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CONSTITUTIONALISM IN LAND ACQUISITION AND CONSOLIDATION

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ABSTRACT:

Constitution plays a significant role in the recent developments of land laws governed accordingly by each States as per their State- Specific land laws. Constitutionalism in both land acquisition and land consolidation refers to a set of rules and principles by the state which governs the land acquisition and consolidation policies. The principle of acquisition is the land must be acquired only for the public purpose and public welfare while ensuring the property rights of the landowners. The government has the authority to acquire the land of private persons for the welfare of the public even if the owner does not want to sell their land, but they will be given compensation. This comes under the doctrine of “Eminent Domain.” The power of eminent domain is rooted based on the principle of sovereignty which allows the land for acquisition for welfares such as building schools, hospitals, roads, bridges, metro and for other public utilities. The consolidation of land is a process of merging fragmented land holdings. This was introduced to improve the efficiency in agriculture, development of infrastructure and development of environmental policies. It is always misinterpreted that the land consolidation is mere reallocation of fragmented land into pocketed land to remove the effects of fragmentation. The major objective is to reform the agricultural structure, optimize the land usage, reduce the cost of fragmentation, and improve the infrastructure of land holding. The reform of consolidation requires proper and specific legal procedures to ensure fair compensation re-allocation to the people affected due to land consolidation. Both land acquisition and land consolidation are subject to judicial review and constitutional limitations.

KEYWORDS: *Constitutional Test, Property, Land Acquisition, Land Consolidation, Protection, Public Interest.*

I. INTRODUCTION:

Constitutionalism in both land acquisition and land consolidation refers to a set of rules and principles by the state which governs the land acquisition and consolidation policies. The principle of acquisition is the land must be acquired only for the public purpose and public welfare while ensuring the property rights of the landowners. The government has the authority to acquire the land of private persons for the welfare of the public even if the owner does not want to sell their land, but they will be given compensation. The reform of consolidation requires proper and specific legal procedures to ensure fair compensation re-allocation to the

people affected due to land consolidation. Both land acquisition and land consolidation are subject to judicial review and constitutional limitations.

II. LAND REFORMS IN INDIA:

In India land reforms were initiated to address land inequalities, agricultural productivity by ensuring social justice. Several key measures were taken such as, abolishing land intermediaries, abolishing exploiting land systems, reformation in fixation of ceilings and tenancy laws. These reforms paved way re-distribution of land to the landless, encourages even agriculture, transformation of rural areas

and development in the livelihood was visibly seen through these reforms¹.

III. LAND CONSOLIDATION:

Land consolidation, as a process that requires the preservation of each farmer's wealth in land when fragmented plots are exchanged, is usually not considered land reform. Land consolidation is a process that aims to reorganize and restructure land holdings to improve agricultural productivity, efficiency, and sustainability.

After Independence, compulsory consolidation was replaced by voluntary consolidation in almost all states. However, considering its utility, the National Commission of Agriculture recommended that consolidation schemes should be made compulsory across the country.

If the "liberation" of farmers from economic and other dependency is what forms the core of the justification of land reform in India, then land consolidation at the very least serves the purposes of land reform². The number of holdings is rising at almost the same pace as the population. These holdings are not in one chunk but in multiple sub-parcels located at different places in a village.

3.1. Key Objectives:

1. The land consolidation increases the efficiency in reducing the production costs and improves the management in agricultural farms.
2. By creating larger plots, farmers can manage and adopt modern farming techniques and improved technologies.
3. Land consolidation promotes sustainability in agriculture and reduces environmental degradation³.

3.2. Benefits:

1. Consolidation of land holdings leads to higher income accumulated from

farm. These are improved through increase in productivity.

2. Land consolidation solves disputes between land owners and other conflicts between the ownership and use of the said land.
3. Consolidated land holdings facilitate the development in irrigation systems, bridges, roads and other infrastructure.

3.3. Challenges:

Land consolidation involves complex processes, including land surveying, mapping, and registration. Some farmers may resist land consolidation due to concerns about losing control over their land or fear of change. Land consolidation can lead to inequitable distribution of land, favouring larger landholders over smaller ones⁴.

3.4. Disadvantages:

- a) Fragmentation of land leaves no incentive for the farmer to invest in the farm land due to lack of productivity. Farmers are unable to raise plantations because the size is not substantial for them to invest in ancillary works like drip or appoint a caretaker.
- b) As there are number of landholders, that's why buyers do find it attractive to buy. It is difficult to deal with so many landholders and to arrange necessary infrastructure like road, water supply and electricity.
- c) Fragmentation of land and difficulty in disposing of such land leads to poor investment in rural areas.

