Land Law

KSLU LL.B. — Complete Exam-Ready Study Bundle (Optional Paper)

KSLU LL.B. Study Bundle

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Contents

> ***Read this first page, then go to your unit.*** *This single file holds the whole subject: how to use the notes, the rules that win marks, and all five units of content. Everything is in plain English, every Latin maxim is translated in [brackets], and every topic is built backwards from the real exam questions.*

How to Use These Notes

What this is. A complete, exam-focused bundle covering all five units of the KSLU optional paper **Land Law**. Land law in Karnataka is a set of statutes rather than one code: the central **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)** for acquisition; the state **Karnataka Land Revenue Act, 1964** for the revenue system; the **Karnataka SC/ST (Prohibition of Transfer of Certain Lands) Act, 1978** and the **Karnataka Land Reforms Act, 1961** for agrarian and protective law; and the central **Real Estate (Regulation and Development) Act, 2016 (RERA)** with the **Karnataka Rules 2017** for the real-estate sector. These notes teach that whole map, one topic at a time, built from the actual question papers. Every topic answers one question: *what will the examiner ask, and how do I score full marks?*

Who it is for. The first-time learner (understand before memorising), the revision student (fast high-yield recall), and the last-week crammer (which questions repeat and how to answer them).

What is inside every topic — the same blocks, in the same order:

Block	Its job	The mark it earns
Previous Year Questions	Real questions + sessions asked	What to prepare and how often it repeats
The Hook	A true story / landmark-case opener	Memorable; a strong opening line
Jurist / Statutory Quotes	Exact sections & definitions	Examiners reward precise authority
In Simple Terms	Plain-English translation	Ensures you *understand*

Block	Its job	The mark it earns
The Visual (chart)	Maps the topic structure	Recall and structure at a glance
Case Laws	Landmark judgments + ratio	Case names with years are pure marks

Each unit closes with a **Quick Revision & Case Law Table** for the final hour.

These notes **teach** the subject. The **Question Bank** is the companion volume that turns that knowledge into marks — it carries a model answer for every past question, each opening with a ▤ **Answer Outline** (the skeleton to reproduce under time pressure) and, where two questions are easily confused, a ⚠ **Don't Confuse** box.

The 4-step study plan. (1) Read the PYQ box first. (2) Understand, then memorise. (3) Trace the chart from memory. (4) Rehearse the matching answers in the Question Bank.

The 10 Rules That Win Marks

1. **Name the right Act for the right unit.** Acquisition = **RFCTLARR 2013**; revenue/RTC = **Karnataka Land Revenue Act 1964**; granted SC/ST lands = **PTCL Act 1978**; tenancy/ceiling = **Karnataka Land Reforms Act 1961**; builders/flats = **RERA 2016**. Mixing them up is the commonest way to lose marks.
2. **Follow the Question Bank's Answer Outline** step by step.
3. **Quote the exact section** — SIA (s.4 RFCTLARR), compensation (s.26–30 + First Schedule), record of rights (s.128–129 KLR Act), PTCL resumption (s.5), RERA registration (s.3), promoter duties (s.11).
4. **Name the case AND the year** — *Manchegowda vs State of Karnataka (1984)*, *Nekkanti Rama Lakshmi vs State of Karnataka (2018)*, *Neelkamal Realtors vs Union of India (2017)*.
5. **Translate every Latin maxim in [brackets]** — *eminent domain*, *salus populi suprema lex* [the welfare of the people is the supreme law].
6. **Use the four IRAC headings** for problems; spot the planted decoy (the classic trap: "granted land" pulls you to PTCL when the question is really about record-of-rights mutation, or vice versa).
7. **Always give a definite verdict** — "the transfer of the granted land is void", "the acquisition lapses", "the promoter must refund with interest".
8. **Use the chart's structure** to organise the body of the answer.
9. **Close with a short, confident conclusion.**
10. **Manage time** so no high-mark question is left unwritten.

UNIT 1 — The RFCTLARR Act, 2013 (Part A): From Social Impact to the R&R Award

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In this unit.

Almost every topic here is one *stage* of a single machine, so learn the machine first. When the government wants your land for a road, a dam or a factory, it can still take it — but the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** (everyone shortens it to RFCTLARR, LARR, or "the 2013 Act") says it may do so only after studying the human cost, paying a fair price, and resettling everyone it uproots. Picture the acquisition as a timeline and each topic slots onto it in order: first a **Social Impact Assessment** studies who will be hurt, the tests of **public purpose** decide whether the land can be taken at all, a **food-security safeguard** protects farmland, then the formal **notification and acquisition** procedure runs, the land is **valued for compensation**, and finally the **Rehabilitation & Resettlement (R&R) Award** rehouses the displaced. Underneath it all sits the old constitutional idea that lets the State do any of this — the **power of eminent domain** — and one word ties the whole Act together: the **"affected family"**, which means not just landowners but tenants and labourers who lose their livelihood. Read the unit as one story, and whenever a question names a step, ask *where on the timeline* it sits — that single habit answers most of the paper.

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1. Scope, Salient Features, Objects and Historical Development of the Act

> **Previous Year Questions**
>
> - **[16M]** Explain the salient features, objects and scope of the RFCTLARR Act, 2013. *(Apr 2024 (100), Jul 2025 (100), Aug 2024 (80))* ★★★
> - **[16M]** Trace the historical development of the law of land acquisition in India leading to the 2013 Act. *(Oct 2023 (80), Jul 2025 (80))* ★★
> - **[Short Note]** Application and extent of the RFCTLARR Act, 2013. *(Feb 2026 (80))* ★

The Hook

For 119 years India took land under a single colonial statute — the **Land Acquisition Act, 1894** — written so the British Raj could lay railways and cantonments quickly and cheaply. It let the government declare almost anything a "public purpose", pay a bare market price, and evict people with no duty to resettle them. The Sardar Sarovar Dam displaced hundreds of thousands; decades later, more than half were still waiting to be rehabilitated. That long injustice is the reason Parliament finally scrapped the 1894 Act and, on **1 January 2014**, brought the RFCTLARR Act, 2013 into force — an Act whose very *name* lists the four things the old law ignored: fair compensation, transparency, rehabilitation, and resettlement.

What the Act is, and the problem it solves

Think of this topic as the one-paragraph tour of the whole unit — the "history + objects + salient features" template you can reuse to open *any* Unit-1 answer. The **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** is the central all-India statute governing how the State acquires private land. Its guiding idea is a balance: the community sometimes genuinely needs private land (for a highway, a hospital, a power line), but the people who lose that land must not be left destitute so that others gain. The 1894 Act protected only the first half of that balance; the 2013 Act was written to protect both.

Two constitutional facts explain *why* the subject exists at all. Under the Seventh Schedule, **"land" is a State subject (Entry 18, State List)**, but **"acquisition and requisitioning of property" is in the Concurrent List (Entry 42)** — so Parliament could enact this central law and States can add to it. And since the 44th Amendment

(1978) the right to property is **no longer a fundamental right**; it survives only as a constitutional *legal* right under **Article 300A** (“no person shall be deprived of his property save by authority of law”). The 2013 Act is that “authority of law”.

