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# **A CRITICAL ANALYSIS OF THE CHALLENGES IN SOCIAL IMPACT ASSESSMENT IN INDIA'S LAND ACQUISITION REGIME.**

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## **ABSTRACT**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) made significant changes to the Indian Land Acquisition laws. This act, by increasing the compensation for acquired land, mandating a social impact assessment and requiring prior consent in certain cases, has indeed corrected the imbalance that existed against the interest of the landowners and the Government. However, the progressive provisions of the Act were not properly implemented in practice. This paper aims to critically examine the implementation challenges and the potential loopholes in the 2013 Act, specifically concerning Social Impact Assessment and Rehabilitation measures in Land Acquisition. This paper adopts a doctrinal research methodology, collecting empirical data from CAG Audits, Parliamentary standing committee reports and judicial precedents. This paper identifies the core challenges, such as a deficiency in the quality of SIA, oversights of vulnerable groups, State Amendments that have diluted the very intent of the Act, ineffective application of the *Public purpose doctrine* and corporate pushbacks. Though it is also evident that the Act had positive impacts in certain aspects, its implementation has been imperfect, with various shortcomings across the states of India. The paper suggests possible reformative measures for strengthening the implementation by streamlining the process of acquisition with efficiency, strengthening post- acquisition monitoring, avoiding bureaucratic delays and providing sustainable livelihood options of rehabilitation. The performance of the LARR Act, 2013 *vis-a-vis* Land Acquisition Act, 1894, indeed has benefited landowners, however, its full impact depends on proper implementation, which varies across states.

## 1. INTRODUCTION

Land is a complete and abundant source of creation, nourishment, and devastation for all kinds of organisms, both living and non-living. The notion of land not only merely denotes a simple conception for living creatures and human beings, but it is also a vast idea that has evolved. It involves conceptual perspectives on land as property, land ownership, land reforms, acquisition and reacquisition for various infrastructure development activities, places for shelter and cultivation, and more. By the conception of liveable and fertile land, herein it essentially denotes that land that may be used to cultivate crops, feed cattle, give shelter to the needy, and contribute to the national and international growth and development. The relationship among people, the land, and the Government continues to guide the behaviour regarding persisting issues such as economic development, resource exploration, and environmental management. Post-liberalisation, economic expansion is driving insatiable demand for space to accommodate resource extraction, infrastructure construction, urbanisation, and industrialisation. Finding equilibrium amongst the needs of economic growth, equitable distribution, and important rights is perhaps the greatest challenge facing modern democracy. The doctrine of *eminent domain* of the State was statutorily expressed in the Land Acquisition Act, 1894. This old act consisted of unreasonable restrictions on the right to challenge the power of the State to acquire properties, and adding to it consisted of various shortcomings and loopholes regarding the determination of public purpose, compensation, mass displacement, providing food security and Rehabilitation and Resettlement (R & R). Hence, the newer legislation, viz., the LARR Act, 2013, replaced the 1894 Act, to effectively accommodate both the land acquisition for public purposes as well as the interests and sustainable livelihood of the affected families and has ensured rehabilitation and resettlement as an integral part of the land acquisition process. It is pertinent to note that while the LARR Act, 2013, aims to improve the social and economic conditions of the affected families through increased transparency and compensation, it has also made the land acquisition process more complicated, thereby reducing the act's effectiveness and imposing various implementation challenges. A comprehensive national-level data assessment assessing the impacts of this act and its effectiveness is lacking, and hence, the actual outcomes of the act vary based on the specific contexts of the land acquisition rules framed by the State.

## 2. OBJECTIVES

The framers of the legislation face a challenge of providing an inclusive and comprehensive legal framework for land acquisition, rehabilitation and resettlement of the affected population. The need of the hour is to recognize the displaced people's rights and understand that rehabilitation and resettlement are integral parts and are two sides of the same coin, further coupled with transparency. It is to be noted that, even after framing progressive legislation, the land market in India is irregular and unorganised, with political influence and improper communication to the public at large. Hence it has become critically necessary to analyse the challenges and shortcomings of the implementation of the LARR Act, 2013 especially concerning the conduct of Social Impact Assessment.

