a public purpose and must provide for payment of compensation. In these decisions, it is clear that the courts will generally respect the State's determination of public purpose, but will step in where there is evidence of abuse of power.

4.2 Judicial Interpretation of Lapse of Acquisition Proceedings

One of the most litigated issues in BDA land acquisition is the lapse of acquisition proceedings. In *Offshore Holdings Pvt Ltd v Bangalore Development Authority*,³² the Supreme Court held that in the absence of taking possession of the acquired land and failure to pay compensation within the time frame prescribed under the BDA Act, 1976, the acquisition proceedings will lapse and the land should be returned to the original owner.³³ This decision has been cited by landowners throughout Karnataka to reclaim land that had been acquired by the BDA yet not developed for many years, and continues to be one of the most significant landowner protections in acquisition cases.

4.3 Judicial Treatment of Compensation and Rehabilitation

Compensation for landowners has been one of the most controversial issues in BDA land acquisition, and courts have repeatedly held that landowners must be compensated in a fair and adequate manner. In *Bondu Ramaswamy v Bangalore Development Authority*,³⁴ the Supreme Court considered the acquisition by the BDA in the context of the formation of the Arkavathy Layout and ruled that the BDA cannot remain silent on the acquired land without paying compensation or completing the development.³⁵ The Court recognised that landowners

³⁰*State of Karnataka v All India Manufacturers Organisation* (2006) 4 SCC 683 (Supreme Court of India).

³¹*KT Plantation Pvt Ltd v State of Karnataka* (2011) 9 SCC 1 (Supreme Court of India).

³²*Offshore Holdings Pvt Ltd v Bangalore Development Authority* (2011) 3 SCC 139 (Supreme Court of India).

³³*Bangalore Development Authority Act 1976* (Karnataka Act 12 of 1976), s 27.

³⁴*Bondu Ramaswamy v Bangalore Development Authority* (2010) 7 SCC 129 (Supreme Court of India).

³⁵*Bondu Ramaswamy v Bangalore Development Authority* (2010) 7 SCC 129. See also V Suresh and D Nagasaila, 'Land Acquisition Law in India: A Study of Karnataka' (2012) 47(23) *Economic and Political Weekly* 39.

deprived of their land without compensation had a valid grievance and emphasised the value of prompt remuneration. This case underscores the human impact of long acquisition processes and establishes that acquired land should be utilised for its intended use within a reasonable time.

4.4 Judicial Safeguards for Procedural Fairness

Procedural fairness is an essential element of any acquisition proceeding, and courts have been strict in enforcing it. In *Kesavananda Bharati v State of Kerala*,³⁶ the Supreme Court introduced the basic structure doctrine, imposing restrictions on the power of Parliament to amend constitutional rights, which has remained a guiding principle for review of acquisition proceedings. In *Jilubhai Nanbhai Khachar v State of Gujarat*,³⁷ the Court held that property could be taken from a person only by law and that the State cannot take away a person's property without following the due process prescribed by law. Courts have also struck down acquisitions where proper notice was not given to landowners, holding that failure to comply with prescribed procedure constitutes a violation of the principles of natural justice and renders the acquisition null and void.³⁸

4.5 Rights of Landowners and Affected Communities

In all the cases analysed, the courts have been very aware of the rights of genuine claimants and affected parties.³⁹ The financial, social, and cultural impacts of displacing a family that has lived on and farmed the same property for generations are well recognised. The judiciary has required that landowners be provided with adequate notice, a genuine opportunity to make objections, and a fair hearing before any acquisition is finalised. Where the BDA has not fulfilled these requirements, courts have not hesitated to order the land to be returned to its original owner. Judicial review thus serves as the most important tool in the hands of landowners where administrative protections are lacking.

³⁶*Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225 (Supreme Court of India).

³⁷*Jilubhai Nanbhai Khachar v State of Gujarat* AIR 1995 SC 142 (Supreme Court of India).

³⁸See also *Usha Stud Agricultural Farm v State of Haryana* (1995) 2 SCC 537, where failure to give notice was held to vitiate acquisition proceedings. See P Ishwara Bhat, *Law and Social Transformation in India* (Eastern Book Company 2009) 312.

³⁹*Srinivasa Cooperative House Building Society Ltd v Madam Gurumurthy Sastry* AIR 1994 SC 2582 (Supreme Court of India). See also *K R Gowrappan v Bangalore Development Authority* (Karnataka High Court).

5. Analysis of Major Legal Issues

5.1 Conflict Between State Power and Private Property Rights

There is a constant tension between the State's interest in securing and using land for public development and the constitutional rights of property as guaranteed by Article 300A.⁴⁰ The wide powers given to the BDA and the restrictions on civil court jurisdiction under the BDA Act, 1976⁴² mean that private claimants may have virtually no redress other than through writ petitions before the High Court. Past litigation demonstrates that the balance has not always been maintained, and the structure remains very much in favour of the State.