> ***Long title, RFCTLARR Act, 2013:*** *“An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition … with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement …”*

In Simple Terms: The Act’s own title is its object clause. It promises four things: acquisition will be *humane and participative* (people are consulted, not steamrolled), *transparent* (every step is published), *fairly compensated*, and *followed by rehabilitation and resettlement*. If you can name those four promises, you have named the objects of the Act.

A. The objects of the Act

State these as the “why”:

1. **Fair compensation** — a price far above the old bare market value (up to 2× market value in urban areas and up to 4× in rural areas — see Topic 7).
2. **Transparency** — a Social Impact Assessment, public hearings and mandatory publication at every stage, so acquisition can no longer happen in secret.
3. **Rehabilitation and resettlement (R&R)** — for the first time, R&R is made *part of the acquisition process itself*, not an afterthought, and it covers livelihood-losers, not just owners.
4. **Participation and consent** — Gram Sabhas are consulted, and the affected families’ consent is required for acquisition for private companies and PPP projects.

B. The salient features — what makes the Act “revolutionary”

These are the headline features every essay should list, each with a one-line reason:

1. **Compulsory Social Impact Assessment (SIA)** — no major acquisition can begin without first studying who and what it will affect (Topic 3).
2. **Consent requirement** — prior consent of **70% of affected families for PPP projects** and **80% for private companies** (no consent needed when the government acquires purely for its own use).
3. **Higher, fairer compensation** — market value determined generously and then *multiplied*, plus 100% solatium (Topic 7).

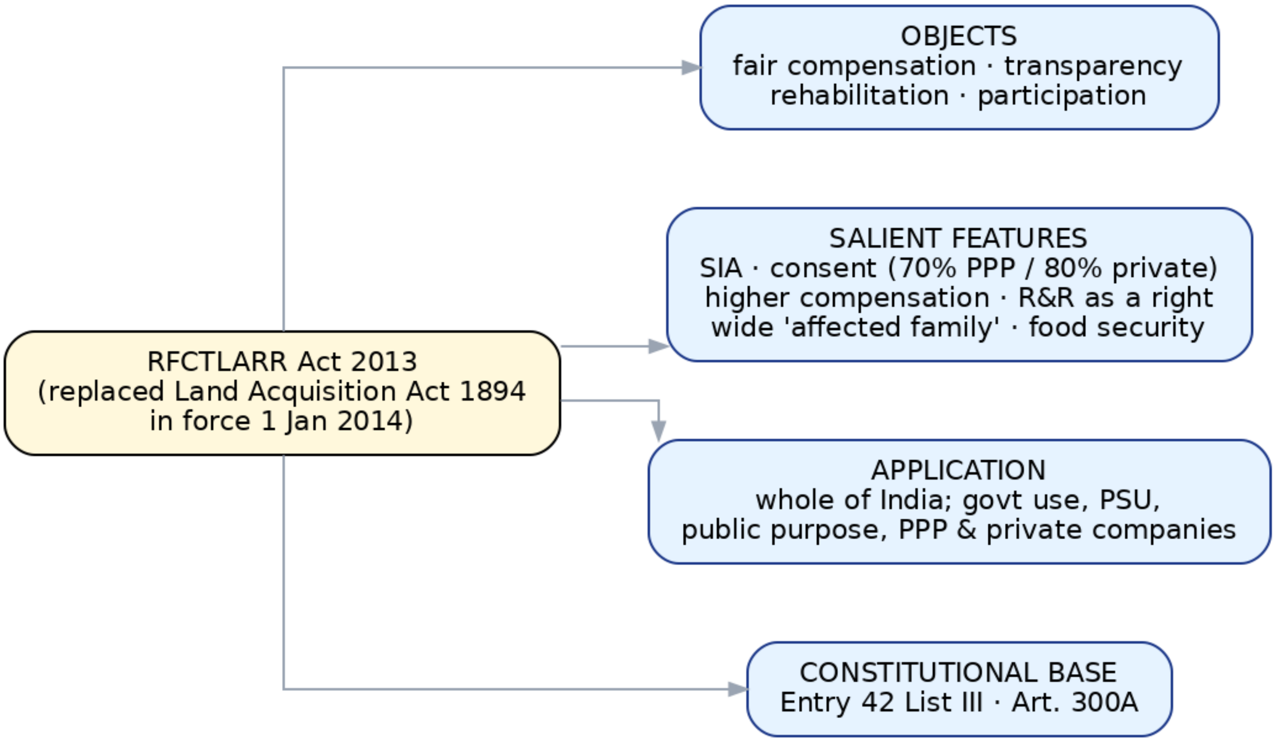
4. **Rehabilitation & Resettlement as a right** — a separate R&R Award with a guaranteed package of housing, land, jobs/annuity and allowances (Topic 8).
5. **The wide "affected family"** — protection reaches tenants, sharecroppers, agricultural labourers, artisans and others dependent on the land, not only titleholders.
6. **Food-security safeguard** — a bar on freely acquiring irrigated, multi-crop farmland (Topic 5).
7. **Special protection for SC/ST families** (ss. 41–42) and a **retrospective / lapse** rule so stale, unpaid old acquisitions can fall through and start afresh under this Act.
8. **Transparency and grievance machinery** — publication at every stage and a dedicated LARR Authority to adjudicate disputes (studied in Unit 2).

C. Application and extent

Keep this crisp — it is the short-note version. The Act **extends to the whole of India**. It applies whenever the "appropriate Government" acquires land for its own use, for a public sector undertaking, for a **public purpose**, or for private companies / public-private-partnership (PPP) projects for a public purpose (Topic 4). It came into **force on 1 January 2014** and **repealed the Land Acquisition Act, 1894**.

> ◈ **WORKED EXAMPLE — why the 1894 Act had to go**
>
> **Facts.** A State plans a reservoir that will submerge ten villages. Under the old 1894 Act it issues a notification, pays each *landowner* the bare market rate, and takes possession. Tenants, fishermen and farm labourers who lived off that land get nothing and are simply displaced.
>
> **Rule.** The 2013 Act reconceives acquisition around the "affected family" (not just the owner) and makes R&R a compulsory part of the process, backed by SIA, consent and fair compensation.
>
> **Apply.** Under the 2013 Act the same reservoir first needs an SIA to count *everyone* affected; the tenants, fishermen and labourers now qualify as "affected families" entitled to R&R; the owners get multiplied compensation plus solatium; and possession cannot be taken until compensation and R&R are actually delivered.
>
> **Conclusion.** The single shift from "compensate the owner" to "rehabilitate every affected family" is what the whole 2013 Act is built to achieve — and why naming that shift scores the salient-features essay.