1. TO IDENTIFY THE IMPLEMENTATION CHALLENGES FACED BY THE ACT
2. TO ASSESS THE EFFECTIVENESS OF SOCIAL IMPACT ASSESSMENT CONDUCTED FOR REHABILITATION AND RESETTLEMENT IN LARR ACT 2013.

## 3. METHODOLOGY AND LIMITATION:

This study adopts a Doctrinal legal research methodology supplemented by empirical analysis of official reports and secondary data sources. The primary approach of the study involves systematic analysis of the LARR ACT, 2013, along with relevant constitutional provisions such as Articles 14, 21 and 300-A and judicial precedents. Statutory interpretation focuses on Sections 4 to 7 (regarding SIA procedure), Section 14 and Chapters V and VI of the Act (monitoring R&R mechanisms). The data collection for the study is non-empirical, relying on publicly available primary legal texts, Audit reports, and peer-reviewed studies on project-specific displacement outcomes. The limitation of the study is that no primary fieldwork or interviews were conducted due to scope and time constraints. Further, the reliance on secondary empirical data and focus on publicly documented violations rather than a comprehensive nationwide survey is also a limitation for the study.

## 4. LAND ACQUISITION IN INDIA

### A. PROPERTY

The concept of property evolved from the prehistoric society where man initially started to live and settle in states and communities. Groups that had similar requirements for food, water and shelter emerged gradually into a society. In anticipation of emergence of a civilization, families

and groups started expanding and this led to the subsequent growth of property. Over time, the concept of property evolved into a law encompassing the rights and rules for acquiring and holding on to property. According to Bentham, Property and law are born together and die together. He felt that before laws were made there was no property and that if the laws were taken away, property would cease<sup>1</sup>. The right to property has been recognised internationally. The French Civil Code declared that, ‘No one may be deprived of his property except for purposes of public utility and for adequate compensation.’<sup>2</sup> The United Nations Declaration on Human Rights has made it a universal rule “that everyone has the right to own property alone as well as in association with others”, and that “no one shall be arbitrarily deprived of his property.”<sup>3</sup> The makers of the Indian constitution also ensured the inviolability of private property and ensured right to property as a fundamental right under Article 19(1)(f) and Article 31 (1) & (2). Accordingly, the right to property states that “No one shall be deprived of his right to property except by procedure established by law”.

## B. CONSTITUTION AND RIGHT TO PROPERTY

Post-independent India needed serious land reformations such as to extrapolate the socialist policy and abolish the Zamindari and other rural land systems that had acquired rights over vast tracts of land. However, the reformative measures of the Government were often challenged, as the Right to property was a fundamental right guaranteed under the constitution. This judicial threat paved the way for the First Amendment that came to be passed by the Government in 1951 by which, Articles 31A, 31B and the Ninth Schedule were added to the Constitution. Article 31A permitted the Government acquire estates and such laws enacted for that purpose cannot be declared void on grounds of inconsistency with the Articles 19, 31 and 14. Article 31B protected the land reform laws that were to be listed in the Ninth schedule. The First Amendment act, 1951 was followed by the Fourth Amendment Act in 1953 essentially altering the Article 31 (2) and it laid down that a Court could not question any law on grounds that the compensation paid for the acquired property is inadequate<sup>4</sup>. In *State of West Bengal v.*

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<sup>1</sup> Jenney Bentham, Theory of legislation- with an Introduction by Upendra Baxi, (Richard Hildreth, Trans. Oceana Publications 1975) 113.

<sup>2</sup> Article 545 of the French Civil Code.

<sup>3</sup> The right to property is enshrined in Article 17 of the Universal Declaration of Human Rights but is not recognised in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights. The right to protection of property is enshrined in the regional human rights instruments of Europe, Africa and the Americas.

<sup>4</sup> Kumarappan, M. (2023, November 11). RIGHT TO PROPERTY AND THE CONSTITUTION OF INDIA. Retrieved from <https://ijnrd.org/papers/IJNRD2311288.pdf>

**Bela Banerjee**<sup>5</sup>, the Supreme Court, while deciding upon the validity of West Bengal Land Development Planning Act, 1948, held that,

