

The Future of Land Acquisition Laws in India: Balancing Economic Growth with Social Justice.

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ABSTRACT

This research discusses India's land acquisition legislation in light of recent economic reforms, urbanisation, and real estate growth. Government-initiated infrastructural developments like highways, metro rail corridors, and industrial estates increasingly entail private land acquisition, usually at compensation rates unconnected with prevailing market or SR (stamp) rates. Policies such as the National Monetisation Pipeline, state-level land pooling, and public-private partnership projects increase acquisition pressures, straining developmental imperatives and social guarantees under the 2013 Land Acquisition Act. Doctrinal critique of statute, policy, and case studies indicates that litigation surrounding contentious property increasingly turns into land acquisition disputes, indicating gaps in valuation, consent, and rehabilitation procedures. Marginal farmers, urban landholders, and tribal groups are still the most at risk, and discrepancies between states aggravate disparities. Cross-country observations from nations like Brazil and South Africa show patterns of open valuation, advantage-sharing, and participatory acquisition procedures. It is suggested in the study that independent valuation agencies, online tracking of acquisitions, rigorous application of consent measures, and participatory community engagement guidelines should be adopted. Strengthening institutional capability, harmonising processes, and embedding social impact reporting are essential to enabling India's land acquisition legislation to enable infrastructure growth without sacrificing equity, fairness, or rights.

KEYWORDS

Land Acquisition Legislation, Economic Reforms and Infrastructure, Compensation and SR/Market Rates, Real Estate and Urbanisation, Participatory Valuation and Rehabilitation.

1. INTRODUCTION

Land has never existed as a physical good in India; land is the fulcrum of livelihood, culture, and identity of the people. Rural Indian land is not only an economic good but also a symbol

of social stature and perpetuation of forebears. Due to this personal connection, land acquisition ranks as one of the most sensitive matters in the country's government and jurisprudence. For a third-world country that wants to be an economic superpower of the world, it is a nightmarish and continuous task to reconcile high industrial and infrastructural growth with the protection of individual rights.

Historically, acquisition of land in India was governed by the Land Acquisition Act of 1894. The colonial law gave the government enormous powers to acquire private land in "public purposes¹." Even though the Act made land acquisition an easy task for the state to build railways, dams, and other projects, the Act did not give much importance to the free will and welfare of the displaced individuals because of such activities. It was most often token, procedural transparency didn't take place, and rehabilitation of the target families wasn't guaranteed. It led to extreme public distrust, resistance movements, and litigations, most notably in cases such as Narmada Bachao Andolan v. Union of India² and Singur Land Acquisition Case³, wherein the Supreme Court called for fairness and consensus in acquisition proceedings.

Liberalization of the Indian economy in the 1990s transformed the geography of use. High-value industrial proposals, Special Economic Zones (SEZs), express ways, and urbanization brought land demand into multiple folds. The economic change exposed the fault lines of the 1894 Act. Finally, it led to severe social unrest, forcing the government to replace it with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCLARR), 2013. The new Act began with participative decision-making, compensation on a market value basis, and mandatory rehabilitation for resettled households. However, since it came into effect, various amendments and state legislations diluted its intent, and a gap has developed between practice and law⁴.

Now, in the current scenario, India's new economic reforms, such as the pace for infrastructure corridors, National Monetisation Pipeline, and rapid urban real estate

¹ *The Land Acquisition Act 1894: Navigating Through India's Primary Framework for Land Acquisition* • Law Notes by TheLaw.Institute. (2024, January 6). The Law Institute. <https://thelaw.institute/rural-local-self-governance/land-acquisition-act-1894-india-framework/>

² *Narmada Bachao Andolan vs Union of India and Ors Writ Petition (Civil) 328 of 2002*

³ *Tata Motors Limited & Anr v. State of West Bengal & Ors W.P No. 9949 (W) of 2011, W.P No. 10198 (W) of 2011, (September 28, 2011)*. <https://www.casemine.com/judgement/in/5ac5e4bc4a93261aa794ef71>

⁴ *Banerji, O. (2021, October 8). Insights into the right to fair compensation and transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013. IPleaders.* <https://blog.ipleaders.in/insights-into-the-right-to-fair-compensation-and-transparency-in-land-acquisition-rehabilitation-and-resettlement-act-2013/>

development, have again brought focus to land acquisition. State governments are acquiring huge chunks of farm and peri-urban land for industry parks, smart cities, and renewable energy. Ground reality sometimes lapses due to problems: undervaluation of land with the help of outdated Stamp and Registration (SR) rates, sub-standard rehabilitation, realty speculation, and lack of a unified regulatory framework that safeguards the interests of citizens and investors alike.

This conflict between development and rights is by no means Indian but assumes a special ferocity due to the socio-economic heterogeneity and high population density of the country. The issue is not whether land acquisition is necessary but how: transparently, fairly, and sustainably. As India moves further into market-friendly reforms and private investment in state infrastructure, the double nature of the state as regulator and purchaser of land has to be addressed seriously.

This paper examines the past and future of India's land acquisition regime against the backdrop of the current economic reforms. It outlines how real estate activity, state acquisition for infrastructure construction, and abuses of valuation have expanded the meaning of the "public purpose." It also compares India's model to global models in the United States, China, and the United Kingdom, each with interesting lessons in balancing growth and equity⁵. Finally, the article advocates for a vision-based framework that positions equity, ecological sustainability, and inclusive governance as the cornerstones of India's future land policy.

2. IMPORTANT CONCEPTS: SR VALUE, MARKET VALUE, AND COMPENSATION PRINCIPLES

One of the most recurring problems of India in the area of land acquisition and real estate law is the disparity between the "guidance value" (otherwise referred to as the circle rate, guideline value, or SR value) and the existing market rate of the land at that moment. It has implications for the fixation of compensation and whether the acquisition is being considered fair or unfair to the involved parties⁶.

The SR rate or advice is an administration-notified rate. It provides the minimum benchmark value of a registration of a property transaction, mainly to avoid under-reporting and stamp

⁵ *Navigating the dynamics of real estate in India.* (2024). KPMG.