The Visual



Case Laws

- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki (2014)*** — an early leading decision on the 2013 Act's lapse provision (s. 24): where compensation under an old 1894 acquisition was neither paid nor deposited in court, the acquisition lapses and must be reinitiated under the 2013 Act.
- ***Indore Development Authority vs Manoharlal (2020)*** — a Constitution Bench later clarified s. 24: "paid" means tendered, and deposit in the treasury (not court) can suffice; it settled when an old acquisition does and does not lapse under the new Act.
- ***State of Bombay vs R.S. Nanji (1956)*** — a classic statement that whether a purpose is a "public purpose" turns on all the facts of each case; carried forward as the guiding approach under the 2013 Act.

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2. The State's Power of Eminent Domain

Previous Year Questions

- **[16M]** Explain the doctrine of "eminent domain" as the basis of the State's power to acquire private land. *(Nov 2022 (100))* ★

The Hook

Ask a simple question: how can the government take your land at all, even against your will? You never agreed to sell it. The answer is a doctrine older than any statute — **eminent domain** — the idea that the sovereign always keeps a superior, overriding claim over every piece of land within its borders. It is why the 2013 Act can exist. But the doctrine has always come with a leash: the State may take, but only *for the public* and only *for a price*. The whole 2013 Act is really eminent domain with a much stronger leash than the 1894 Act ever had.

What is eminent domain?

Start with the plain idea before the Latin. **Eminent domain** is the inherent power of a sovereign State to take private property for a public use, without the owner's consent, on payment of compensation. It is not something a statute *grants* the State; it is a power the State is taken to *possess* simply by being sovereign — the statute only *regulates how* the power is used.

The doctrine rests on two ancient legal maxims, and naming them scores marks:

- ***salus populi est suprema lex*** [the welfare of the people is the supreme law] — the good of the community can override an individual's holding.
- ***necessitas publica major est quam privata*** [public necessity is greater than private necessity] — when public need and private interest collide, public need wins.

But the power is **not absolute**. Two conditions, its two limbs, must both be satisfied, or the taking is unlawful:

1. **Public purpose** — the land must be taken for a genuine public use or benefit, not to enrich a private person (this is Topic 4).
2. **Compensation** — the owner must be paid; taking without payment is confiscation, not acquisition (this is Topic 7).

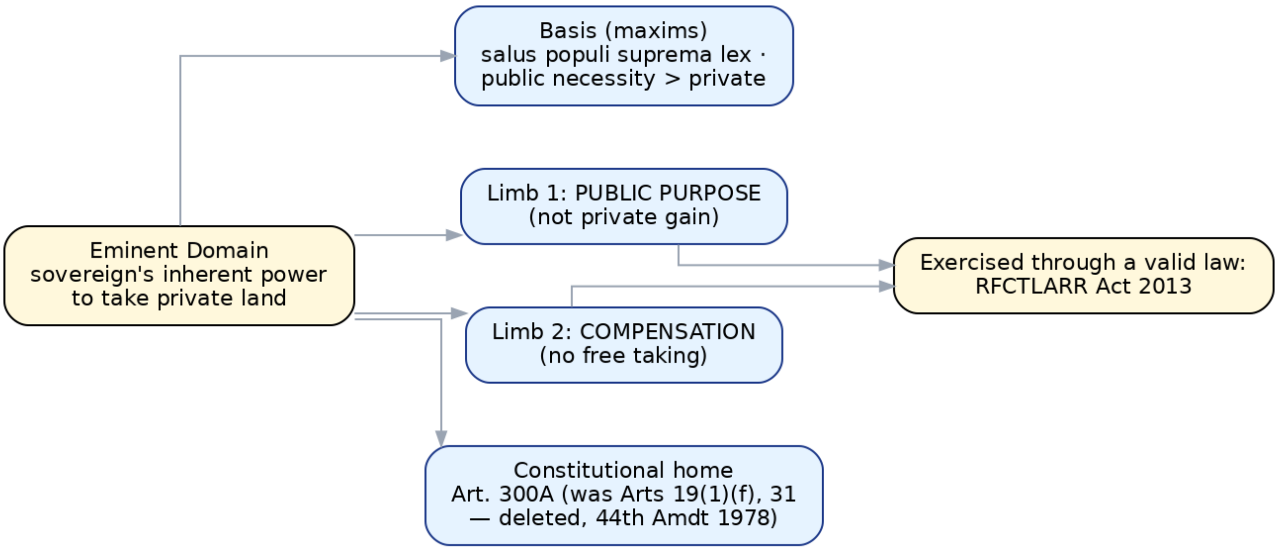
Where does this sit in the Constitution? Originally the right to property was a **fundamental right** (old Article 19(1)(f) and Article 31), and eminent domain was hedged by those articles. The **44th Amendment, 1978 deleted them**, so property is now only a **constitutional legal right under Article 300A** — "no person shall be deprived of his property save by authority of law." Eminent domain today therefore operates *through* a valid law (the 2013 Act), which supplies both required limbs — public purpose and fair compensation.

> ***Article 300A, Constitution of India:*** *"No person shall be deprived of his property save by authority of law."*

In Simple Terms: The State can take your property — but only if a proper *law* allows it. Article 300A is the modern home of eminent domain: it does not stop the State taking land, it insists the State do so only under a statute (like the 2013 Act) that lays down public purpose and pays compensation. No valid law, no lawful taking.

> ◈ **WORKED EXAMPLE — the two limbs decide the case**
>
> **Facts.** A State notifies A's farmland for acquisition. On enquiry it turns out the land will be handed to a private builder for a luxury gated colony, and A is offered nothing until "funds are available".
>
> **Rule.** Eminent domain is valid only if *both* limbs are met — a genuine public purpose and payment of compensation — exercised through a valid law (Art. 300A).
>
> **Apply.** Handing land to a private builder for a luxury colony is not a genuine *public* purpose but private benefit — the first limb fails. Taking possession before paying is confiscation — the second limb fails.
>
> **Conclusion.** The acquisition is bad on both limbs. Eminent domain lets the State take land, but never for a private gain and never for free — the two limbs are exactly what the 2013 Act converts into detailed procedure.

The Visual



Case Laws

- ***State of Bihar vs Kameshwar Singh (1952)*** — the Supreme Court described eminent domain as the sovereign's power to take private property for public use on payment of compensation; a foundational Indian statement of the doctrine.
- ***Coffee Board vs Commissioner of Commercial Taxes (1988)*** — reaffirmed that eminent domain is an inherent attribute of sovereignty, exercisable for a public purpose subject to compensation.
- ***K.T. Plantation Pvt. Ltd. vs State of Karnataka (2011)*** — after the 44th Amendment, deprivation of property must be by "authority of law" under Article 300A, and such a law must be just, fair and reasonable and provide for compensation.

3. Social Impact Assessment (SIA) — Meaning, Process and Relevance

Previous Year Questions

- **[16M]** Explain the meaning, process and relevance of Social Impact Assessment (SIA) under the RFCTLARR Act, 2013. *(Oct 2023 (100), Aug 2024 (100), Feb 2026 (100), Apr 2024 (80), Aug 2024 (80), Oct 2023 (80), Feb 2026 (80))* ★★★
- **[8M]** Write a short note on the Social Impact Assessment (SIA) study / report. *(Nov 2022 (100), Apr 2023 (100), Jul 2025 (100))* ★★

The Hook

In the 1980s the Sardar Sarovar Dam went ahead with no systematic study of who would be submerged — and decades later, more than half of those displaced had still not been rehabilitated. In the Rengali Irrigation Project in Odisha (1985), over 10,000 families were displaced and simply dumped on barren, unirrigated land they had no skills to farm. There was no way even to *count* the affected, let alone plan for them. The SIA is Parliament's answer to those disasters: before a single field is taken, the government must first find out, in the open, exactly who and what the project will harm.