*“While it is true that the legislature is given the discretionary power of laying down the principles which should govern the determination of the amount to be given to the owner for the property appropriated such principles must ensure that what is determined as payable must be compensation, that is, a just equivalent to what the owner has been deprived of Within the limits of this basic requirement of full indemnification of the expropriated owner, the Constitution allows fair play to the legislative judgment as to what principles should guide the determination of the amount payable. Whether such principles consider all the elements which make up the true value of the property appropriated and exclude matters which are to be neglected, is a justiciable issue to be adjudicated by the court.”*<sup>6</sup>

The controversial topic of land reforms, land acquisition and fixation of compensation was resolved through a plethora of judgments, such as in the **R.C. Cooper v Union of India**,<sup>7</sup> wherein the court observed that,

*“The Constitution guarantees a right to compensation, an equivalent in money of the property compulsorily acquired. That is the basic guarantee. The law must therefore provide compensation, and for determining compensation relevant principles must be specified; if the principles are not relevant the ultimate value determined is not compensation.”*

Further to such judgments came the Twenty-Fifth Amendment Act, 1971, which replaced the term ‘compensation’ in Article 31(2) with ‘amount’ and barred judicial review on the adequacy of such amount. This amendment further introduced Article 31C, which said that no law declaring its purpose to be fulfilling the Directive Principles could be challenged in a court of law that it did not do so<sup>8</sup>. The constitutional validity of this amendment was also challenged in the monumental case of **His Holiness Kesavananda Bharati Sripadagalvaru v. State Of Kerala And Another**,<sup>9</sup>. Finally the Forty Fourth Amendment, 1978, deleted the Articles 19 (1) (f) and Article 31 from the Indian Constitution and inserted Article 300-A<sup>10</sup>. Hence the right to property was removed as a fundamental right and was provided as a much weaker statutory

<sup>5</sup> *State of West Bengal v. Bela Banerjee*. (1954) SCR 558

<sup>6</sup> *Ibid.*

<sup>7</sup> *R.C. Cooper v. Union of India*, (1970) 2 SCC 298

<sup>8</sup> M. P, Singh. “The Problem of Interpretation and the Concept of Compensation Under Article 31(2) of the Indian Constitution.” *Ijnr*, <https://ijnr.org/papers/IJNRD2311288.pdf> (accessed March 21, 2026)

<sup>9</sup> (1973) 4 SCC 225, April, 24, 1973

<sup>10</sup> No person shall be deprived of his property save by authority of law’.

right.

### C. DOCTRINE OF EMINENT DOMAIN

The concept of eminent domain finds its origin in the natural law movements. It is a right invoked for the public good and it overrides the right of a person to deny the refusal of the intervention by the State. The Doctrine of Eminent Domain and the law relating to compulsory land acquisition requires that the right is provided only for public purposes but if the specific project serves public purpose is an open question for interpretation. In the case of *Sulaiman M.S. v. State of Kerala*<sup>11</sup>, the Division Bench of Kerala High Court, examined the ‘public purpose’ and held that mere compensation of land for minority institutions doesn’t serve the public purpose and criticised the State Government. The Apex court laid down the grounds such as malafide exercise of power and an unreasonable or irrational land acquisition, for challenging this power<sup>12</sup>

It must be noted that, in another judgment of the Supreme Court, it was held that,

*“The power to acquire by State the land owned by its subjects hails from the right of eminent domain vesting in the State, which is essentially an attribute of sovereign power of the State. So long as the public purpose subsists, the exercise of the power by the State to acquire the land of its subjects without regard to the wishes of the owner or person interested in the land cannot be questioned.”*<sup>13</sup>

### D. LAND ACQUISITION LEGISLATIVE FRAMEWORK

The Supreme Court gave a wider meaning to the term ‘acquisition’ wherein deprivation that is contemplated in Article 31(1) was held to denote taking possession of property referred to in Art.31(2).<sup>14</sup> The Supreme Court, while reiterating the above view, held that the word “acquisition” meant the *procuring of property, or the taking of it, permanently or temporarily, and was not confined to the acquisition of a legal title by the State in the property taken possession of.*<sup>15</sup> Various land reform legislations were introduced. The Land Acquisition Act, 1894, was old, and as many of its provisions became obsolete, the need for a new land acquisition act arose. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was passed by the Government of India, which laid

<sup>11</sup> *Sulaiman M.S. V. State Of Kerala*, 2025 KER 62727 (Aug 21, 2025)

<sup>12</sup> *Sooraram Pratap Reddy & Ors., v. District Collector, Ranga Reddy District*, 2008 SCC 9 552