3.5. Implementation:

Governments can play a crucial role in promoting land consolidation through policies, programs, and incentives. A participatory approach involving farmers, local communities, and other stakeholders can help ensure successful land consolidation. Modern technologies, such as geographic information systems (GIS) and remote sensing, can

¹ <https://vajiramandravi.com>

² <https://www.sciencedirect.com/science/article/pii/S0305750X90900472>

³ <https://forumias.com/blog/consolidation-of-land-holdings/>

⁴ Land consolidation as land reform, in India (World Development Volume 18, Issue 2, February 1990, Pages 183-195)

facilitate land consolidation by providing accurate mapping and monitoring⁵.

IV. LAND CONSOLIDATION AND CONSTITUTION:

Land consolidation in India, a critical aspect of agrarian reforms, is primarily governed by state-level legislation, enacted under the powers vested in them by the Indian Constitution. While the Constitution does not explicitly detail "land consolidation" as a distinct subject in the Union or Concurrent Lists, its provisions empower states to undertake such measures, and related constitutional principles and amendments support these efforts. The Constitution grants the state significant control over land resources, allowing for broad powers of eminent domain, nationalization of land, or extensive regulatory control over land use. A legal framework enabling the protection of private property rights is crucial for land consolidation, defining the limits and manner in which such rights can be interfered the Constitution enables such framework under its provisions.

4.1. KEY CONSTITUTIONAL PROVISIONS AND ASPECTS:

1. State Subject: "Land" falls under Entry 18 of List II (State List) in the Seventh Schedule of the Constitution. This gives state legislatures the exclusive power to make laws concerning land tenure, land improvement, and other related matters, including the consolidation of land holdings. Consequently, various states like Punjab, Haryana, Uttar Pradesh, Bihar, and Himachal Pradesh have enacted their own Land Consolidation Acts⁶.
2. Directive Principles of State Policy: Article 39 of the Constitution, part of the Directive Principles of State Policy, guides the state to direct its policy towards securing:
 - That the ownership and control of the material resources of the

community are so distributed as best to subserve the common good.

- That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.
- Land consolidation, by aiming to make agriculture more efficient and viable, aligns with these principles of promoting the common good and equitable resource management⁷.

3. 73rd Constitutional Amendment Act, 1992: This amendment, which introduced Part IX relating to Panchayats, lists "Land improvement, implementation of land reforms, land consolidation and soil conservation" under the Eleventh Schedule. This schedule enumerates functions that may be devolved to Panchayats, thereby enabling local self-government institutions to play a role in the land consolidation process⁸.

4. Article 31A – Protection for Agrarian Reform Laws: Article 31A of the Constitution provides crucial protection to laws concerning agrarian reforms. Land consolidation laws, which often involve the reorganization and sometimes temporary acquisition or modification of land rights to create more viable agricultural plots, derive significant constitutional safeguarding from Article 31A. Article 31 of the Indian Constitution was repealed and replaced by the 44th Constitutional Amendment Act in 1978. It states that no law providing for⁹:

- The acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or
- The taking over of the management of any property by the State for a limited period either

⁵ Land consolidation as land reform, in India (World Development Volume 18, Issue 2, February 1990, Pages 183-195)

⁶ The Punjab Amendment of Land Proceeding Validation Act, 1957

⁷ Article 39 of the Constitution

⁸ Seventy third Constitutional Amendment Act, 1992

⁹ msr.pubpub.org

in the public interest or in order to secure the proper management of the property, or

➤ The amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations, or

➤ The extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors, directors or managers of corporations, or of any voting rights of shareholders thereof, or

➤ The extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence, shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14 (equality before law) or Article 19 (protection of certain rights regarding freedom of speech, etc.)¹⁰.

5. **Right to Property (Article 300A):** While the right to property was initially a Fundamental Right, the 44th Amendment Act of 1978 abolished it as such and inserted Article 300A. This article states, "No person shall be deprived of his property save by authority of law." Land consolidation is carried out under the authority of specific state laws, and these laws provide the legal framework for any changes in land holdings, including provisions for compensation or allotment

of equivalent land, thus adhering to Article 300A¹¹.