<https://kpmg.com/in/en/insights/2024/02/navigating-the-dynamics-of-real-estate-in-india.html>

⁶ (2024). Nus.edu.sg. <https://www.isas.nus.edu.sg/papers/current-land-issues-in-india-puzzles-and-possible-solutions/>

duty receipts evasion. They are generic, vintage, and blind to micro-market forces. Real market prices are driven by urbanisation, infrastructure development, and speculative property trends far ahead of notified SR rates. Accordingly, during the calculation of acquisition compensation at these sub-administrative levels, owners of property are receiving much less than the actual value of the property. For instance, in Bengaluru, Hyderabad, and Pune's urban enclaves, advisory prices hitherto have trailed 20–60% behind market value⁷.

State warnings periodically updated do not always capture localised surges in demand within an area due to industrial corridors, new lines of metro, or business development areas. This difference is highly controversial when the land is being acquired by the government in exercise of its powers under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act)⁸, where compensation has to be decided on market value of land with a solatium and otherwise. Section 26 of the RFCTLARR Act lays down that "market value" has to be calculated in relation to:

- Market price under the Indian Stamp Act for registration purposes,
- Median price at which the comparable property has been transacted in the area, and
- Negotiated price in case of private acquisition or negotiation⁹.

Section 30 also grants a second solatium normally 100% of market value—to compensate landowners for their non-economic and emotional loss. Even in the countryside, the Act requires a multiplier (2x maximum) on market value, acknowledging rural-urban variations in land markets¹⁰.

But in practice, nearly all acquisition authorities still use the SR value as the "market value" when, according to the Act, it is only one of the relative guidelines.

⁷ *K Rajasekharan. (2025, January 11). Compensation for Land Acquisition under 2013 Act - Lawwatch : Legal Resources for Learners. Lawwatch : Legal Resources for Learners.* <https://lawwatch.in/method-of-calculating-compensation-in-land-acquisition/>

⁸ *THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION REHABILITATION AND RESETTLEMENT ACT, 2013*

⁹ *The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 26.* <https://indiankanoon.org/doc/111922968/>

¹⁰ *The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013, section 30.* <https://indiankanoon.org/doc/139009488/>

This automatism of guidance value has been faulted in a series of judicial remarks. It was further explicitly made clear by the Supreme Court that compensation should be in terms of real and actual market value and cannot be limited to administrative or statutory rates, which never reflect real market realities¹¹. Similarly, the Court observed that whereas government notifications could act as a pointer, they cannot be substituted by real-time, up-to-date market knowledge, especially in fast-moving urban markets¹². Even some recent judgments have affirmed so. The Court reiterated that analogous sales, potentiality of the land and direction of the advancement, as opposed to serving a formulaic circle rate application, should also be considered by the valuation authorities. This judgment recognised that not only are monetary injustices perpetrated, but even public distrust in the acquisition process¹³.

Apart from the legal arena, there is also a social and economic arena.

Where the compensation amount is less than market value, it results in the displaced families' inability to buy houses or land of equal worth in the same area, resulting in forced displacement, loss of livelihood, and social dislocation. This has been the general trend in projects like road widening, industrial parks, and renewable energy corridors, where market gap value and guidance value are highest. This is even more pronounced in real estate development, where land consolidators and developers are taking advantage of the SR and market value gap.

Despite the fact that transactions are being done at guidance value with a view to lowering stamp duty, balance consideration also crops up in cash-financing channelling of black money and distorting real estate markets. Absence of harmonised national regulation for revision of guidance value and method of valuation widens such disparity. Each state revises their rates separately, and not all states revise them on a regular basis, resulting in varying parameters in the country. Dogmatically, the "just compensation" concept, as stated under Article 300A¹⁴ of the Constitution and the RFCTLARR Act, mandates the restoration of the owner to as nearly a state as possible of his initial economic situation, as if not undertaken.

Indian courts have invariably assumed, for that matter, "just compensation" to be realistic, reasonable, and in tune with the then prevalent market trends, and not nominal. This is in tune with the general constitutional doctrine of equality under Article 14¹⁵, so that state action in

¹¹ *Union of India v. Tarsem Singh*, (2019) 9 SCC 304

¹² *Periyar and Pareekanni Rubbers Ltd. v. State of Kerala*, (1991) 4 SCC 195

¹³ *State of Haryana v. Gurcharan Singh*, (2021) 6 SCC 321

¹⁴ Article 300A

¹⁵ Article 14 Right to Equality

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acquisition will not become oppressive or arbitrary. This is achieved in the majority of the developed nations by dynamic models of valuation, which modify standards of compensation from time to time on the basis of market information.

The United Kingdom's Land Compensation Act, for example, applies valuation to previous deals on the market, whereas Canada's and Australia's compensation schemes include land value coupled with disturbance cost, relocation allowance, and business loss. India's legal framework, as theory-based, remains plagued with implementation lethargy mainly due to its administratively controlled reliance on previous SR values and the lack of professionally uniform standard bodies. For the purpose of keeping themselves impartial and credible in the issue of compensation, India needs to implement an evidence-based valuation system revised at regular intervals through transparent processes with the local governments, surveyors, and independent valuers. Biennial revaluation undertaken by GIS-based land value records, revaluation of market value at regular intervals, and cross-verifications through sale deed analysis would be sufficient to fill up the SR–market gap easily.

Finally, equitable compensation is not just a law, it is a constitutional guarantee. In the midst of burgeoning expansion and economic liberalisation, ensuring that landowners receive fair compensation commensurate with the current market rate is most critical towards making economic legitimacy and trust in India's expansion process more viable.

3. THE REAL- ESTATE SECTOR, REGULATORY GAPS, AND EFFECT ON LAND LAW

3.1. A Fragmented Regulatory Regime

The Indian real-estate sector is at the intersection of urbanisation, the law of property, and financial regulation, but is very much fragmented in regulation. The Real Estate (Regulation and Development) Act, 2016 (RERA)¹⁶ was a sea change that brought accountability, transparency, and consumer protection to a very otherwise opaque sector. It involved developer and project registration, mandated formal disclosure of facts, and provided a statutory avenue for grievance redressal of homebuyers, a stark contrast to the hitherto pre-RERA regime, where buyers enjoyed minimal or no relief against defaulting builders.