<sup>13</sup> *Sharda Devi v. State of Bihar*, (2003) 1 SCALE 85

<sup>14</sup> *State of West Bengal v Subodh Gopal Bose*, AIR 1954 SC 92

<sup>15</sup> *Dwarakdas Srinivas of Bombay v. The Sholapur Spinning & Weaving Co. Ltd.*, AIR 1954 SC 119.

down the legislative framework for a transparent land acquisition procedure along with enhanced compensation to the affected population as well as provisions for rehabilitation and resettlement. In consultation with the Gram Sabhas, Panchayats and other democratic institutions, this humane, cooperative and transparent procedure involved in land acquisition, guaranteeing the financial and social welfare of the displaced population, was adopted.

The Supreme Court has described the State Government's act in evicting some tenants from its property by force. The Court has ruled that '*possession can be resumed by the State Government only in a manner known to or recognised by law*'. The Court has further asserted that in the absence of a specific statutory provision, a person cannot be evicted by the executive by force without following 'procedure established by law', even on the ground of public interest.<sup>16</sup> Hence, the LARR Act, 2013 was passed to curb the malicious and colourable exercise of power of the Government in Land acquisition. The Act has been premised on the fact that there shall be no displacement before compensation, rehabilitation and resettlement. However, the objects of the Act could be fulfilled to some extent, as many controversies arose during the implementation of the Act.

## 5. SOCIAL IMPACT ASSESSMENT (SIA)

A Social Impact Assessment (SIA) is one of the most used tools in impact assessment and refers to the predictable and unpredictable consequences of developmental activities of a Government or a private enterprise on human population. The major purpose of SIA is to promote an equitable, sustainable and social environment.<sup>17</sup> An SIA study is usually conducted before any development project, such as hydropower projects or dam construction projects. It is incomplete without being based on the outline of developmentally induced displacement and resettlement. The LARR Act, 2013, also ensures rehabilitation and resettlement. Land acquisition is the uptake of privately owned land by the Government or a private enterprise, usually for a 'public purpose'. Such projects include the construction of big dams, displacement of people, ecological damage and disasters such as flood and spread of diseases. The inability of Government to fulfil the demands of the affected population and the criticisms faced from environmental and social activists led to the framing of the new legislation. An SIA study assesses all the aspects of acquisition, such as whether there is a justification for serving the public purpose by the acquisition of that land; if the area acquired for such a project is minimal;

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<sup>16</sup> *State of West Bengal v Vishnunarayan & Associates* (2002) 4 SCC 134

<sup>17</sup> Barrow, C. (2000). *Social impact assessment: an introduction*. Oxford University Press.

and a thorough study of the socio-ecological impacts of such a project and the impacts on the livelihood of the displaced families.

A Social Impact Assessment is usually of three types<sup>18</sup>, viz.,

1. Micro SIA: It focusses on individuals and their behaviour
2. Meso SIA: It focuses on organizations and communities
3. Macro SIA: It focuses on National and International Social systems.

The knowledge on these three types is essential for its correct application in the correct setting depending on the need. It has been highlighted that SIA has a multi-dimensional nature and can be seen as a positive change that promotes social sustainability establishing its balance with various other dimensions such as gender, culture, class, politics, economics, human rights, and Environment<sup>19</sup>. The major reason for the lack of a thorough SIA include lack of time and resources for the practitioners who mostly belong to the field of natural sciences and thus unable to understand the realities of the social field. The regulatory frameworks for SIA are covered by three legislative enactments viz.,

1. **The National Environmental Policy Act (NEPA), 1969:** It is a US Legislation that mandates the US Federal Government to undertake impact assessments on projects on communities under the provisions of Environmental Impact Assessment (EIA).
2. **The Interorganizational Committee on Guidelines and Principles (ICGP), 1994:** This was the first comprehensive document that was dedicated to the study of SIA. Later the **International Association for Impact Assessment (IAIA)** published a comprehensive and exhaustive set of guidelines in 2003. Accordingly, SIA is defined as,

*“The processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment.”<sup>20</sup>*

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<sup>18</sup> Becker, H. A. (2001). Social Impact Assessment. *European Journal of Operational Research*,128(2), 311-321.doi:10.1016/s0377-2217(00)00074-6