5.2 Adequacy of Compensation

In BDA acquisition cases, there is still a dispute about the adequacy of compensation available, especially in urban areas where urbanisation is creating highly valued land use.⁴³ Delays in paying compensation result in landowners missing out on gains in land value that occur between the time of acquisition and the time compensation is actually paid.⁴⁴ While significant improvements have been made under the Land Acquisition Act, 2013,⁴⁵ the question of fair compensation in practice remains a topic of debate, with many landowners feeling they do not receive a fair deal for what they have lost.

5.3 Challenges in Rehabilitation and Resettlement

The Land Acquisition Act, 2013⁴⁶ introduced a comprehensive framework for rehabilitation and resettlement of displaced persons. In practice, however, rehabilitation and resettlement measures by the BDA have been unevenly implemented, and many displaced families have reported that what is promised under the law has not been provided.⁴⁷ When farmers and small

⁴⁰Constitution of India 1950, art 300A.

⁴¹MP Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 1345–1350; Durga Das Basu, *Commentary on the Constitution of India* (9th edn, LexisNexis 2015) vol 10, 11234.

⁴²Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

⁴³Ministry of Housing and Urban Affairs, *Report on Urban Land Acquisition and Compensation* (Government of India 2019) 45–52. See also Rajeev Bhatt, 'Urban Land Acquisition and Fair Compensation in India' (2020) 32 *National Law School of India Review* 78.

⁴⁴Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), s 26 (determination of market value). See G Mohan Gopal, 'Land Acquisition Reform: The 2013 Act in Perspective' (2014) 49(18) *Economic and Political Weekly* 63.

⁴⁵Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

⁴⁶Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

⁴⁷Harsh Mander, 'Displacement and the Law' in Rajeev Bhatt and others (eds), *Land Acquisition and the Poor* (Orient Blackswan 2016) 112–130; World Bank, *Land Acquisition and Involuntary Resettlement: Policy and Practice* (World Bank Publications 2015).

landholders lose their land to a notified scheme, they are often left without shelter or livelihood, with their social and cultural fabric disrupted. Rehabilitation and resettlement must therefore be seen as an obligation and not an option.

5.4 Practical Difficulties in Administration

The work of acquiring, valuing, and disposing of land is enormous across the many acquisition cases in Bangalore. Land records are not up-to-date; encroachment on acquired land is a problem; and litigation is slow, with many acquired properties languishing in legal limbo for decades. The case of *Bondu Ramaswamy v Bangalore Development Authority*⁴⁸ explicitly demonstrates the chronic effects that delayed acquisition by the BDA can have on landowners. Enabling the digitisation of land records,⁴⁹ quick facilitation of compensation processes, and implementation of fast-track mechanisms and internal monitoring of acquisition proceedings are measures which could be taken to tackle these practical problems.

6. Findings and Discussion

The study reveals that despite BDA's land acquisition being for a legitimate public purpose, it has often been performed in a way that results in severe damage to landowners and displaced communities. The BDA is vested with broad authority under the BDA Act, 1976⁵⁰ and civil courts are generally excluded from acquisition proceedings, so landowners must depend on writ petitions before the High Court to question acquisitions they deem unfair. The judiciary has played an important part in ensuring procedural fairness, the lapse of acquisition proceedings, and the right to compensation,^{51,52} but judicial review is not a panacea as it is time-consuming and expensive.

The study also concludes that the compensation and rehabilitation system, although improved under the Land Acquisition Act, 2013,⁵³ is not applied uniformly in BDA acquisitions, and

⁴⁸*Bondu Ramaswamy v Bangalore Development Authority* (2010) 7 SCC 129 (Supreme Court of India).

⁴⁹Department of Land Resources, Ministry of Rural Development, Digital India Land Records Modernisation Programme (Government of India 2020).

⁵⁰Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

⁵¹*Offshore Holdings Pvt Ltd v Bangalore Development Authority* (2011) 3 SCC 139 (Supreme Court of India).

⁵²*Bondu Ramaswamy v Bangalore Development Authority* (2010) 7 SCC 129 (Supreme Court of India).

⁵³Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

displaced families do not always receive the full benefits to which they are entitled by law.⁵⁴ The main conclusion is that the law on BDA land acquisition is fragmented and that the rights of landowners are not well protected in practice. A more detailed, explicit, and fair legal system responsive to landowners and affected communities, while enabling the BDA to carry out necessary development work, is urgently needed.

7. Suggestions

7.1 Strengthening Compensation Mechanisms

Compensation should be determined by the market value of the land at the time of actual payment, not at the time of the initial notification, thereby maximising landowners' benefit from any increase in land values during the acquisition process.⁵⁵ The solatium and all other extra compensation provided under the Land Acquisition Act, 2013⁵⁶ should be applied uniformly to all BDA acquisitions without exception. Claims for compensation should be handled through an expedient process to stop the long delays and loss of income that currently frustrate landowners.