What is SIA?

Here is the everyday picture first: SIA is a compulsory *"look before you leap"* study. Before the State acquires land, it must investigate the full human cost — how many families lose land or livelihood, how many homes, schools, wells and common lands vanish, and whether the benefits truly outweigh those losses. Only if the study clears the project can acquisition proceed. It is the **mandatory first gate** of every major acquisition.

Formally, the **International Association for Impact Assessment (IAIA)** defines SIA as the process of *analysing, monitoring and managing the intended and unintended social consequences — positive and negative — of a planned intervention.* The 2013 Act turns that idea into law in **Chapter II (sections 4 to 9)**. The point to grasp is that SIA studies **people, not just plots**: it counts landless labourers, tenants and artisans who depend on the land, which is exactly why it is the foundation for later R&R planning.

> ***Section 4(1), RFCTLARR Act, 2013:*** *"Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation … at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them …"*

In Simple Terms: Section 4 says the government cannot just decide to take land — it must first sit down with the local elected bodies and study, together with them, what the project will do to the community. Consultation with the people is built into the very first step.

A. What the SIA study must assess (s. 4)

The study, done in consultation with the local body, must examine and record:

1. Whether the proposed acquisition serves a genuine **public purpose**.
2. The **estimated number of affected families** and how many will be displaced.
3. The **extent of land** — public and private — likely to be affected, and whether the area proposed is the **absolute bare minimum** needed.
4. Whether the acquisition would affect any **common property resources** (grazing land, water bodies, burial grounds, schools).
5. The **social costs and adverse impacts**, weighed against the project's benefits.

Alongside the study the authority must prepare a **Social Impact Management Plan (SIMP)** — a written plan of the *ameliorative measures* needed to address each impact (s. 4(5)). The SIA study must be **completed within six months** from its commencement.

B. The SIA process — the five steps (ss. 4–8)

The cleanest way to hold this is as a step sequence:

1. **SIA study (s. 4).** Government consults the local body and carries out the study (above), and prepares the SIMP. To be completed in **six months**.
2. **Public hearing (s. 5).** A public hearing is held *in the affected area*, with due notice and publicity, so the affected families' views are recorded and included in the SIA Report.
3. **Publication of the SIA Report (s. 6).** The SIA study report and SIMP are published in the local language and made available to the Panchayat/Municipality, the District Collector's office, and on the government website.
4. **Appraisal by an Expert Group (s. 7).** An **independent multi-disciplinary Expert Group** evaluates the report (composition below) and must give its recommendation within **two months** of being constituted.
5. **Examination by the appropriate Government (s. 8).** The government makes the final decision, ensuring the public purpose is genuine, the benefits outweigh the social costs, only the bare minimum land is taken, and no suitable already-acquired land lies unused.

The Expert Group (s. 7). This is examiner-favourite detail. The independent group is constituted of: **two non-official social scientists; two representatives of the Panchayat / Gram Sabha / Municipality; two experts on rehabilitation; and one**

technical expert in the relevant subject — one of them chairing. The group then does one of two things, in writing with reasons:

- If it finds the project **does not serve public purpose**, or the **social costs outweigh the benefits**, it recommends the project be **abandoned** — and no further acquisition steps may be taken (s. 7(4)).
- If it finds the project **does** serve public purpose and its benefits outweigh the costs, it says so, and also certifies that the land proposed is the **bare minimum** needed with no less-harmful alternative (s. 7(5)).

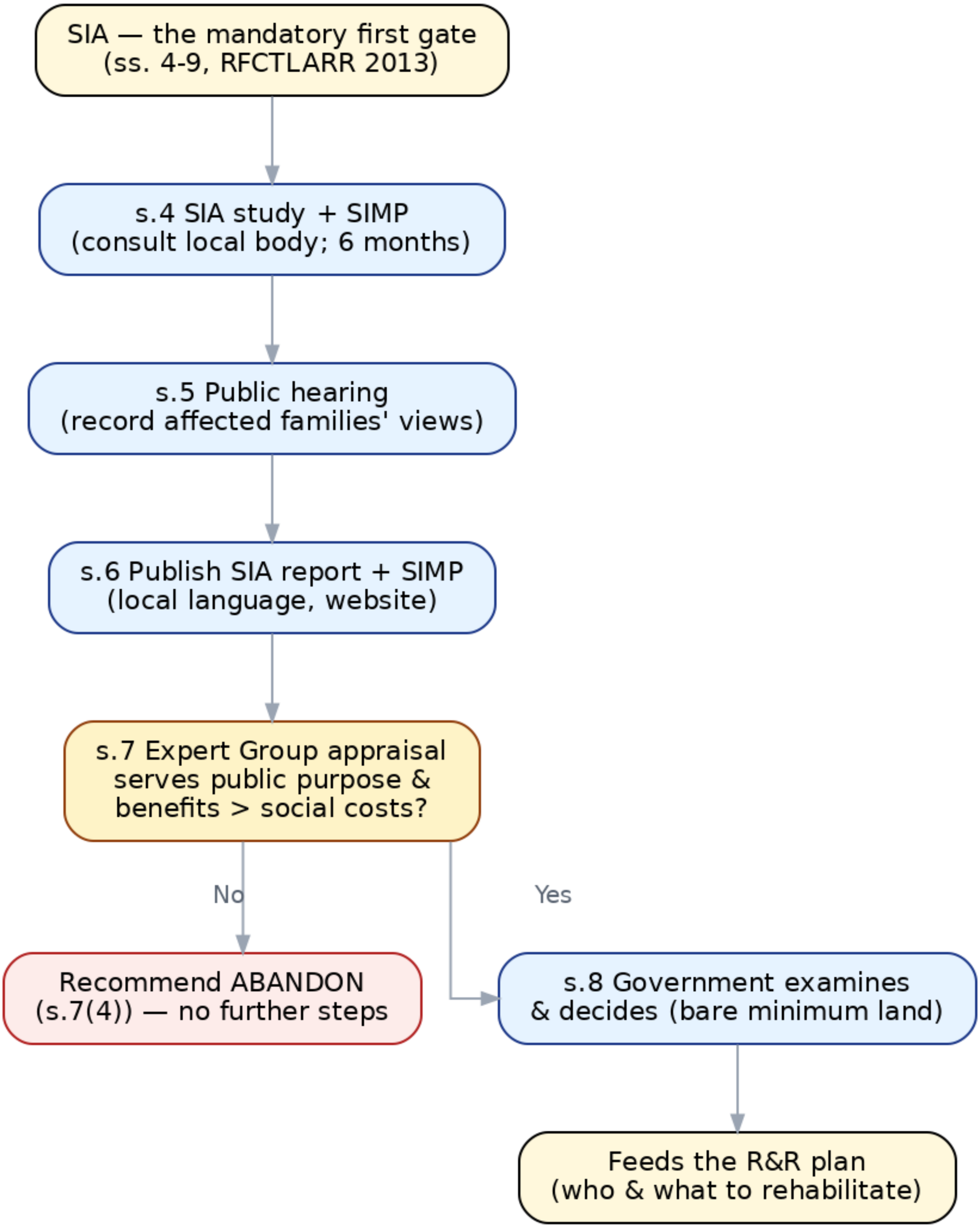
Exemption (s. 9). Where land is acquired under the **urgency provision** (Topic 6/8), or for certain **irrigation projects** where an Environmental Impact Assessment (EIA) is already required, the SIA may be dispensed with.