<sup>19</sup> Aledo-Tur, A., & Domínguez-Gómez, J. A. (2017). Social Impact Assessment (SIA) from a Multidimensional Paradigmatic Perspective: Challenges and opportunities. *Journal of Environmental Management*, 195, 56-61.doi:10.1016/j.jenvman.2016. 10.060

<sup>20</sup> International Association for Impact Assessment (IAIA). (2003). The International Principles and Guidelines for Social Impact Assessment. International Association for Impact Assessment. *Impact Assessment and Project Appraisal*, 21(3), 231-250. doi:10.3152/147154603781766293

3. **Environmental Protection Act, 1986:** The relevance of this Act with regard to SIA is crucial as it laid the foundation for the conduct of SIA in India. The assessment of social impacts of any public project was done as a part of the Environmental Clearance (EC) or an Environmental Impact Assessment (EIA) under the Ministry of Environment and Forests (MoEF) as per the provisions of this Act. The Act also provides for a rehabilitation plan for the displaced population which itself is a social impact and reflected that social and environmental issues were inter-related thereby accounting for conduct of an SIA also.
4. **National Rehabilitation and Resettlement Policy (NRRP), 2007:** The NRRP was passed by the Government of India in 2007 and is considered a landmark bill in providing the guidelines on the rehabilitation of displaced people and talks about conduct of SIA for the first time. The policy was appreciated for recognising the rights and loss of livelihood of the Internally Displaced People (IDP) and recognising the vulnerable sections of society.
5. **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR/LARR), 2013:** This Act was passed by the Indian Parliament in 2013 and Sections 4 to 9 lays down the provisions for the mandatory conduct of SIA before the acquisition of any land for public purpose in India. To make the practise of SIA meaningful and participative, the Government issued the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014 on 8th August, 2014. Section 14 and the 2015 amendment deal with the robust mitigation plan, monitoring committee to assess post-acquisition temporal safeguard and consent provisions mandating 70% for PPP Projects and 80% for private projects.
6. **Draft Environmental Impact Assessment Notification, 2020:** The Ministry of Environment, Forest and Climate Change issued a Draft Environment Impact Assessment Notification, 2020, that provides a new set of rules for the conduct of Impact Assessment studies, including provisions for Post facto clearance of projects, abandonment of public trust doctrine and issuing a more transparent and expedient clearance report.<sup>21</sup>

The procedure for the conduct of an SIA statutorily has been time and again signified by the courts. Kerala High Court upheld the conduct of an SIA and held,

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<sup>21</sup> MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, Notification, Available in: [Draft\\_EIA\\_2020.pdf](#)

*"26... Section 4 of the RFCTLARR Act deals with preparation of Social Impact Assessment Study. Section 5 deals with public hearing for Social Impact Assessment, which states that whenever a Social Impact Assessment is required to be prepared under Section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report, which is to be published as per Section 6 of the RFCTLARR Act at the designated places. The Social Impact Assessment Report is liable to be appraised by an independent multi-disciplinary Expert Group as provided under Section 7. Section 7(4) provides that if the Expert Group thinks that, the project does not serve any public purpose; or the social costs and adverse social impacts of the project outweigh the potential benefits, it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same and that the grounds for such recommendation shall be recorded in writing giving the details and reasons for such decision"<sup>22</sup>*

## **6. IMPLEMENTATION CHALLENGES OF ACT**

1. Rules 6 and 7<sup>23</sup> provides for the selection of a Social Impact Assessment Team for each project from the individuals and institutions empanelled in the Database for Qualified Social Impact Assessment Resource Partners and practitioners. It is critical to note that vide Rule 4, the appropriate Government has the power to appoint and establish the SIA Unit. However, the Rules are silent as to what must be the composition of the SIA Unit and the procedure for the selection of members to such unit. This is a lacuna in the implementation of the Act, as the SIA team plays a crucial role in the land acquisition process. This is because, in case of any adverse impact, it must be foreseen by the SIA team and must be reflected in the Social Impact Management Plan to mitigate such adverse impacts.
2. The SIA report is comprehensive as it contains all details such as the social costs of the project compared to the benefits, whether public purpose is served, if other alternative

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<sup>22</sup> *K.J.James V. The State Of Kerala*, 2025 KER 86 (Jan 6, 2025)

<sup>23</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent), Rules, 2014

land areas were considered, and the availability of alternate rehabilitation resources. Overlooking any one of the many aspects also renders the SIA non-compliant.