6. **Judicial Review and Interpretation:** The constitutional validity of various state land consolidation acts has been challenged in courts. The judiciary has generally upheld these laws, recognizing their objective of agricultural development and agrarian reform.

In *Shyam Sunder and Others vs Siya Ram and Another* (Allahabad High Court) affirmed the constitutionality of the UP. Consolidation of Holdings Act, holding that such acts, if based on reasonable classification and aimed at agricultural development, do not violate Article 14¹².

The Supreme Court, in cases like *Karnail Singh vs State of Haryana* (2024), has also examined land consolidation practices within the framework of constitutional provisions like Article 31-A, emphasizing adherence to established legal precedents and constitutional safeguards¹³.

In *Suraj Pal(D) Thr. Lrs. vs Ram Manorath & Ors*¹⁴ it was discussed the requirement of permission from the Settlement Officer (Consolidation) before selling land during consolidation proceedings under the UP. Consolidation of Holdings Act.

In *Karbalai Begum vs Mohd. Sayeed And Another*¹⁵, the Supreme Court examined the consolidation of holdings scheme under the UP. Consolidation of Holdings Act and its impact on land ownership.

In *Seshmani vs Dy. Director of Consolidation*¹⁶, it was dealt with consolidation under the UP. Consolidation of Holdings Act and the authority of the Consolidation Officer.

¹¹ Forty fourth Constitutional Amendment Act 1978

¹² *Shyam Sunder and Others vs Siya Ram and Anr*, Allahabad High Court July 28, 1972 [AIR 1973 ALL 382, AIR 1973 ALLAHABAD 382, 1973 ALL. L. J. 53]

¹³ *Karnil Singh vs State of Haryana and Ors*, Civil Appeal no: 6990 of 2014

¹⁴ AIR 2017 SUPREME COURT 3825

¹⁵ 1981 AIR 77,

¹⁶ Civil Appeal No. 8561 of 1983. D/d. 14.2.2000.

In *Harbhajan Singh vs Karam Singh and Others*¹⁷, the Supreme Court discussed the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, and its application to land consolidation proceedings.

In *Hansraj vs Mewalal and Others*¹⁸, the case involved a dispute over land consolidation and the authority of the Settlement Officer and Deputy Director of Consolidation.

In *Natha vs. Dibandhe Hussain*¹⁹ the court ruled that a Bhumiswami who has been dispossessed from agricultural land cannot seek remedy under Section 9 of the Specific Relief Act.

In *Asgar Ali Vs. Amna Bai*²⁰, the court emphasized the importance of proving forcible dispossession in land disputes.

In essence, land consolidation in India operates within a constitutional framework where states possess the legislative authority, guided by the Directive Principles, and supported by specific constitutional protections for agrarian reforms. The process must also respect the constitutional right to property, ensuring that any deprivation is by the authority of a valid law.

V. LAND ACQUISITION:

Land acquisition in India is the process by which the government or an authorized entity obtains private land for public purposes. This is a power rooted in the doctrine of "eminent domain," which essentially means the sovereign (the state) has the ultimate right over land for the welfare of the people, even if it means acquiring private property.

The primary law governing land acquisition in India is LARR Act formally known as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013). This Act replaced the older Land Acquisition Act,

1894, which was criticized for being colonial-era legislation that often did not adequately protect the rights of landowners and affected families. The RFCTLARR Act, 2013 aims to ensure a more humane, participative, informed, and transparent process for land acquisition.

The primary objectives of the LARR Act, 2013, are to²¹:

1. Ensure a humane, participative, informed, and transparent process for land acquisition.
2. Provide fair and just compensation to landowners and those whose livelihoods are affected.
3. Make adequate provisions for the rehabilitation and resettlement (R&R) of affected persons.
4. Minimize displacement and promote non-displacing or least-displacing alternatives.
5. Ensure that the cumulative outcomes of compulsory acquisition would be that affected persons become partners in development, leading to an improvement in their post-acquisition social and economic status.

5.1. KEY PROCESS OF THE ACT INCLUDE²²:

Purpose of Acquisition:

Land can be acquired for various "public purposes," which are defined in the Act. These typically include projects for national security, infrastructure, industrial corridors, urbanisation, housing for the poor, government-administered educational and healthcare institutions, and other projects that benefit the public. The Act also includes provisions for acquiring land for private companies and Public Private Partnership (PPP) projects, albeit with stricter conditions.