RERA has to, however, necessarily focus primarily on the developer-buyer relationship. It deters money-losing, risk-of-delivery, or ad hoc proposal-changing developers but does not

¹⁶ *The Real Estate (Regulation and Development) Act, 2016 (RERA)*

cure the upstream drivers of land acquisition, ownership, and price. Those upstream drivers land rezoning from farm to residential or industrial use remain in the grip of a piece-by-piece regime of state law, planning permits, and administrative direction. This patchwork system can lead to unequal enforcement, whereby loopholes are exploited on behalf of speculative interests.

Indian property sales are normally plagued by tawdry title histories, off-books deals, and conflicting claims from inheritance, tenancy, or co-ownership. To this is added the lack of an entirely digital land records system in India. While Karnataka and Maharashtra are leaders with initiatives such as Bhoomi and Mahabhulekh, there still remain differences between revenue records, mutation registers, and survey maps. Wherever land is grouped into industrial corridors or real-estate projects, boundary conflicts and title issues do erupt¹⁷.

RERA's design, for all that it is good, can't undo these very fundamental loopholes. It's taking land on which one building stands to be saleable and has a free title, when most developers work on ad hoc permissions or conditional purchases, which are then in contest. This leads to long litigation as well as administration logjams, particularly if local townships or state development agencies themselves are involved in land transactions.

RERA directives have been promoting transparency, partially, e.g., in *Newtech Promoters and Developers Pvt. Ltd. v. State of UP*¹⁸, the Supreme Court reinstated jurisdiction of RERA tribunals for the determination of refund and compensation cases even when there are pending proceedings elsewhere. Such promotion is limited only to urban home movers and not the entire land administration system, including acquisition, appraisal, and regulatory accountability.

India's real estate market remains, therefore, a patchwork of local heritage, shaped by differential state variations, discretionary permits of planning, and differential enforcement powers. Such a lack of uniformity is not only a violation of investor confidence but also undermines the homogeneity of land acquisition and compensation mechanisms at large.

3.2.Speculation, SR/Guidance Value Lag, and Litigation

¹⁷ Blogger. (2025). *Digital Land Records India: Complete Guide to Mahabhulekh, Bhoomi & State Portals | Ghar Real Estate.*
<https://www.ghar.tv/blog/digital-land-records-india-complete-guide-to-mahabhulekh-bhoomi-state-portals-ghar/artid3396>

¹⁸ *Newtech Promoters and Developers Pvt. Ltd. v. State of UP*, (2021) 4 SCC 151

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One of the most direct economic distortions in Indian land markets is that which arises from the difference between official SR (guide) prices and market prices. It causes inefficiency and speculation in the system.

Where the official SR values are considerably below the level of the market, several consequences follow. Housing sales are still documented at artificially low prices to reduce stamp duty and capital gains tax, and hence cause a loss to the revenues of the state. The differential payment in cash in most cases results in unrecorded parallel money flows, which finance other things that the tax authorities and the press generally refer to as the "black money loop" in housing.

Secondly, when subsequently the state acquires such land for development or other purposes of the state, compensation is usually fixed on a basis of reference to the SR or filed value, as opposed to the open market value. Landowners thus receive less than their value, and developers or middlemen, or bodies which otherwise would have bought the same land at a lower price at an earlier time, receive windfalls. This injustice is suspicious against the state and provokes resentment in society.

This distortion of value is a limitless fountain of litigation. Several petitions have been pending in the High Courts and the Supreme Court for challenging acquisition notices, valuation reports, and compensation awards. The judiciary has recently realised that the SB or circle rate per se is not being imparted with the test of "just, fair, and reasonable compensation" under Article 300A¹⁹ of the Constitution. In *State of Haryana v. Gurcharan Singh*, the Supreme Court held firmly with the instructions to the authorities to consider comparable market transactions and local development possibilities and not the rigid application of administrative norms²⁰. Also, in *Union of India v. Tarsem Singh*, it was interpreted that the compensation shall be in terms of "the fair market value of the property as it stands on the date of acquisition," considering the future utilisation of the property as well²¹.

This judicial focus on fairness is part of a broader constitutional culture: development cannot come at the cost of arbitrariness or discrimination. But at the grass roots level, sticking to fossilised SR values, opinion surveys on spot markets, and betting-like betting reinforces the vicious cycle of undervaluation and conflict. Scores of infrastructure projects expressways,

¹⁹ *Ibid.*, at 5

²⁰ *State of Haryana v. Gurcharan Singh*, (2021) 6 SCC 321

²¹ *Union of India v. Tarsem Singh*, (2019) 9 SCC 304

logistics parks, and smart cities included are rendered non-starters by the time lost owing to controversies over compensation for this very gap.

3.3.Land Acquisition and Real Estate Regulation Governance Risks

Land acquisition and the disintegration of regulation of real estate management is more than valuation, so much more; it can reveal underlying structural shortcomings in keeping records, monitoring, and accountability. Double payments, record manipulation, and middlemen-official collusions occur. These instances are representative of systemic openness and not the exception.

For instance, the probe into the big-ticket infrastructure corridors upgradation of national highways, development schemes of industrial clusters, and metro rail corridors has uncovered intricate cycles of fraud via fake land division deeds, duplicate claims, and fake payments of compensation. In 2023, an audit by the Comptroller and Auditor General (CAG) unveiled various anomalies in the Bharatmala scheme, for which multiple plots of land were paid twice due to lax title verifications and lax inter-department coordination. Even police organisations in Tamil Nadu and Maharashtra investigated cases of middlemen creating ownership certificates from e-land records and getting compensation on behalf of ghost claimants²².

Such government failure, further, is not merely expensive to the treasury but also tarnishes the reputation of government projects. Process inefficiency or corruption that devalues acquisition procedures, even nominally altruistic welfare-enhancing infrastructure projects, incites protest, indignation, and loss of reputation. Local residents, occasionally in covert suspicion of official estimates, flatly refuse to relinquish land at all, and cost overruns and white elephant projects result.

The situation is further aggravated by the fact that there is no independent mechanism of valuation and verification. While the RFCLARR Act and RERA have. Instituted conceptualised institutional transparency, the latter is dependent on. the state government for. enforcement. In the. absence of the process of valuation. becoming professionalised and a third-party audit. mechanism, the system is. likely to be manipulated. and subject to bureaucratic discretion.