C. Relevance of SIA — the link to R&R planning

Do not stop at the process; the essay always couples "SIA" with "how it helps R&R". State the link plainly: SIA is the **only mechanism** that identifies *everyone* affected — including the landless who depend on the land but do not own it. That headcount and impact-list is precisely what the later **R&R Award** (Topic 8) needs in order to rehouse and rehabilitate the right people. Without SIA, R&R would be planned blind. So SIA and the public hearing together are the two facets that make the "right" to compensation and to rehabilitation real, not paper promises.

> ◈ **WORKED EXAMPLE — SIA feeding the R&R plan**
>
> **Facts.** A State proposes a 200-hectare industrial park. The SIA study finds 300 landowner families, 120 tenant/labourer families dependent on the land, a village pond and a primary school within the site, and that only 150 hectares are actually needed.
>
> **Rule.** The SIA study (s. 4) must count affected families (owners *and* livelihood-losers), map common property resources, and confirm the bare-minimum area; the Expert Group (s. 7) appraises it and the government decides (s. 8).
>
> **Apply.** The study shows the true affected population is **420 families, not 300** — the 120 livelihood-losers are now on record for R&R. It flags the pond and school as common resources to be replaced. And because only 150 hectares are needed, the Expert Group can insist the extra 50 hectares be dropped as beyond the bare minimum.
>
> **Conclusion.** The SIA turned a vague "200 hectares for a park" into a precise, fair plan — the right number of families for R&R, protected common resources, and a smaller footprint. That is exactly why SIA is the foundation of R&R planning.

The Visual


SIA — the mandatory first gate
(ss. 4-9, RFCTLARR 2013)
s.4 SIA study + SIMP
(consult local body; 6 months)
s.5 Public hearing
(record affected families' views)
s.6 Publish SIA report + SIMP
(local language, website)
s.7 Expert Group appraisal
serves public purpose &
benefits > social costs?
No
Yes
Recommend ABANDON
(s.7(4)) — no further steps
s.8 Government examines
& decides (bare minimum land)
Feeds the R&R plan
(who & what to rehabilitate)

Case Laws

- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki (2014)*** — emphasised that the 2013 Act's process (including its social and compensation safeguards) is mandatory and protective of affected persons, not a formality.
- ***Vedanta Ltd. / Niyamgiri (Orissa Mining Corporation vs Ministry of Environment & Forests, 2013)*** — though decided on forest rights, the Supreme Court underlined that the community's voice (Gram Sabha) must be heard before their land and habitat are taken — the participatory idea SIA and s. 5 embody.
- ***Delhi Development Authority vs Sukhbir Singh (2016)*** — clarified the working of the new Act's provisions on possession and compensation, reinforcing that its procedural safeguards are substantive protections.

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4. Determination of Social Impact and Public Purpose

> **Previous Year Questions**
>
> - **[16M]** What is "public purpose"? Enumerate the purposes for which land may be acquired under the RFCTLARR Act, 2013. *(Feb 2025 (100), Feb 2025 (80))* ★★★
> - **[8M]** Write a short note on "public purpose" / purposes for which land may be acquired. *(Apr 2024 (100), Aug 2024 (100), Feb 2026 (100), Apr 2024 (80), Jul 2025 (100))* ★★★

The Hook

In *Somawanti vs State of Punjab (1963)* the Supreme Court admitted something unusual for a court: the phrase "public purpose" cannot be pinned down once and for all. It "must change with varying concept, time, state of society and its needs." A purpose that was not public in 1900 — say, low-cost housing for the poor — is plainly public today. So the Act does not leave "public purpose" to guesswork: it *lists* the permitted purposes. That closed list is the heart of this topic and the easiest way to score the essay.

What "public purpose" means and why it is the gatekeeper

Recall eminent domain's first limb (Topic 2): the State may take land **only for a public purpose**. This topic tells you *which* purposes count. The classic test, repeated by the courts, is simple: a purpose is "public" when the **general interest of the community**, as opposed to the **particular interest of an individual**, is directly and vitally concerned. Handing land to a private person for private gain is never public purpose; taking it for a hospital, road or slum-clearance is.

But under the 2013 Act you do not argue this from first principles — you point to the **statutory definition in section 3(za)**, which ties “public purpose” to the activities listed in **section 2(1)**. Section 2 also classifies acquisitions into three categories, and the category decides whether *consent* is needed:

1. Government acquires for its **own use / hold and control** (including for a Public Sector Undertaking) — **no consent** of affected families required.
2. Government acquires for a **public-private partnership (PPP)** project (land continues to vest in the government) — **consent of 70%** of affected families required.
3. Government acquires for a **private company** for a public purpose — **consent of 80%** of affected families required.

> ***Section 2(1), RFCTLARR Act, 2013 (public-purpose heads, condensed):*** *land may be acquired for “public purpose” for — (a) strategic purposes relating to the naval, military, air force and armed forces or national security; (b) infrastructure projects (including agro-processing, industrial corridors, water and sanitation, government-aided education and research, sports, healthcare, tourism, transport and space); (c) project-affected families; (d) housing for specified income groups; (e) planned development or improvement of village/urban sites and residential land for weaker sections; (f) residential purposes for the poor, landless, or persons displaced by natural calamities or government schemes.*

In Simple Terms: “Public purpose” is not open-ended under this Act — it is a *checklist*. If the project fits one of the heads in section 2(1) (defence, infrastructure, housing for the poor, resettling the displaced, planned development, and so on), it qualifies. If it fits none, the land cannot be acquired, however useful it may seem.

A. The purposes for which land may be acquired (s. 2(1) read with s. 3(za))

Enumerate these heads — a vague answer loses marks:

1. **Strategic / defence purposes** — naval, military, air force and armed forces of the Union, central paramilitary forces, and works vital to national security or State police and public safety.
2. **Infrastructure projects** — a wide head covering activities in the government’s official infrastructure list (but excluding private hospitals, private educational institutions and private hotels); agro-processing, warehousing, cold storage and marketing infrastructure set up by government or farmers’ cooperatives; industrial corridors and mining; water harvesting and sanitation; government-aided education and research; and sports, healthcare, tourism, transport and space programmes.
3. **Project-affected families** — acquiring land to resettle those displaced by a project.
4. **Housing** for income groups specified by the government from time to time.