Social Impact Assessment (SIA):

Before acquiring land for most projects, a mandatory Social Impact Assessment study must be conducted. This study evaluates the

¹⁷ 1966 AIR 641, 1966 SCR (1) 817, AIR 1966 SUPREME COURT 641

¹⁸ AIR 2019 SUPREME COURT 646,

¹⁹ AIR 1967 MP 14 (DB)

²⁰ 2011 AMACJ 124

²¹ THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

²² prsindia.org

potential impact of the acquisition on the affected families, their livelihoods, culture, and the environment. A public hearing is also part of the SIA process to ensure community participation and transparency²³.

Definition of 'Public Purpose':

The Act provides an exhaustive list of what constitutes a "public purpose"²⁴. This includes strategic purposes vital to the State; infrastructure projects (excluding private hospitals and educational institutions); projects involving agro-processing, agricultural allied activities, and industrial corridors set up by the government or its undertakings; and land for residential purposes for the poor or landless, or for victims of natural calamities.

Acquisition for private entities is generally not permitted unless it aligns with a specified public purpose²⁵.

Consent Clause:

For acquisition of land for private companies or through PPP (public private partnership) models, the Act requires the consent of a certain percentage of the affected families (80% for private companies and 70% for PPP projects). This consent requirement is a significant departure from the older law.

Restrictions on Acquisition of Agricultural Land:

The Act discourages the acquisition of multi-crop irrigated land to safeguard food security. Such land can only be acquired under exceptional circumstances as a last resort, and an equivalent area of culturable wasteland must be developed for agricultural purposes.

Notification Process:

The process begins with a preliminary notification by the appropriate government indicating the intention to acquire land. This is followed by the publication of the SIA report and a draft declaration. Objections from affected persons are heard and considered. Finally, a formal declaration of acquisition is published.

Fair Compensation:

The Act mandates the payment of fair compensation to the landowners. The compensation is calculated based on a multiple of the market value of the land. The multiplier is higher for rural areas (up to four times the market value) compared to urban areas (up to two times the market value).

Return of Unutilized Land:

If land acquired under the Act remains unutilized for the purpose for which it was acquired within five years from the date of taking possession, it is to be returned to the original landowners or their legal heirs, or to the State Land Bank.

Dispute Resolution:

The Act provides for the establishment of Land Acquisition, Rehabilitation and Resettlement Authorities (LARRA) for speedy adjudication of disputes relating to land acquisition, compensation, and R&R. Appeals from LARRA can be made to the High Court.

Rehabilitation and Resettlement (R&R):

A crucial aspect of the 2013 Act is the comprehensive provision for the rehabilitation and resettlement of affected families. This includes not only landowners but also those who may be dependent on the land for their livelihood (like agricultural labourers, tenants, etc.). The R&R package may include alternative land, housing, employment opportunities, and other benefits to ensure that affected families are not worse off after the acquisition.

Safeguards:

The Act includes safeguards such as restricting the acquisition of multi-crop irrigated land (except as a last resort), ensuring return of unutilized land to the original owners after a specified period, and establishing mechanisms for grievance redressal.

Despite the progressive features of the RFCTLARR Act, 2013, the process of land acquisition in India can still face challenges, including delays in the process, disputes over compensation and R&R packages, and balancing the needs of development with the rights and concerns of local communities. State governments also have the power to make

²³ thelawwaywithlawyers.com

²⁴ https://www.indiacode.nic.in/show-data?actid=AC_CEN_18_43_00003_201330_1517807327433&orderno=2

²⁵ Section 2 of LARR Act 2013

amendments to the central Act or enact their own laws for specific purposes, adding layers of complexity to the legal framework.

VI. LAND ACQUISITION AND CONSTITUTION:

Land acquisition in India, the power of the sovereign to acquire private land for public purposes, is governed by the framework laid out in the Constitution of India and specific legislation. The process has evolved significantly since the Constitution's adoption, with major changes to the right to property and the introduction of a more comprehensive legal framework.