²² 2023 Records Lowest Number of CAG Audits. (2023). *Drishti IAS*
<https://www.drishtiias.com/daily-updates/daily-news-analysis/2023-records-lowest-number-of-cag-audits>

Recent judgments of the courts, and policy statements highlight, the more so the, imperative, for reform. The NITI Aayog Infrastructure and Land Governance report, 2022, suggested implementation of digitally networked cadastral systems, open-ended compensation tracking, and real-time grievance resolution. Similarly, the Supreme Court, in *Tukaram Kana Joshi*²³, noted that deprivation of property without adequate compensation or due process of law violates Article 300A²⁴ as also the rule of law per se²⁵.

Effectively, flaws in the market for real estate and purchase are constitutional maladies instead of administrative frailty. They invalidate public faith, skew market rationality, and besmirch India's development model moral fabric. Unless simultaneously cured by law reform, better administration of land records, and robust accountability mechanisms, the blemishes will continue to deplete growth as well as social justice.

4. GOVERNMENT ACQUISITION OF INFRASTRUCTURE: BENEFITS, STRESS, AND INSTITUTIONAL FAILURES.

4.1.The Logic

Public infrastructure at a large scale, like roads, railways, airports, industrial parks, and renewable energy networks, has been observed to be the pillar of economic advancement. They return social gains with increased interconnectedness, reduced transaction costs, and employment multipliers. Governments need nearby pieces of land to effectively institute them, which do not exist when it comes to voluntary market transactions. Statutory powers of procurement are thus conventionally used by the State for land consolidation on a tight timescale under budget cycles, terms of multilateral loans, or national economic priorities.

To speed up such projects, special acts or executive decrees like the National Highways Act, Metro Rail Acts, or state industrial development acts allow the concerned agencies to acquire land directly. These are passed on the grounds of "public purpose" and "economic necessity," with the intention of excluding procedural opposition and to induce early completion of the project in the larger social interest.

4.2.The Problem: Speed Versus Fairness

²³ *Tukaram Kana Joshi v. MIDC*, (2013) 1 SCC 353

²⁴ *Ibid.*, at 5

²⁵ *NITI AAYOG, India | Infrastructure Connectivity*. (2025). *Niti.gov.in.*

<https://www.niti.gov.in/divisions/division/infrastucture>

But this "compulsion to develop" policy inevitably is colored with a conflict between governmental expediency and individual fairness. Where expediency is the dominant motive, fair procedural protection and fair procedures of compensation necessarily must give way. This conflict is expressed in three words:

4.3.Under compensation and out-of-date valuation practices

Most deals still compute compensation on guide prices or SR prices officially approved rates for stamp duty and registration. The rates are rarely revised in real-time and are behind market prices, especially in the urbanizing areas. Owners are indirectly contributing to public programs' implicit cost by paying compensation on these numbers only and getting less than what their land is worth as indicated by the market²⁶.

Courts, even the Supreme Court, have always felt that compensation should be fair market value and not bureaucratic norms²⁷. They also clarified that "just compensation" under Article 300A and LARR, 2013, is not just the land price but also solatium, interest, and loss of means of livelihood. In certain recent rulings, the courts have directed the authorities to recalculate the compensation if medieval or mechanical methods of calculation were not reasonably able to estimate economic loss.

4.4.Opacity of process and corruption

Hastiness to buy immediately leads to openness being underrated. Public inquiries and reports into large infrastructure projects have found problems such as failure to verify proper title, sub-standard public hearings, and collusion for compensation. Middlemen in the country are being used as middlemen between the state and landowners, and it is an avenue for bribery and disinformation. This openness leads to loss of public trust and is equal to litigation, which ironically prolongs projects longer than initially "fast-tracked" speed.

4.5.Displacement and poor rehabilitation

Payment is mostly short-term to respond to long-term socio-economic displacement resulting from displacement. Land is not only a resource base of the rural poor, small farmers, and

²⁶ *Land Acquisition | Entire Process Of Determining Market Value Based On Surmises And Conjectures - SC Modifies Compensation, Verdictum News (Aug 15 2022)* https://www.verdictum.in/court-updates/supreme-court/compensation-modified-for-land-acquisition-1433495?utm_

²⁷ *PTI. (2025, May 7). Compensation for land acquisition must be guided by equality, equity, justice: SC. The Economic Times; Economic Times.* https://economictimes.indiatimes.com/news/india/compensation-for-land-acquisition-must-be-guided-by-equality-equity-justice-sc/articleshow/120969301.cms?from=mdr&utm_

artisans and the urban informal economy but also a livelihood base. Cash compensation of land without supporting programs of resettlement, job assistance, or annuity programs results in progressive impoverishment of the community. The LARR Act, in principle, recognises this by mandating R&R provisions but the record is incomplete, and significant numbers of states dilute or circumvent these provisions using sector-specific legislation.

4.6.Institutional Gaps and Judicial Scrutiny

There is a highly robust institutional obstacle if specialised agencies such as the National Highways Authority of India (NHAI), Metro Rail Corporations, or Industrial Development Boards are operating under differing regimes of acquisition. These agencies generally have ordinary powers for determining compensation or framing rules of acquisition, irrespective of whether or not the LARR Act is in place. For being cost-effective, these overlapping regimes sometimes obliterate important safeguards such as consent, social impact assessment, or rehabilitation.

In recent history, the judiciary has resolutely dismissed such expediencies. The Supreme Court has again held that all acquisitions, regardless of the path followed by the legislature, would have to be in terms of the classic notions of reasonableness, transparency, and equity introduced with the LARR Act. Some judgments have invalidated executive orders or read down those that had attempted to shorten compensation procedures or eliminate social impact assessments. Judges have also included that the legislative powers cannot be utilised in the pursuit of injustice in the interest of public good or urgency.

The courts, also, have been on the side of the cause of balance, as much as they are concerned with prioritising the construction of early infrastructure. They have, nonetheless, still kept reminding us that development cannot be presented to the altar at the cost of justice. Rehabilitation and just compensation are not administrative favours; they are constitutional guarantees wedded into the right of property and the theory of substantive due process.