5. **Planned development** — improvement of village sites or urban areas, and residential land for **weaker sections** in rural and urban areas.
6. **Residential purposes for the vulnerable** — the poor, the landless, and persons displaced or affected by natural calamities or by any government/local-authority scheme.

B. Determination of social impact and public purpose — the safeguards

"Determination of public purpose" is not a rubber stamp. Two safeguards sit on it:

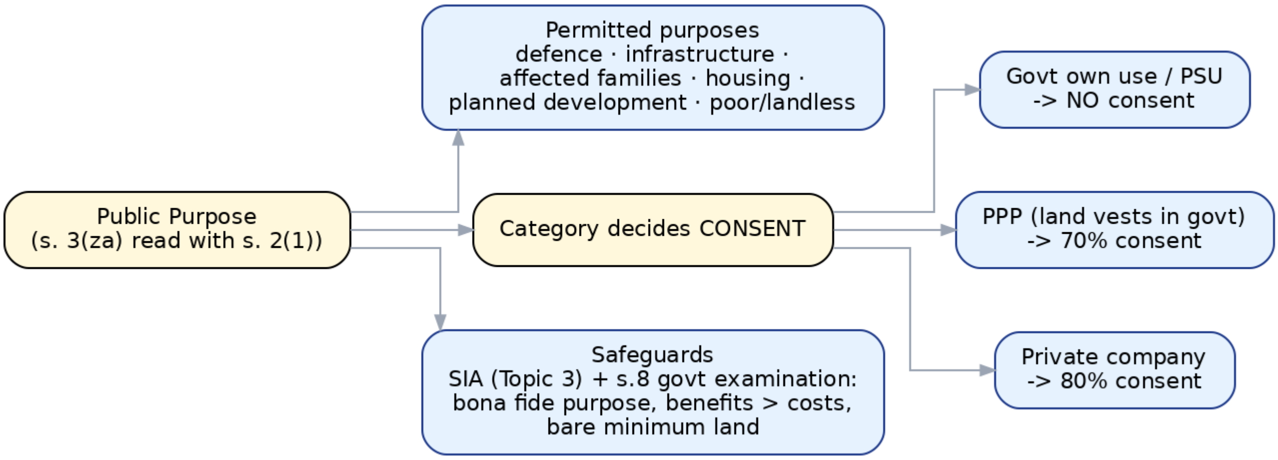
1. **Consent + SIA** — for the private-company and PPP categories, the acquisition needs *both* the SIA (Topic 3) *and* the consent of 80% / 70% of affected families. This stops the government using its compulsory power as a shortcut for private developers.
2. **The government's examination (s. 8)** — before any declaration, the appropriate Government must satisfy itself that (i) there is a legitimate, bona fide public purpose; (ii) the potential benefits outweigh the social costs shown by the SIA; (iii) only the **bare minimum** land is being taken; and (iv) no already-acquired, unused land is available instead.

C. Judicial control

"Public purpose" is primarily for the government to judge, but it is **not beyond judicial review**. Courts will strike down an acquisition that, in the guise of public purpose, really confers a benefit on a private individual, or that is arbitrary or mala fide. So the executive is the "best judge" of public purpose, but the last word, in a proper case, stays with the court.

> **◈ WORKED EXAMPLE — is it public purpose, and whose consent?**
>
> **Facts.** (i) A State acquires land to build a district hospital it will own and run. (ii) A State acquires land and hands it to a private car manufacturer to build a factory. In each, must the affected families consent?
>
> **Rule.** Public purpose is defined by s. 2(1) / s. 3(za). Consent depends on the category: government's own use (incl. PSU) = no consent; PPP = 70%; private company = 80%.
>
> **Apply.** (i) A government-run hospital is a healthcare/infrastructure head and the government acquires for its **own use** — public purpose is met and **no consent** is needed. (ii) A factory can be a public purpose (industry/employment), but the land goes to a **private company**, so acquisition needs the **consent of 80%** of affected families, plus SIA.
>
> **Conclusion.** Both are "public purpose", but only the private-company acquisition triggers the 80% consent gate — showing why you must name the *category*, not just say "yes, it is public purpose".

The Visual



Case Laws

- ***Somawanti vs State of Punjab (1963)*** — "public purpose" is an inclusive, evolving concept; it covers a purpose in which the general interest of the community, as opposed to the individual's interest, is directly and vitally concerned, and it changes with the needs of society.
- ***State of Bombay vs R.S. Nanji (1956)*** — whether a public purpose is established must be decided on all the facts and circumstances of each case; there is no rigid formula.
- ***Manimegalai vs Special Tahsildar (Land Acquisition Officer) (2018)*** — acquisition for anything that is not a genuine public purpose cannot be carried out compulsorily; the purpose must serve community welfare, not private benefit.

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5. Special Provision to Safeguard Food Security

> **Previous Year Questions**
>
> - **[16M]** Explain the special provision to safeguard food security (with minimum compensation) under the RFCTLARR Act, 2013. *(Nov 2022 (100), Apr 2024 (80))* ★★★
> - **[8M]** Write a short note on the food-security safeguard (s. 10). *(Oct 2023 (100), Feb 2026 (100), Feb 2025 (80), Feb 2026 (80), Apr 2024 (80))* ★★★

The Hook

Roughly 60% of India's land is agricultural and about 70% of Indians depend on farming to eat and earn. Every acre of good irrigated farmland handed to a factory is an acre that can never grow rice or wheat again. Parliament saw the danger: if acquisition could freely swallow the best farmland, the country could build itself into a food crisis. So the 2013 Act put a special lock on one particular kind of land — **irrigated, multi-crop land** — in **section 10**.

What the safeguard does

The everyday idea is a simple one: *save the best farmland for last.* The most productive land — **multi-crop irrigated land**, which yields more than one crop a year because it has assured water — is treated as too precious to take casually. Section 10 does not ban its acquisition outright, but it makes taking it genuinely hard, and it forces the State to *replace* the food-growing capacity it destroys.

There are two things the examiner always wants coupled here — the **food-security limb** and the **minimum-compensation limb** — so give both, not one.

> ***Section 10, RFCTLARR Act, 2013 (condensed):*** *"no irrigated multi-crop land shall be acquired … except as a demonstrable last resort measure"; where such land is acquired, "an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food security"; and the State Government shall set limits on the area of agricultural land that may be acquired in any district.*

In Simple Terms: Section 10 says: don't take prime irrigated farmland unless you truly have no other option; and if you do take it, either develop an equal amount of wasteland into farmland, or pay the land's value into a fund that will be invested back into agriculture — so the country loses no net food-growing capacity. States must also cap how much farmland a district can lose overall.

A. The food-security limb — three protections

1. **Last-resort rule.** Multi-crop irrigated land may be acquired **only as a demonstrable last resort**, and never beyond the ceiling the State Government fixes for such land.
2. **Replace what you take.** Wherever such land is acquired, the State must **either** develop an **equivalent area of culturable wasteland** for agriculture **or** deposit an **amount equal to the value of the acquired land** with the government, to be invested in agriculture to enhance food security.
3. **District ceiling.** Each State must fix a **limit on the total agricultural land** that can be acquired in any given district, so no single district is stripped of its farming base.