The current constitutional provision for land acquisition is Article 300A²⁶. The cornerstone of land acquisition under the Indian Constitution is Article 300A. Inserted by the 44th Amendment Act in 1978, it states²⁷:

"No person shall be deprived of his property save by authority of law"²⁸. This means:

- The right to property²⁹ is no longer a Fundamental Right (as it was prior to 1978) but is a constitutional right or legal right.
- The government can acquire private property, but such acquisition must be done strictly in accordance with a duly enacted law.
- This provision protects individuals from arbitrary executive action depriving them of their property³⁰.
- In the case of Hari Krishna Mandir Trust vs, the State of Maharashtra and Others, it was held by the SC that the appellant cannot be deprived of his strip of land being a private road, without the authority of law, if allowed will be a violation of Art. 300 A of COI³¹.
- The "Right to Property" conflicted with the Land Acquisition Act as there was a contradictory nature between the capitalist right and the socialist right. Meanwhile, in Golaknath vs State of

Punjab³², or simply the Golaknath case, was a 1967 Indian Supreme Court case, in which the Court ruled that Parliament could not curtail any of the Fundamental Rights in the Constitution.

6.1. Historical Evolution of the Right to Property and Land Acquisition:

Original Constitutional Framework: Initially, the Constitution provided for the right to property as a Fundamental Right under:

- a) Article 19(1)(f): Guaranteed to all citizens the right to acquire, hold, and dispose of property.
- b) Article 31: Provided that no person shall be deprived of their property save by authority of law. It also mandated that if any property was compulsorily acquired or requisitioned for public purposes, it could only be done under a law that either fixed the amount of compensation or specified the principles on which, and the manner in which, the compensation was to be determined and given.
- c) Amendments: These provisions, particularly the aspect of "compensation," led to numerous legal challenges and a series of constitutional amendments (e.g., First, Fourth, Seventh, Seventeenth, Twenty-fifth Amendments) as the state sought to implement socio-economic reforms, including agrarian reforms and nationalization. These amendments often aimed to clarify the state's power to acquire property and limit judicial review of compensation adequacy.
- d) The 44th Amendment (1978): This landmark amendment brought about a significant change³³:
 - It repealed Article 19(1)(f) and Article 31 from the chapter on Fundamental Rights.

²⁶ Forty fourth Constitutional Amendment Act, 1978

²⁷ prsindia.org

²⁸ Article 300A, Forty fourth Constitutional Amendment Act, 1978

²⁹ Golaknath vs State of Punjab 1967 [1967 AIR 1643, 1967 SCR (2) 762]

³⁰ Nyaaya.org

³¹ AIR 2020 SUPREME COURT 3969, AIRONLINE 2020 SC 674

³² 1967 AIR 1643, 1967 SCR (2) 762

³³ Jilubhai Nanbhai Khachar vs State of Gujarat, AIR 1995 SUPREME COURT 142, 1994 AIR SCW 4181, (1995) 1 MAHLR 557, 1994 (4) JT 473, 1994 (1) UPTC 603

- It inserted Article 300A, placing the right to property as a constitutional right. This meant that while the right to property was still protected, it was no longer a fundamental right enforceable directly in the Supreme Court under Article 32 for its violation. However, it remains enforceable through High Courts under Article 226.

After the 44th Amendment, the 'Right to Property' is dead as a fundamental right but considered as a legal right or a constitutional right. This can be observed in the case of *Jilubhai Nanbhai Khachar vs State of Gujrat*, it was held that the Right to Property U/A 300A is not a basic structure of the Constitution. It is only a constitutional right³⁴.

6.2. Doctrine of Eminent Domain and Key Principles:

The power of the state to acquire private property for public use is based on the doctrine of eminent domain. This inherent power of a sovereign state is subject to two crucial conditions, which are now primarily enshrined in the relevant statutes rather than explicitly in Article 300A itself, though judicial interpretations often read them as implicit for a "law" under Article 300A to be considered just and fair³⁵.

In the case of *M/S. Royal Orchid Hotels Ltd*³⁶, it was held that the land acquired by the state for public purpose cannot be transferred to private entities for private use, as this would amount to a diversification of public purpose. The concept of public purpose cannot be expanded to legitimize fraudulent activity. The judiciary carefully examines whether the public purpose is being diverted for private use, even after the acquisition process has been completed.

- a) Public Purpose: Land can be acquired only for a legitimate public

purpose. This concept has been broadly interpreted by the courts to include purposes that benefit the community or a section of it, such as infrastructure development, defence, urban planning, etc. The current legislation, The LARR Act, 2013, provides a detailed definition of "public purpose".³⁷

In the case of *Pandit Jhandu Lal & Ors. v. State of Punjab & Anr.* (1959) it was held that the state's acquisition of agricultural land for a labour colony, with the court determining that the acquisition was not for a company alone, but for a public purpose, as part of the compensation was to be sourced from public funds. Therefore, the court found that the acquisition did not need to follow the procedures of Part VII of the Act, which applies to acquisitions for companies³⁸.