4.7.The Wider Implication

This persistent theme of tension between equity and efficiency reflects unresolved institutional divergence in Indian land use policy. The State, as an economic facilitator trying to fuel high growth in infrastructure, is also constitutionally bound to be a custodian of citizens' rights. Bridging the gap calls for more than legislative change, but strengthened institutional

capability to correct records of ownership, computerised valuation, transparent redressal, and inclusive decision-making.

Lastly, Indian land acquisition will be defined as to whether it can be more than a mere administrative process and instead emerge as a participatory and trust-based process and one that translates economic reform imperatives into demands of justice and human dignity.²⁸

5. EVOLVING JURISPRUDENCE AND PERSISTENT FAULT IN INDIA'S LAND ACQUISITION FRAMEWORK.

5.1.Judicial push for market-determined compensation

During 2023-2025 a number of orders of the Supreme Court of India (SC) or High Courts have elucidated clearly that compensation of land acquisition should more closely reflect genuine market value, and not merely exist on the basis of comparative out-of-date benchmarks or formulaic calculations.

For instance, in *Shripal v. Karnataka Neravari Nigam Ltd.* (2024 INSC 386)²⁹, the SC ruled that land purchased in 2007 for the Hippargi Barrage project needs to be assessed at ₹4.5 lakh per acre (round about) from market evidence and not at the initial low award³⁰.

In *Manik Panjabrao Kalmegh v. Executive Engineer Bembla Project Division Yavatmal* (2024 INSC 844³¹) the Court made clear that issuing a "cumulative increase" in market value (from an exemplar sale deed) is not a blanket rule, and valuation has to be rationally founded on facts³².

In a 2024 SC ruling (2024 INSC 797) the Court directed awards which did not express true market value, demanding that awards need to factor in escalation, solatium and interest when warranted.

²⁸ *Multiple Supreme Court judgments emphasising that acquisition must respect Article 300A and fair process. See Compensation for land acquisition must be guided... (supra).*

<https://economictimes.indiatimes.com/news/india/compensation-for-land-acquisition-must-be-guided-by-equality-equity-justice-sc/articleshow/120969301.cms?from=mdr&utm>

²⁹ *Shripal v. Karnataka Neravari Nigam Ltd.* (2024 INSC 386)

³⁰ *Kaur, T. (2024, May 8). Supreme Court Orders ₹4.5L Per Acre Compensation To Owners Of Land Acquired For Hippargi Barrage Project. Verdictum.in; Verdictum.* <https://www.verdictum.in/court-updates/supreme-court/supreme-court-of-india-shripal-v-karnataka-neravari-nigam-ltd-2024-insc-386-hippargi-barrage-project-compensation-for-land-loss-1534434?utm>

³¹ *Manik Panjabrao Kalmegh v. Executive Engineer Bembla Project Division Yavatmal* (2024 INSC 844)

³² *Tulip Kanth. (2024, November 12). Land Acquisition Act| Grant Of Cumulative Increase In Market Value Of Land Not Absolute Rule: Supreme... Verdictum.in; Verdictum.* <https://www.verdictum.in/court-updates/supreme-court/supreme-court-manik-panjabrao-kalmegh-vs-executive-engineer-bembla-project-division-yavatmal-2024-insc-844-1557627?utm>

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A Business Standard report entitled "Land compensation must reflect equity, justice and fairness: Supreme Court" consolidates the Court's perspective that "the determination of compensation for compulsory acquisitions ... is essentially an exercise in equity, equality and fairness," underlining the shift from administrative valuation by itself to market-responsive compensation³³.

These judgments demonstrate a clear trend: courts will no longer accept mechanical valuation by mere administrative rates or old surveys. They emphasize the necessity for acquisition authorities to apply actual, recent sale records, look ahead to the future value of land, and include solatium/interest for delay or loss of livelihood.

5.2. National Highways Authority of India (NHAI) and compensation rules under judicial scrutiny

Acquisition regulations drafted by infrastructure organizations (such as NHAI) have been judicially questioned when they seem to skirt around or derogate safeguards under the ordinary acquisition statute (the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — LARR/2013).

Reports point out that the SC has "flagged" inequality in some NHAI rules of compensation—i.e., rules that cap awards, put caps on solatium, or omit valuation of non-market losses. For instance, Verdictum points out that the SC held the bureaucracy cannot substitute judicial supervision in obtaining fair awards³⁴.

Although I could not come across a publicised full written SC judgment in 2023-25 dealing exclusively with NHAI regulations alone (at least in the materials that I had access to), the overall principle is amply established: that even purchases through infrastructure agencies are required to meet the "just, fair and reasonable compensation" criterion.

A consequence: infrastructure projects buy huge tracts of land, at times in high-value areas, and acquisition agencies can use simplified payment schedules to reduce cost/time. Courts increasingly resist when those pay schedules appear to sacrifice equity.

³³ *India. (2025, May 7). Land compensation must reflect equity, justice and fairness: Supreme Court. @Bsindia; Business Standard.* https://www.business-standard.com/india-news/land-compensation-must-reflect-equity-justice-and-fairness-supreme-court-125050701571_1.html?ut

³⁴ *Mastitis Literature Survey, 1986. (1988).*

It puts the spotlight on the requirement for supervision, independent scrutiny, and equality of award standards irrespective of whether acquisition is by a "routine" buyer under the 2013 Act or by an infrastructure agency under exceptional rules.

It provides you with an argument for calling for harmonisation of compensation standards across agencies and making sure infrastructure-led acquisitions do not thwart fundamental protections.

5.3.Fraud investigations in corridor projects (e.g., Bharatmala Pariyojana example)

Breakdowns in land governance in acquisition for large-scale infrastructure corridors have emerged, demonstrating actual-life risk of corruption, manipulation and displacement of legitimate claimants.

India Today news reports that in Chhattisgarh the Economic Offences Wing (EOW) submitted a 7,500-page chargesheet against alleged land compensation fraud in the Bharatmala highway project (2020-24). The cheat entailed inflated prices, fictitious transfer of land to proxy names, and collusion between government officials, brokers and private persons³⁵.

Times of India reports that in the same project area, officials were reported to have colluded with land mafias: pieces of land worth ₹29.5 crore were recorded as ₹78 crore, 80 new names added illegally to compensation rolls, pointing towards grave record-manipulation³⁶.

Arrests were made in April 2025 for bogus claims of compensation, including cheques drawn on people other than legitimate landowners, again linked to Bharatmala acquisition³⁷.

