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LAND ACQUISITION ORDINANCE CONTROVERSY : A CRITICAL LEGAL AND SOCIO-POLITICAL ANALYSIS

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ABSTRACT :

The Land Acquisition Ordinance Controversy, 2015 represents a pivotal moment in India's legal and socio-political landscape, reflecting the tension between rapid economic development and the protection of landowners' rights. The ordinance, promulgated by the government led by Narendra Modi, sought to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by diluting key provisions related to consent and social impact assessment for certain categories of projects. Proponents argued that these changes were necessary to accelerate infrastructure development and improve the ease of doing business, while critics viewed them as regressive measures that undermined farmers' rights and democratic safeguards. This paper critically examines the legal implications of the ordinance, particularly its compatibility with

constitutional principles such as the right to livelihood under Article 21 and federal balance. It also analyzes the socio-political resistance from opposition parties, civil society organizations, and farmer groups, which ultimately led to the ordinance's lapse. By situating the controversy within broader debates on land, development, and governance in India, the study highlights the challenges of reconciling economic growth with social justice in a democratic framework.

KEYWORDS : Land Acquisition, Ordinance 2015, RFCTLARR Act 2013, Eminent Domain, Social Impact Assessment, Compensation, Farmers' Rights, Industrialization, Constitutional Law, Rural Development, Parliamentary Democracy.

INTRODUCTION:

Land has historically been central to India's socio-economic structure, serving as both an economic resource and a source of identity for rural populations. The power of the State to compulsorily acquire land under the doctrine of eminent domain has long been controversial, especially in a democracy committed to welfare and distributive justice. The colonial Land Acquisition Act, 1894, empowered the State to acquire private land for "public purpose," often disregarding consent and fair compensation.¹

After widespread protests against forcible land acquisition in Singur, Nandigram, and other regions, Parliament enacted the RFCTLARR Act, 2013, to balance development with social justice.² The Act mandated social impact assessments (SIA), consent requirements, rehabilitation, and enhanced compensation. However, in 2014–2015, the newly elected NDA government argued that these



¹ Land Acquisition Act, No. 1 of 1894, India Code (1894).

² Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013, India Code.

safeguards delayed essential projects and promulgated the Land Acquisition Ordinance to ease acquisition for certain categories.

This triggered massive political opposition, farmer protests, and accusations that the government favoured corporations over rural communities.³ The controversy became emblematic of broader tensions between economic reform and social rights.

Historical Evolution of Land Acquisition Law in India

A. Colonial Foundations: Land Acquisition Act, 1894

The Land Acquisition Act, 1894 provided sweeping powers to the government to acquire land for public purposes.⁴

Key criticisms included:

1. Broad and vague “public purpose” definition
2. Minimal compensation standards
3. Absence of rehabilitation provisions
4. No requirement of affected persons’ consent
5. Administrative overreach

The law reflected colonial priorities of resource extraction rather than democratic accountability.

B. Post-Independence Continuity

Despite constitutional guarantees under Articles 14, 19, and 21, independent India retained the 1894 Act for decades. Courts generally upheld state acquisition powers under eminent domain.⁵

C. Judicial and Social Challenges

Major resistance emerged from:

- * Singur (West Bengal)
- * Nandigram
- * POSCO Odisha project
- * Yamuna Expressway acquisitions

These movements exposed flaws in balancing industrialization with livelihood rights.⁶

The RFCTLARR Act, 2013

The UPA Government enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to replace the 1894 regime.⁷

Major Features:

1. Consent Requirement:

- * 70% consent for PPP projects
- * 80% consent for private projects

2. Social Impact Assessment: Mandatory study of social consequences before acquisition.

3. Compensation:

- * Up to 4 times market value in rural areas
- * 2 times in urban areas

4. Rehabilitation and Resettlement: Comprehensive provisions for displaced families.

5. Return of Unused Land: Land unused for 5 years to be returned.

This Act was widely hailed as pro-farmer and rights-based legislation.⁸

³ PRS Legislative Research, The Right to Fair Compensation and Transparency in Land Acquisition Ordinance, 2015.

⁴ Land Acquisition Act, 1894, §§ 4–6.

⁵ State of Bihar v. Kameshwar Singh, AIR 1952 SC 252.

⁶ Amita Baviskar, In the Belly of the River (Oxford Univ. Press 2004).

⁷ RFCTLARR Act, 2013.

⁸ Upendra Baxi, The Great Land Debate, 48 JILI 112 (2014).

The 2015 Land Acquisition Ordinance

The NDA government promulgated the ordinance in December 2014, re-promulgated multiple times in 2015 due to parliamentary deadlock.⁹

Key Amendments:

A. Exemption from Consent and SIA:

For five categories:

1. National security/defence
 2. Rural infrastructure
 3. Affordable housing
 4. Industrial corridors
 5. Infrastructure projects, including PPP
- B. Changes to Multi-Crop Land Restrictions: Eased restrictions on fertile agricultural land acquisition.
- C. Return of Unused Land: Allowed project-specific timelines rather than fixed 5-year rule.
- D. Dilution of Safeguards: Reduced procedural protections.