B. The exception — linear projects

Note the limit, because it is a favourite trap. Section 10's restrictions **do not apply to linear projects** — projects that run in a *line* across the country and cannot avoid crossing farmland: **railways, highways, major district roads, irrigation canals and power**

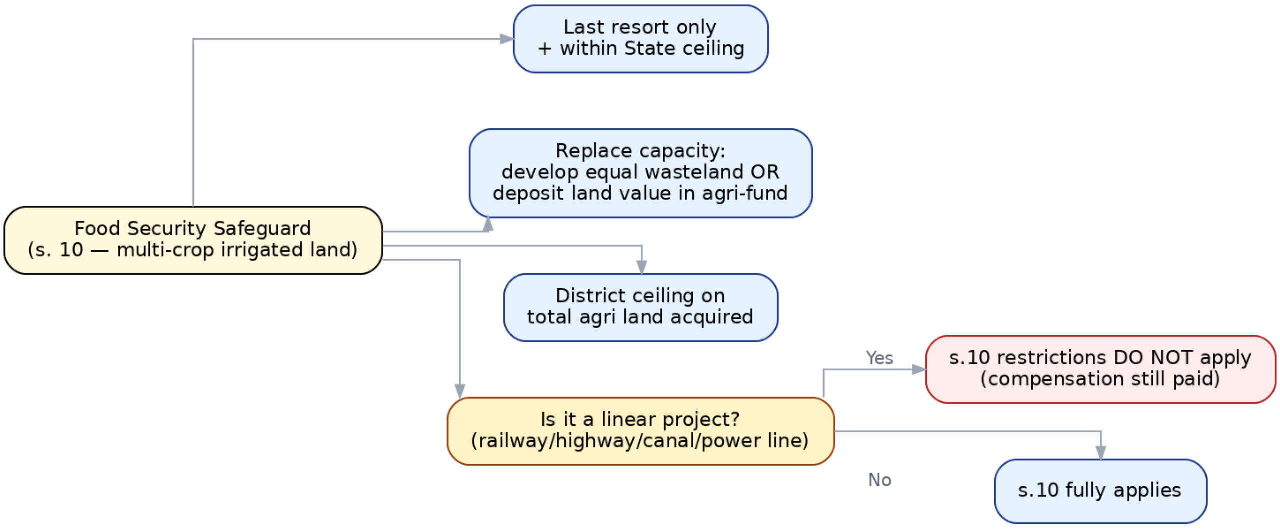
lines and the like. A highway cannot detour around every irrigated field, so the last-resort rule would make it impossible; hence the carve-out.

C. The minimum-compensation link

Why does the question pair "food security" with "minimum compensation"? Because the two limbs work together to protect the *farmer* as well as the *food supply*. Even where farmland is taken, the Act guarantees the owner the full generous compensation package of Topic 7 — the multiplied market value plus 100% solatium — so the safeguard is not only about national food stocks but about ensuring the farmer who loses irrigated land is paid a floor that reflects its real, productive value. The "value of the land acquired" that must be re-invested in agriculture (limb 2 above) is measured on that same fair basis.

> **◈ WORKED EXAMPLE — two projects, two different answers**
>
> **Facts.** (i) A State wants 50 hectares of assured double-crop irrigated paddy land to build a private industrial estate. (ii) The same State needs a 5-hectare strip of similar irrigated land to lay a new national highway.
>
> **Rule.** Section 10 bars acquisition of multi-crop irrigated land except as a last resort, requires replacement wasteland or a deposit into an agriculture fund, and imposes a district ceiling — **but it does not apply to linear projects** (railways, highways, canals, power lines).
>
> **Apply.** (i) The industrial estate is **not** linear, so s. 10 bites: the State must show it is a genuine last resort, stay within the district ceiling, and develop 50 hectares of wasteland (or deposit the land's value into the agriculture fund). (ii) The highway is a **linear project**, so s. 10's restrictions do not apply — though the owners are still paid full compensation.
>
> **Conclusion.** The identical type of land is protected in one case and freely acquirable in the other — the deciding fact is whether the project is *linear*. Spotting that carve-out is what separates a full answer from a half one.

The Visual



Case Laws

- ***Vellore Citizens Welfare Forum vs Union of India (1996)*** — recognised sustainable development and the protection of agricultural and natural resources as part of Indian law; the policy backdrop to safeguarding farmland for food security.
- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki (2014)*** — reaffirmed that the 2013 Act's protective provisions are mandatory and must be strictly followed, which includes its special safeguards on the land taken.

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6. Notification and Acquisition Procedure

Previous Year Questions

- **[16M]** Explain the procedure for notification and acquisition of land (preliminary notification, survey, objections, declaration) under the RFCTLARR Act, 2013. *(Apr 2023 (100), Feb 2025 (80), Jul 2025 (80))* ★★★
- **[8M]** Write a short note on preliminary notification / temporary acquisition of land. *(Feb 2026 (80), Aug 2024 (80))* ★★
- **[Problem]** After the government publishes the preliminary notification over A's land, A mortgages that land to a bank for a loan. Has A violated any law? *(Feb 2025 (100))*

The Hook

The moment the government publishes a preliminary notification over your land, something invisible but powerful happens: your land *freezes*. You still own it, but you can no longer sell it, mortgage it, or create any charge on it. Sellers have tried — quietly mortgaging or selling land the day after a notification, hoping to cash out before acquisition — and the Act shuts that door in **section 11(4)**. Understanding that freeze is the key to the most-repeated application problem in this unit.

The acquisition timeline — from notification to declaration

Once SIA and public purpose clear (Topics 3–4), acquisition moves through a set sequence of steps in **Chapter IV**. Learn it as a chain, because the essay asks for the “procedure”:

1. **Preliminary notification (s. 11).** When it appears to the appropriate Government that land in an area is required (or likely to be) for a public purpose, it publishes a **preliminary notification** with details of the land.
2. **Survey (s. 12).** Authorised officers may enter, survey, take levels, dig and mark boundaries to fix the extent of land.
3. **Payment for damage (s. 13).** Any damage done during the survey must be compensated.
4. **Hearing of objections (s. 15).** Affected persons may object; the Collector must hear them and report.
5. **Preparation and publication of the R&R Scheme and declaration (ss. 16–19).** After objections, the R&R Scheme is prepared and the **declaration** (s. 19) is published — the formal decision to acquire.
6. **Award** — the compensation award (Topic 7) and the R&R Award (Topic 8) follow.

A. Preliminary notification (s. 11) — how it is published and what it contains

The notification is not a quiet office memo; it must be published **five ways** so no affected person can miss it:

1. in the **Official Gazette**;
2. in **two daily newspapers** circulating in the locality, one of them in the **regional language**;
3. in the **local language** in the Panchayat / Municipality / Municipal Corporation and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;
4. **uploaded on the website** of the appropriate Government; and
5. in the **affected areas** in the prescribed manner.