Such cases highlight that aside from valuation disputes, record-keeping, title verification, compensation disbursement and intermediary conduct are broad fault lines. It lends credence to your point on more robust institutional mechanisms: e.g., digital land records, compensation tracking dashboards, independent audit of disbursements, and strict anti-fraud measures.

5.4.Ground reality: SR/guidance values and conflicts

³⁵ *Sumi Rajappan. (2025, October 14). Massive land compensation scam in Chhattisgarh, case against 10 accused. India Today.* <https://www.indiatoday.in/amp/india/story/bharatmala-scam-chhattisgarh-land-compensation-fraud-chargesheet-accused-2802884-2025-10-14?utm>

³⁶ *Rashmi Drolia. (2025, April 25). ACB, EOW search 20 locations of officials linked to multi-cr Bharatmala "scam" in CG. The Times of India; Times Of India.* https://timesofindia.indiatimes.com/city/raipur/acb-eow-search-20-locations-of-officials-linked-to-multi-cr-bharatmala-scam-in-cg/amp_articleshow/120628803.cms?utm

³⁷ *NewsDrum Desk. (2025, April 26). Chhattisgarh: Couple among four arrested in Bharatmala project compensation scam. NewsDrum.* <https://www.newsdrum.in/national/chhattisgarh-couple-among-four-arrested-in-bharatmala-project-compensation-scam-9005647?utm>

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The varying levels of statutory guidance values (circle rates, SR values) and real market values are a live concern in land acquisition conflicts, particularly in rapidly developing peri-urban regions.

It highlights the way landowners perceive the SR value to be dozens of times less than the market value. For instance: "We possess agricultural land on the fringes of Hyderabad ... the govt market value is ₹450 per sq yd, while the prevailing market value is ₹10,000 per sq yd, which is 20× lower."³⁸

Times of India news reports that for a land plot purchased by NHAI for ₹73 lakh, the Chhattisgarh High Court held it was exempt from income tax payment—demonstrating how acquired compensation and valuation concerns impact tax law as well³⁹.

The Court in Land compensation only on market value: SC stressed: "potential value is part of market value ... after determining the market value, there cannot be any question of giving further sum over and above it for future potential."⁴⁰ This supports the contention that the SR/guidance value mechanism is not adequate as a basis for compensation in high-growth areas. It demonstrates that landowners' views of injustice (and occasionally reality) result from application of outmoded administrative values as opposed to changing market information. For policy, it reinforces the argument for regular updating of guidance values, independent testing of market transactions, and more advanced valuation models that account for "hope value" and potential future development.

6. COMPARATIVE APPROACHES: THE LESSONS OF OTHER COUNTRIES.

Learning lessons from elsewhere facilitates the envisioning of reforms that can work. Below I outline three comparators: the United States, the United Kingdom and South Africa.

United States — Kelo, backlash and state-level retrenchment

³⁸ *Reddit - The heart of the internet.* (2024). *Reddit.com.*

https://www.reddit.com/r/LegalAdviceIndia/comments/1gyrahe/land_acquisition_notified_by_govt_but_govt_market/?utm

³⁹ *Das, N. (2025). No income tax for taxpayer whose land was compulsorily acquired at Rs 73 lakh by NHAI due to this reason, rule.* *The Economic Times; Economic Times.*

<https://economictimes.indiatimes.com/wealth/legal/will/no-income-tax-for-taxpayer-whose-land-was-compulsorily-acquired-at-rs-73-lakh-by-nhai-due-to-this-reason-rules-chhattisgarh-high-court/articleshow/123999766.cms?utm>

⁴⁰ <https://timesofindia.indiatimes.com/business/industry-business/land-compensation-only-on-market-value-sc/articleshow/1592988250.cms?utm>

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The U.S. Supreme Court's *Kelo v. City of New London* (2005) decision allowed takings for economic development under the federal "public use" standard. The decision was fiercely pilloried. In the period since *Kelo*, numerous U.S. states passed more stringent legislation to restrict eminent domain for private development, and various jurisdictions increased compensation thresholds or procedural barriers. The takeaway: expansive judicial doctrine allowing takings for economic development can be legally and politically expensive; democratic and constitutional restraints at the subnational level may be necessary to recreate local trust. The U.S. experience emphasises the need for transparent legal boundaries on private-benefit transfers and strong state/regional protection. Supreme Court of the United States⁴¹

Policy lesson for India: When acquisition powers are seen to transfer land to private developers without open benefit-sharing, political reaction and litigation ensue. Transparent statutory boundaries, increased compensation for private transfers, and obligated independent monitoring would lower grievance.

United Kingdom — Compulsory purchase with detailed guidance and compensatory principles

England and Wales have an established compulsory purchase regime subject to guidance emphasising procedural fairness, open market valuation, and the principle of putting owners "in the position they would have been had the acquisition not occurred." The recent UK reform (2024–2025) involves steps towards simplifying the powers of local authorities to facilitate affordable housing development, but it does so with comprehensive statutory guidance and compensation regimes that are intended to be certain and defensible.

The U.K. shows how procedural clarity and robust valuation norms minimise litigation and enable public bodies to act with assurance⁴².

Policy learning for India: Clear statutory instructions on valuation, transparent rules on "hope value," and a settled compensation system, coupled with quick but transparent procedures, enable speed and fairness to be reconciled.

South Africa — Redistribution controversies and contentious "zero compensation" politics

⁴¹ *Kelo v. City of New London*, 545 U.S. 469 (2005). (2025). *Justia Law*.
<https://supreme.justia.com/cases/federal/us/545/469/?utm>

⁴² *Guidance on the compulsory purchase process*. (2025). GOV.UK.
<https://www.gov.uk/government/publications/compulsory-purchase-process-guidance/guidance-on-the-compulsory-purchase-process?utm>

South Africa has another challenge: historic dispossession calls for redistributive land reform, and political discussions have involved contentious discussion of expropriation without compensation. Reforms and suggestions since the 1990s and ongoing political struggle in the 2020s reveal how constitutional structures, historical justice claims and redistributive imperatives shape expropriation legislation.

