

Land Acquisition Act 2013, History, Objective, Provisions, Amendment

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The Land Acquisition Act 2013, officially known as the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013”. It replaced the 1894 colonial law to ensure fairer, more transparent, and humane land acquisition in India. It strengthened the rights of landowners by providing significantly higher compensation, mandatory social impact assessment, and rehabilitation and resettlement support for affected families. The Act also introduced strict consent requirements for private and PPP projects. Its interpretation, especially Section 24, became the focus of multiple Supreme Court rulings.

Land Acquisition Act 2013 Historical Background

The historical evolution of land acquisition laws moved from colonial control to a rights-based approach.

- 1894: The first Land Acquisition Act allowed the colonial government to forcibly acquire land with minimal compensation.
- Post-1950: Land acquisition continued under the 1894 Act, but rising disputes led to demands for reform.
- 2007-2011: Major protests in Singur, Nandigram, and Noida highlighted the need for a fairer law.

- 2013: The new Land Acquisition Act 2013 replaced the 1894 Act, mandating higher compensation and rehabilitation.
- 2014-2018: Conflicting **Supreme Court** judgments on Section 24 led to legal uncertainty.
- 2020 (Indore Development Authority case): A **Constitution Bench** settled the legal interpretation of compensation and lapsing.

Land Acquisition Act 2013 Provisions

The Land Acquisition Act 2013 introduces strong protections for landowners and a transparent acquisition process.

- Social Impact Assessment (SIA) mandatory for most projects to assess displacement and environmental impact.
- Compensation:
 - 4 times the market value in rural areas.
 - 2 times the market value in urban areas.
- Consent Requirements:
 - 70% landowner consent for PPP projects.
 - 80% for private projects.
- Rehabilitation and Resettlement (R&R) mandatory for affected families, including housing, employment, and allowances.
- Section 24: Provides conditions under which old acquisitions under the 1894 Act lapse.
- Return of Unused Land: If unused for five years, land must be returned to original owners or land bank.
- Time-bound process to reduce acquisition delays.

Land Acquisition Act 2013 Amendments

Subsequent legal and judicial actions shaped how the Land Acquisition Act 2013 is interpreted and implemented.

- 2014 (Pune Municipal Corporation case): The Supreme Court held that acquisition lapses if neither possession is taken nor compensation paid under the old Act, benefiting landowners.
- 2015 Ordinances: Attempted to relax consent and SIA requirements but did not become permanent laws.
- 2018 (Indore Development Authority case): A different SC bench declared the 2014 ruling per incuriam, stating that refusal of compensation by landowners cannot cause the process to lapse.
- 2020 Constitution Bench: Upheld the 2018 view; ruled that depositing compensation in the government treasury counts as payment.
- Outcome: Developers received legal clarity; lapsing claims reduced.

Also Read: **Indian Forest Act 1927**

Land Acquisition Act 2013 Criticism

Despite improvements, the Land Acquisition Act 2013 faces multiple operational and legal criticisms.

- Complex and lengthy procedures due to SIA and consent requirements slow down infrastructure projects.
- State-level variations and frequent litigations create implementation uncertainty.

- Compensation disputes continue because market value varies widely across locations.
 - Section 24 controversies led to thousands of pending cases before the 2020 SC ruling.
 - Balance between rights and development remains difficult, as both landowners and developers challenge provisions.
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