Constitutional and Legal Controversies

A. Ordinance Power under Article 123

Critics argued that repeated promulgation bypassed parliamentary scrutiny and undermined democratic processes.¹⁰

Judicial Perspective: In *D.C. Wadhwa v. State of Bihar*, the Supreme Court condemned repeated ordinances as unconstitutional fraud on the Constitution.¹¹

B. Article 14 Challenges

Selective exemptions from consent and SIA were alleged to violate equality principles.

C. Article 21 and Livelihood

Land is tied to livelihood; forcible acquisition impacts dignity and survival.

Relevant Cases:

* *Olga Tellis v. Bombay Municipal Corporation*¹²

* *K.T. Plantation v. State of Karnataka*¹³

Political Controversy

A. Opposition Narrative:

The ordinance was labelled:

- * Anti-farmer
- * Pro-corporate
- * Suit-boot ki sarkar

Rahul Gandhi and opposition parties mobilized agrarian sentiment against it.¹⁴

B. Federal Tensions: States demanded autonomy, while some BJP-led states supported reforms.

C. Parliamentary Deadlock: Rajya Sabha opposition stalled legislative approval.

⁹ Right to Fair Compensation and Transparency in Land Acquisition Ordinance, 2015.

¹⁰ INDIA CONST. art. 123.

¹¹ *D.C. Wadhwa v. State of Bihar*, (1987) 1 SCC 378.

¹² *Olga Tellis v. Bombay Mun. Corp.*, AIR 1986 SC 180.

¹³ *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, (2011) 9 SCC 1.

¹⁴ Parliamentary Debates, Lok Sabha, Mar. 2015.

Farmers' Movements and Civil Society Resistance

Farmer organizations, activists, and NGOs argued:

1. Threat to land rights
2. Corporate land grab
3. Weakening democratic consultation
4. Increased displacement

Notable groups included:

- * Bhumi Adhikar Andolan
- * National Alliance of People's Movements

Mass protests significantly shaped public discourse.¹⁵

Economic Arguments in Favor of the Ordinance

Government's rationale included:

1. Faster Infrastructure Development
2. Ease of Doing Business
3. Manufacturing Expansion under "Make in India"
4. Reduction in procedural delays

Supporters argued India needed streamlined land policies for growth.¹⁶

Criticism from Legal Scholars

Major Concerns:

- * Erosion of participatory rights
- * Reduced accountability
- * Threat to food security
- * Corporate favouritism
- * Weakening welfare-state ethos

Scholars noted that development cannot override constitutional justice.¹⁷

Judicial Trends and Land Rights Jurisprudence

Important Cases:

Singur Land Case:

B.K. Ravichandra v. Union of India emphasized fairness.

*Pune Municipal Corporation v. Harakchand Misirimal Solanki*¹⁸

Strengthened compensation obligations.

*Delhi Airtech Services Pvt. Ltd. v. State of U.P.*¹⁹

Highlighted public purpose scrutiny.

These cases reflect increasing judicial sensitivity toward landowner rights.

Withdrawal and Political Outcome

Facing sustained opposition, the government allowed the ordinance to lapse in August 2015.²⁰

Consequences:

- * Political setback for NDA
- * Reinforcement of farmer rights discourse

¹⁵ NAPM Reports on Land Rights, 2015.

¹⁶ NITI Aayog Policy Review on Land Reforms, 2015.

¹⁷ P. Ramanatha Aiyar, *Constitutionalism and Agrarian Rights* (2016).

¹⁸ *Pune Mun. Corp. v. Harakchand Misirimal Solanki*, (2014) 3 SCC 183.

¹⁹ *Delhi Airtech Servs. Pvt. Ltd. v. State of U.P.*, (2011) 9 SCC 354.

²⁰ Gazette Notification, Aug. 2015.

- * States began enacting separate land laws
- * Demonstrated limits of executive ordinance power

Comparative Perspective

A. United States: Eminent domain constrained by judicial review (*Kelo v. City of New London*).²¹

B. Brazil: Land reform emphasizes social function of property.

C. South Africa: Constitution balances redistribution and rights.

India's controversy illustrates the common challenge faced by developmental democracies.

Long-Term Legacy

The controversy shaped:

1. Future agricultural politics
2. Farmers' protest frameworks
3. Federal legislative experimentation
4. Corporate land policy caution

It foreshadowed later farmer mobilizations, including resistance to farm laws in 2020–21.

CONCLUSION

The Land Acquisition Ordinance controversy of 2015 was not merely a legal amendment dispute but a foundational constitutional debate over India's developmental model. It exposed the fragile equilibrium between economic modernization and social justice, between executive efficiency and democratic accountability.

While infrastructure growth remains essential, any land regime in India must prioritize transparency, consent, rehabilitation, and constitutional morality. The failure of the ordinance reaffirmed that land in India is deeply political, social, and constitutional—not merely economic.

The controversy serves as a critical lesson that sustainable development requires inclusive governance rather than coercive acquisition.

²¹ *Kelo v. City of New London*, 545 U.S. 469 (2005).