7.2 Improving Transparency and Accountability of BDA

There should be a public register of all acquisition proceedings in progress in the BDA, including the progress of development projects, information on compensation payments, the status of any acquired land, and the results of any legal action.⁵⁷ If the BDA fails to utilise acquired land within five years of purchase, it should be required to report to the State government explaining the delay. The establishment of a statutory body to independently oversee BDA acquisition proceedings would also improve accountability and limit the possibility of delays and mismanagement.

⁵⁴Harsh Mander, 'Displacement and the Law' in Rajeev Bhatt and others (eds), *Land Acquisition and the Poor* (Orient Blackswan 2016) 112–130; World Bank, *Land Acquisition and Involuntary Resettlement: Policy and Practice* (World Bank Publications 2015).

⁵⁵Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), s 26 (determination of market value). See G Mohan Gopal, 'Land Acquisition Reform: The 2013 Act in Perspective' (2014) 49(18) *Economic and Political Weekly* 63.

⁵⁶Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013), s 30 (providing for solatium of 100% of the market value of acquired land).

⁵⁷Law Commission of India, Report No 257: *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies* (Government of India 2015); see also Armin Rosencranz and Souparno Banerjee, 'Land Acquisition in India: A Socio-Legal Critique' (2015) 6(2) *Journal of Indian Law and Society* 112.

7.3 Better Rehabilitation and Resettlement Policies

Rehabilitation and resettlement should be treated as an integral part of each BDA acquisition that displaces people or disrupts their livelihoods.⁵⁸ A rehabilitation plan should be drawn up by the BDA for each such acquisition, and such a plan should be made public prior to the finalisation of the acquisition. Plans for rehabilitation and resettlement should be monitored by an independent body and should be clearly legally enforceable by landowners and displaced families when the BDA fails to implement them.

7.4 Enhancing Public Participation in Acquisition Proceedings

Public involvement in acquisition must be substantive and not just a formality. Prior to approving all acquisition schemes, the BDA should hold public consultations in the concerned area, with opinions expressed at such consultations recorded, discussed, and resolved in the final decision. Landowners and affected communities must be provided sufficient time and information to understand the process of acquisition, their rights, and the measures available to them.

7.5 Enactment of a Comprehensive Law for BDA Acquisitions

A comprehensive and unambiguous law applicable to all aspects of BDA land acquisition would benefit all stakeholders, combining the provisions of the BDA Act, 1976⁵⁹ and the Land Acquisition Act, 2013⁶⁰ into one comprehensive framework.⁶¹ Such a law should have a more restrictive definition of public purpose, a system to return land to its original owner if it is not used for the stated purpose within a stipulated time, uniform compensation and rehabilitation provisions, and improved procedural safeguards for landowners throughout the acquisition process.

Conclusion

The BDA's land acquisition is at the crossroads of two legitimate but competing interests: the State's need to acquire land for the planned development of Bangalore, and the constitutional

⁵⁸Harsh Mander, 'Displacement and the Law' in Rajeev Bhatt and others (eds), *Land Acquisition and the Poor* (Orient Blackswan 2016) 112–130; World Bank, *Land Acquisition and Involuntary Resettlement: Policy and Practice* (World Bank Publications 2015).

⁵⁹Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

⁶⁰Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (No 30 of 2013).

⁶¹Justice AP Shah Committee Report on Land Acquisition and Compensation (Government of India 2012). See also Usha Ramanathan, 'Eminent Domain, Protest and the Discourse of Displacement' (2011) 46(26–27) *Economic and Political Weekly* 10.

right of private landowners to possess and use their property.⁶² The legal framework in this regard has grown largely through judicial action rather than through thorough legislation. Courts, based on judicial precedents like *Bondu Ramaswamy v Bangalore Development Authority*,⁶³ *Offshore Holdings Pvt Ltd v Bangalore Development Authority*,⁶⁴ and *KT Plantation Pvt Ltd v State of Karnataka*,⁶⁵ have endeavoured to strike a balance between the interest of the State in public development and the rights of individual citizens. Even so, the existing law is poorly organised, and the practical benefits for landowners are not well protected, particularly in respect of compensation, procedural fairness, and rehabilitation. One all-encompassing Bill addressing all aspects of BDA land acquisition — with adequate procedures, consistent compensation, and a genuine commitment to the rehabilitation of displaced communities — remains the most important reform needed in this area of law.

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Kesavananda Bharati v State of Kerala (1973) 4 SCC 225 (Supreme Court of India).

⁶²Constitution of India 1950, art 300A.

⁶³*Bondu Ramaswamy v Bangalore Development Authority* (2010) 7 SCC 129 (Supreme Court of India).

⁶⁴*Offshore Holdings Pvt Ltd v Bangalore Development Authority* (2011) 3 SCC 139 (Supreme Court of India).

⁶⁵*KT Plantation Pvt Ltd v State of Karnataka* (2011) 9 SCC 1 (Supreme Court of India).

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