3. The lack of a post-facto evaluation of all the land acquisition and the infrastructure projects is also a major shortcoming. In the landmark ruling of Narmada Sardar Sarovar dam case,<sup>24</sup> The court analysed various critical issues about land acquisition for dam construction. There has been various studies to show that there are around 4500 dams in India<sup>25</sup> and not one of such dams has a credible post-facto evaluation of the impact of such displacement.<sup>26</sup>
4. An expert group critically analyses and evaluates the SIA report based on the physical and economic displacement of affected population. It is critical to note that, the recommendation of the Expert Group is not binding on the Government, and it is not under the obligation to consider it, and hence, various compliance and acquisition issues arise.
5. Above all, Industries argue that the law only increases project costs and bureaucratic delays due to various legal complexities. There have also been various implementation gaps with many instances of inadequate compensation, poor rehabilitation and resettlement and lack of transparency due to improper conduct of SIA. Further, the Act has progressive provisions for ensuring the protection of Marginalized groups, but in reality, the implementation challenges have led to unfair treatment and inadequate rehabilitation.
6. Financial expenditure is also a major challenge to follow all the procedural aspects of Land acquisition. In the five years from 2020 to 2025, NHAI had spent approximately ₹1.7 lakh crores on land acquisition<sup>27</sup> and further for the National Infrastructure Pipeline Project, a total capital expenditure of ₹111 lakh crores has been spent.<sup>28</sup>
7. STATE-SPECIFIC MODIFICATIONS:

Many states have diluted the provisions and the objects of the Act by reducing compensation and removing consent clauses. This is because the Land Acquisition is on the Concurrent List and hence the States have the power to amend the law specific to that state. In Tamil Nadu, the 2014 Amendment Act has introduced Section 105A to

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<sup>24</sup> *State Of Madhya Pradesh v. Narmada Bachao Andolan And Another*, 2011 SCC 7 639 (May 11, 2011)

<sup>25</sup> Hanna Werner, *The Politics of Dam: Developmental Perspectives and Societal Critique in Modern India*, Oxford University Press, 2015

<sup>26</sup> S. Jagadeesan and M. Dinesh Kumar, *The Sardar Sarovar Project: Assessing Social and Economic Impacts*, SAGE, 2015.

<sup>27</sup> <http://ensureias.com/>

<sup>28</sup> <https://dea.gov.in/>

place state-specific laws in a newly created Fifth Schedule. In Gujarat, the 2016 Amendment Act has allowed it to be exempted from key provisions such as SIA, Consent requirements and restrictions on acquiring multi-cropped lands pertaining to acquisition of land for Public-Private Partnership projects. Andhra Pradesh's 2018 Amendment Act also mirrors that of Gujarat. In Jharkhand, the 2017 Amendment Act has reduced various procedural necessities and simplified the land acquisition procedure to accelerate development<sup>29</sup>. The significance of the conduct of SIA had been iterated by the Apex court, wherein it held that,

*“In the case on hand, the respondents were bound to conduct a Social Impact Assessment before taking up any process to acquire any lands. The Social Impact Assessment was therefore a fundamental precursor to any acquisition process under the Act of 2013. It is only upon being satisfied that the requirements of Section 4 of the Act of 2013 are met that the acquiring body is clothed with a right to commence acquisition under Section 11 of the Act of 2013.”<sup>30</sup>*

## 7. FEASIBLE SUGGESTIONS FOR IMPROVEMENT

There is a need for certain reform measures, as various conflicts arise from land acquisition. It has been documented that more than 250 conflicts related to land acquisition were recorded across 165 out of 664 districts in India, which arose out of the governmental takeover of land on behalf of private investors.<sup>31</sup> There have been many proposals to amend the act and streamline it to improve the speed and efficiency<sup>32</sup>.