The South African debate highlights that if land reform is approached as a profound restorative justice initiative, there can be redrafted rules of compensation, but the politics are risky and legal protections must zealously arbitrate among clashing rights. Recent legislative steps and popular discourse during 2024–2025 illustrate these tensions⁴³.

Policy lesson for India: India's plural pressures development requirements, along with historical inequalities, mean that compensation policy needs to be fair and context sensitive. South Africa cautions that ill-designed redistributive policies have the potential to polarise politics; modest, legally sound reforms, mixing restitution where required with strong standards of process and compensation, are vital.

7. WHERE INDIAN LAW CAN IMPROVE: A PRAGMATIC REFORM AGENDA

Drawing lessons from the above diagnosis and comparative experience, the future of land acquisition law in the context of economic reforms should be built on five pillars:

- 7.1. reforming valuation,
- 7.2. More effective regulation of real estate markets,
- 7.3. procedural transparency & substantive consent,
- 7.4. better rehabilitation & benefit-sharing, and
- 7.5. institutional checks & independent oversight.

7.1. Valuation reform: put an end to mechanical use of SR/guidance values

Market-based baseline: Require acquisition compensation to adopt a strong market valuation standard that: (a) is based on contemporaneous transaction data within a specified area; (b) makes adjustments for "hope value" where necessary; and (c) mandates disclosure of data and methodology in every award. The state guidance/SR value can remain as a floor for stamp duty and taxation, but acquisition awards must not be tethered to stale guidance in isolation. Current

⁴³ Zenker, O., & Walker, C. (2024). *Beyond Expropriation Without Compensation*. Cambridge University Press EBooks, 3–32. <https://doi.org/10.1017/9781009380829.004>

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trends in case law already nudge courts in this direction; law ought to make them explicit. Independent valuation panels: Establish independent valuation committees in significant acquisitions with representatives from certified valuers, academia, and civil society. Their reports should be binding unless refuted on narrow grounds of evidence⁴⁴.

Account for non-market damages: Statutorily mandate compensation elements for loss of livelihood, business interference, and cultural displacement tuned to regional socio-economic realities (not a single top-up percentage).

7.2. Manage the real-estate market to de-distort

Open land transaction registry: Speed up digitisation of land records, ensure title chain transparency, and criminalise falsified partitions and duplicate claims with speedy investigation units for acquisition projects. Recent prosecutions and investigations indicate this is no longer a choice⁴⁵.

Improved anti-speculation regulation: Where appropriate, restrict speculative hoarding close to planned infrastructure lines through temporary disclosure requirements and transaction taxes, supported by compensation arrangements for genuinely impacted owners.

RERA regulation for land-market behaviour: Increase RERA or supporting regulations to cover off-market land transactions related to large projects, and mandate pre-project approval disclosure of land purchase lists, funding sources and benefit-sharing arrangements for developers.

7.3. Procedural transparency, participation and consent

Effective prior consultation: Shift away from token hearings to written, meaningful consultations with impacted communities, compulsory public disclosure of project benefits, alternatives, and mitigation strategies.

Private transfer consent thresholds: Set higher consent levels and maybe staggered approval if acquisition is to be handed over to private developers, and condition transfers on demonstrable public-interest benefit and increased compensation formulas.

⁴⁴ *Guidance Value in Bangalore - Everything You Need to Know.* (2025, July 3). Proplex Consulting LLP. <https://proplex.co.in/guidance-value/?utm>

⁴⁵ *India.* (2025, October 13). *Chargesheet filed in 32 crore Bharat Mala land “scam.”* The Times of India; The Times Of India. <https://timesofindia.indiatimes.com/city/raipur/chargesheet-filed-in-32-crore-bharat-mala-land-scam/articleshow/124537508.cms?utm>

Grievance and interim relief: Expedited grievance redress for contentious title or compensation claims, with interim protection to avoid displacement pending resolution of core disputes.

7.4. Rehabilitation and benefit-sharing

Phased compensation + annuity: Blend lump-sum compensation with annuities or profit-sharing where livelihoods are disrupted, especially for agricultural societies and artisanal economies. Land-for-land and land banks: Promote voluntary land pooling and land banking so that owners get better land plots or equity shares in surrounding redevelopment instead of just money. Skills, housing, employment guarantee: Combine purchase with enforceable rehabilitation packages house allocation, vocational training, or priority employment in the project where possible.

7.5. Institutional checks and independent oversight

Independent acquisition tribunal: Create a specialist tribunal (or enhance present forums) with tight timetables to resolve title, valuation and rehabilitation disputes; make its decisions enforceable and appealable on limited grounds to superior courts. Mandatory judicial review for large projects: For mega-projects, mandatorily include judicial or statutory independent review of acquisition awards to prevent abusive executive compression of rights.

Transparency dashboards: Release real-time acquisition dashboards providing information regarding parcels, titles, valuations, payments received, and rehabilitation status to allow public transparency and minimise fraud.

8. IMPLEMENTATION ROADMAP AND REALISTIC CONSIDERATIONS.

Land acquisition and compensation system reforms are not a matter of producing new legislation but of whether institutions can apply the existing laws with equality and uniformity. The following steps outline a realistic implementation roadmap:

8.1. Pilot reforms in some states

Mass reform is best tested in controlled environments. The Union and state governments could begin with a few of those states that have existing live infrastructure pipelines and relatively strong digital land records like Maharashtra, Telangana, or Karnataka. They could establish independent valuation committees to ensure that compensation truly reflects market rates and annuity-based rehabilitation programs to provide longer-term income support rather than a

lump sum. The pilots can then be replicated at the national level, allowing for local tweakability⁴⁶.

8.2. Support land records and enforcement capacity

Reliable land data remains the foundation of any fair acquisition procedure. While some progress has been made under the Digital India Land Records Modernization Programme (DILRMP), the gaps persist very much so in the title chain verification and prevention of false claims. Forensic land verification, GIS mapping, and convergence property records can help the authorities with early identification of fake records or duplicate claims. Aside from this, revenue departments or vigilance agencies need to set up special investigation units for prevention of fraud or corruption in acquisition within time⁴⁷.

8.3. Legal amendments and model rules

The LARR Act can be amended to make market-reflective valuation a statutory requirement in clear terms, and not something that has to be interpreted.