- b) Compensation: The person deprived of their property must be paid compensation. While Article 300A itself doesn't explicitly use the word "compensation" or "just compensation," the Supreme Court has in various judgments emphasized that a law depriving a person of their property must be just, fair, and reasonable, and that payment of compensation is an integral part of this. The LARR Act, 2013, now mandates "fair compensation"³⁹.

- c) Primary Legislation: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) is recognizing the inadequacies and controversies surrounding the colonial-era Land Acquisition Act, 1894.

- d) The Indian Parliament enacted The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This Act came into force on January 1, 2014,

³⁴ AIR 1995 SUPREME COURT 142, 1994 AIR SCW 4181, (1995) 1 MAHLR 557, 1994 (4) JT 473, 1994 (1) UPTC 603

³⁵ dce.visionias.in

³⁶ *M/S. Royal Orchid Hotels Ltd & Anr vs G. Jayarama Reddy & Ors* on 29 September, 2011 [2011 AIR SCW 6081, 2012 (1) AIR KAR R 461]

³⁷ lawcrust.com

³⁸ *Pt. Jhandu Lal and Ors vs State of Punjab* 1959 [1961 AIR 343, 1961 SCR (2) 459, AIR 1961 SUPREME COURT 343]

³⁹ Jdu.edu.in

and provides the primary legal framework for land acquisition in India.

Recognizing the inadequacies and controversies surrounding the colonial-era Land Acquisition Act, 1894, the Indian Parliament enacted The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This Act came into force on January 1, 2014, and provides the primary legal framework for land acquisition in India.

6.3. Key features of the LARR Act, 2013 include:

- a. Fair Compensation: Mandates significantly higher compensation than the old Act, often a multiple of the market value, along with a solatium.
- b. Rehabilitation and Resettlement (R&R): Provides comprehensive R&R packages for landowners and those whose livelihoods are affected by the acquisition.
- c. Social Impact Assessment (SIA): Requires a mandatory SIA for most projects to assess the social costs and benefits of the proposed acquisition.
- d. Consent Requirements: For acquisition for private companies or public-private partnership (PPP) projects, consent of a significant majority of affected land owners (70% for PPPs and 80% for private companies) is required.
- e. Restrictions on Acquisition of Agricultural Land: Imposes restrictions on acquiring irrigated multi-cropped land.
- f. Transparency: Emphasizes a more transparent and participative process for land acquisition.
- g. Return of Unutilized Land: Contains provisions for the return of land if it remains unutilized for the purpose for which it was acquired.
- h. Legislative Powers: Entry 42 of List III (Concurrent List) in the Seventh Schedule of the Constitution deals with "Acquisition and requisitioning of

property." This means both the Parliament and State Legislatures have the power to make laws on this subject. If there is a conflict between a central law and a state law on the same subject in the Concurrent List, the central law generally prevails, unless the state law has received the President's assent⁴⁰.

6.4. Balancing act:

Land acquisition under the Indian Constitution attempts to strike a balance between the state's need to acquire land for developmental projects and public welfare, and the individual's right to property. While the right is no longer fundamental, the requirement of "authority of law" under Article 300A, coupled with the comprehensive provisions of The LARR Act, 2013, and judicial oversight, aims to ensure that the process is fair, transparent, and that affected persons are adequately compensated and rehabilitated. The Supreme Court continues to interpret Article 300A, emphasizing that the right to property, though not fundamental, is a valuable constitutional and human right⁴¹.

VII. CONCLUSION:

Under the Constitution's guidelines and limitations, the land consolidation and land acquisition are made. But the question arises whether the process of consolidating and acquiring is done under the due process of law. Land acquisition and consolidation can lead to displacement of communities, loss of livelihoods, and social and cultural disruption. Compensation and resettlement must ensure fair compensation and rehabilitation of affected communities is crucial to mitigate the negative impacts of land acquisition. Sustainability and public purpose of these reforms should serve a public purpose and be carried out in a sustainable manner, balancing development needs with social and environmental concerns. The reforms and acts must mainly concern on the fair livelihood and welfare of the public. These paves the way for development and infrastructural growth of the society.

⁴⁰ legaleye.co.in

⁴¹ legaleye.co.in