- 1. The RFCTLARR Amendment Bill, 2015:** This bill was introduced by the Government to propose exemptions from certain provisions of the Act. It faced significant opposition and was eventually lapsed.
- 2. RFCTLARR Amendment Bill, 2022:** This bill was introduced by the Member of the Parliament, Shri Rahul Shewale and it aimed to streamline the process of land acquisition in Mumbai thereby empowering the State of Mumbai to establish a special

<sup>29</sup> Sonak, I. (2018, December 21). ‘State govts acquire land by subverting rights and bending the law’. Down to Earth. <https://www.downtoearth.org.in/agriculture/-state-govts-acquire-land-by-subverting-rights-and-bending-the-law--62463>

<sup>30</sup> *Kolkata Municipal Corporation V. Bimal Kumar Shah*, 2024 SCC 10 533 (May 16, 2024)

<sup>31</sup> <https://www.business-standard.com/>

<sup>32</sup> Comptroller and Auditor General. (2022). Chapter IV: Revenue and Land Reforms. In Compliance Audit Report for the Year Ended 31 March 2022. [https://cag.gov.in/uploads/download\\_audit\\_report/2024/6-Chapter-4-066a230fc050101.64921402.pdf](https://cag.gov.in/uploads/download_audit_report/2024/6-Chapter-4-066a230fc050101.64921402.pdf)

committee to facilitate swift approvals for land acquisition and ensuring timely conduct of all statutory procedures.

The major area of improvement suggested for the effective conduct of SIA and for the implementation of the Act would be,

- 1. Speed and Efficient Land Acquisition:** The legislation could be amended to establish specific committees with experts to oversee and streamline the approvals, and digitise the entire process, thereby increasing the speed, efficiency and establishing transparency.
- 2. Standardisation across States:** Uniform enforcement of the Act has to be ensured to achieve the objects of the Act, and hence the various state-specific amendments that have diluted the very purpose of the Act have to be curbed.
- 3. Effective SIA Team and Units:** The conduct of SIA has been done statutorily, however, the quality of SIA is lacking. Hence, the Act itself could be amended instead of delegating the power to the Appropriate Government to encompass the composition of such SIA Unit.
- 4. Effective Rehabilitation and Resettlement (R&R):** Though the Act has provisions for Post-acquisition monitoring, it has not been effectively implemented. Hence, District-level Rehabilitation and Resettlement Committees could be formed to strengthen the implementation and monitoring of rehabilitation schemes.
- 5. SIA Strengthening:** The Apex courts have time and again ensured that SIA is mandatory as it upholds the principle of “*Audi alteram partem*”. Bypassing and non-compliance in case of an SIA is equivalent to violation of the Principles of Natural Justice. The Kerala High Court insisted on the principle of *Audi alteram partem* and mandated the conduct of an SIA.<sup>33</sup>
- 6. Establishment of certain institutions:** There’s a need to ensure that the land acquisition process is transparent, efficient and speedy, along with strict monitoring of rehabilitation measures. Hence, certain authorities could be established under the Act, such as autonomous State Social Impact Units, for the conduct of unbiased and transparent SIA before land acquisition; Lokpal or Ombudsman, established for resolving disputes related to land acquisition conflicts.

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<sup>33</sup> *K.Neenakumari V. State Of Kerala*, WP(C) 27287/2023 (Oct 10, 2023)

## 8. CONCLUSION

It is pertinent to note that in *Mazdoor Kisan Shakti Sangathan v. Union of India and Another*<sup>34</sup>, The court had held,

*"58. In the aforesaid context, it would be pertinent to point out that there may be situations where conflict may arise between two fundamental rights. Situation can be conflict on inter-fundamental rights, intra-fundamental rights and, in certain peculiar circumstances, in respect of some person one fundamental right enjoyed by him may come in conflict with the other fundamental right guaranteed to him. In all such situations, the Court has to examine as to where lies the larger public interest while balancing the two conflicting rights. It is the paramount collective interest which would ultimately prevail."*

Hence, the development of a nation lies in its efficient legislative framework, ensuring that the citizens don't lose their fundamental rights while balancing State's ability to perform its functions judiciously as per the Directive Principles of State Policy for the welfare of the society at large. The performance of the LARR Act, 2013, has indeed benefitted some landowners by ensuring better compensation, rehabilitation and consent-based acquisition. However, its full impact only depends on effective implementation and uniformity across States in India. The Hon'ble Court had observed that

*"...Efficiency is a complex concept, and it is challenging to identify a perfect measure of efficiency that can cater to the diverse requirements of a developing society such as ours..."*<sup>35</sup>

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