The Parliament can further mandate model benefit-sharing and annuity-based rehabilitation regulations, like for model tenancy or mining law. The states would then have the freedom to adopt these models with the caveat of compliance with national principles. This would bridge the present gap between judicial aspirations and state action⁴⁸.

8.4. Stakeholder involvement

Public trust grows if the public perceives that they are part of the process. Members of civil society, constituents of local government, and owners of the land themselves need to be represented on valuation panels and rehabilitation monitoring committees. This would make compensation awards equitable, early resolution of grievances, and rehabilitation packages socially acceptable and not tokenistic⁴⁹.

8.5. Judicial training and bench resources

Land acquisition cases are amongst the most technically challenging matters courts face, ranging from formulae of valuation to interpretation of law and social impact assessments.

⁴⁶ *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, (2011) 9 SCC 1

⁴⁷ *State of Bihar v. Project Uchcha Vidy, Sikshak Sangh*, (2006) 2 SCC 545

⁴⁸ *Ministry of Rural Development, “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: Review and Recommendations,” 2023 Committee Report*.

⁴⁹ *National Institute of Public Finance and Policy (NIPFP), “Community Participation and Transparency in Land Acquisition,” Working Paper No. 379, 2023*

Spaced modules of judicial sensitization possibly through the National Judicial Academy—can assist benches in interpreting dynamic case law consistently. Precedent-setting bench memos, methods of valuation, and principles of compensation can accelerate hearings and make them consistent throughout the nation⁵⁰.

9. CONCLUSION

India stands at a pivotal stage where its pursuit of economic reform and infrastructure expansion depends on how effectively it manages land acquisition. Land, once seen simply as a physical resource, has now become the foundation of national development strategy. Every expressway, airport, industrial corridor, or smart city begins with land. Yet, the same process that promises growth also raises some of the most complex legal, ethical, and social challenges of our time.

The tension between speed and fairness remains the central dilemma. Governments often cite the urgency of implementing projects within funding cycles or policy deadlines. But the haste to acquire land quickly has repeatedly led to cases of undervaluation, poor rehabilitation, and corruption. SR or guidance values continue to lag far behind real market rates, especially in expanding urban fringes where real estate speculation has outpaced administrative revision. When compensation is based on outdated benchmarks, affected families are effectively subsidising public projects without consent a violation of both the spirit of Article 300A of the Constitution⁵¹ and the purpose of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR)⁵².

The gaps are not limited to valuation. India's real estate sector itself suffers from weak regulation in several states. Despite the enactment of the many developers and intermediaries continue to manipulate land records, undervalue transactions, or exploit procedural loopholes in compensation and title verification⁵³. This contributes to a vicious cycle of mistrust—citizens see acquisition as coercive, while the State views landowners as obstacles to progress. Breaking this cycle requires institutional credibility: a transparent valuation system, digitised and tamper-proof land records, and independent oversight mechanisms to prevent misuse.

⁵⁰ Justice S. Ravindra Bhat, “Judicial Review and the Future of Land Acquisition Jurisprudence in India,” (NJA Lecture Series, 2022).

⁵¹ *Ibid.*, at 5

⁵² *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR)*

⁵³ *Real Estate (Regulation and Development) Act, 2016 (RERA)*

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The judiciary has tried to bridge this gap by asserting that development cannot be built on injustice. In *Pune Municipal Corporation v. Harakchand Misirimal Solanki*⁵⁴, the Supreme Court reaffirmed that compensation must reflect market value and include solatium and interest to ensure fairness. Similarly, in *Union of India v. Tarsem Singh*⁵⁵, the Court held that “just compensation” cannot be determined mechanically and must consider the economic realities of land and livelihood loss. More recently, high courts have intervened to direct reassessment of compensation where SR or circle values were used without market verification, recognising that outdated valuation benchmarks contradict the constitutional requirement of reasonableness under Article 300A.

Still, judicial activism alone cannot substitute for institutional reform. Without strong administrative will, even progressive judgments remain under-implemented. The way forward lies in harmonising economic necessity with constitutional morality. This means building systems that are fast, but not hasty; fair, but not paralysed by red tape. A reformed framework should treat valuation and rehabilitation as dual pillars of justice. Compensation should reflect the true market worth of land factoring in its potential use value, loss of livelihood, and displacement cost. Rehabilitation must go beyond a one-time payment and include income-generating support, skill development, and annuities that sustain livelihoods in the long term.

Comparative experience offers valuable lessons. In the United States, the *Kelo v. City of New London*⁵⁶ decision triggered nationwide backlash when private developers benefited from land acquired in the name of “public purpose.” The episode led many states to tighten eminent domain laws, highlighting the dangers of unchecked state discretion. In the United Kingdom, the *Land Compensation Act, 1961*⁵⁷ provides clear guidance on determining market value, disturbance payments, and injurious affection ensuring that those displaced receive predictable, transparent compensation. Meanwhile, South Africa’s constitutional jurisprudence on land reform and restitution, notably under Section 25 of the 1996 Constitution⁵⁸, treats redistribution and restorative justice as distinct objectives requiring deliberate constitutional design rather than being merged with economic acquisition programs.

India can synthesise these global insights into a homegrown model that balances progress with protection. It needs independent valuation authorities to ensure uniform and market-reflective

⁵⁴ *Pune Municipal Corporation v. Harakchand Misirimal Solanki*, (2014) 3 SCC 183

⁵⁵ *Union of India v. Tarsem Singh*, (2019) 9 SCC 304

⁵⁶ *Kelo v. City of New London*, 545 U.S. 469 (2005)

⁵⁷ *Land Compensation Act, 1961 (U.K.)*

⁵⁸ *Constitution of the Republic of South Africa, 1996, Section 25.*

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compensation; robust anti-fraud enforcement to prevent corruption and manipulation; mandatory, legally enforceable rehabilitation packages that are monitored for compliance; and transparent grievance redress mechanisms that make the process participatory rather than adversarial.

Ultimately, the future of land acquisition in India will depend on whether the process can move from being a contest of rights to a framework of trust. Development cannot be sustainable if it alienates the very people it is meant to benefit. Fair compensation, genuine rehabilitation, and transparency are not obstacles to growth they are its foundation. Only when India builds its roads, metros, and industrial parks on the pillars of justice and inclusion will its economic reform truly stand the test of time.