The concerned **Gram Sabha** must also be informed at a meeting called for the purpose. The notification itself must state the **nature of the public purpose**, the reasons necessitating displacement, a **summary of the SIA Report**, and the **particulars of the Administrator** appointed for R&R.

B. The freeze on transactions (s. 11(4)) — the heart of the problem

This is the sub-section every problem turns on. Once the preliminary notification is published, **no person may make any transaction or create any encumbrance** (sale, mortgage, gift, lease, charge) on the notified land, from the date of publication until the acquisition proceedings are complete.

The consequences:

- If a person **wilfully violates** the freeze and deals with the land anyway, the **Collector is not bound to recognise or make good** any loss arising from that transaction — in effect the dealing does not bind the acquisition, and the buyer/mortgagee gets no claim against the compensation.
- In **special circumstances**, on the owner's application, the Collector may **exempt** the land from the freeze.
- After the notification but *before* the declaration, the Collector must **update the land records within two months**.

C. Survey and payment for damage (ss. 12–13)

Under section 12 the authorised officer may enter and survey the land, dig or bore into the subsoil, set out boundaries, and clear crops or fences where necessary — but only after **at least 60 days' notice** to the owner, and (for a dwelling-house's enclosed courtyard or garden) **7 days' notice**, so the owner can be present. Under section 13, any **damage caused during the survey must be paid for**; a dispute over the amount goes to the Deputy Commissioner, whose decision is final.

D. Hearing of objections (s. 15)

Within **60 days** of the notification, any interested person may object in writing to the Collector on three grounds: (i) the **area and suitability** of the land proposed; (ii) the **justification for the public purpose**; and (iii) the **findings of the SIA**. The Collector must give a **reasonable opportunity of being heard**, then send a report with recommendations to the appropriate Government, whose decision on the objections is **final**. Only a person with an interest in *that* land can object — a stranger has no locus standi.

E. Declaration and temporary acquisition

After objections, the **declaration under section 19** is the government's formal, published decision to acquire, accompanied by a summary of the R&R Scheme; it must generally be made within **twelve months** of the SIA appraisal, or the SIA report lapses. Separately, **"temporary acquisition"** (temporary occupation of waste or arable land, s. 104) lets the government occupy land for a public purpose for a **limited period (not exceeding three years)**, paying compensation or rent for the occupation, and restoring the land afterwards — it is *occupation*, not permanent taking, which is why it is a distinct short-note.

◈ WORKED EXAMPLE — the post-notification mortgage (the Feb 2025 problem)

Facts. The government publishes the preliminary notification covering A’s land. *After* that notification, A mortgages the land to a bank to raise a loan. Has A violated any law?

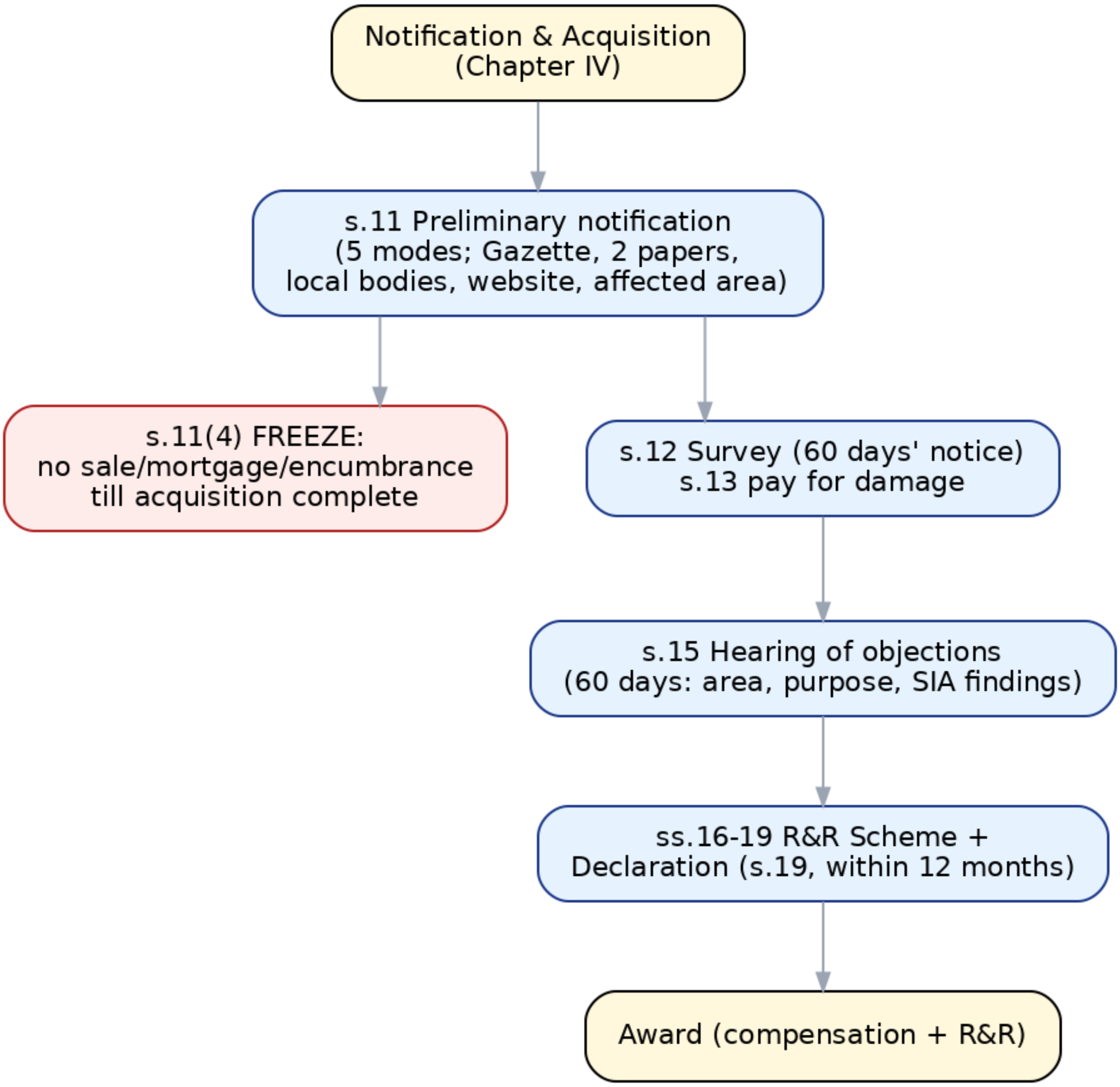
Rule. Section 11(4) freezes the land from the date of the preliminary notification: no transaction or encumbrance may be created until the acquisition is complete. A wilful breach means the Collector is not bound to make good any resulting loss (only the Collector may exempt the land in special circumstances).

Apply. A mortgage is an “encumbrance” created *after* the notification — squarely within the s. 11(4) bar. A’s mortgage is in breach of the freeze. The bank’s charge does not bind the acquisition, and the Collector is not obliged to protect the bank’s loss out of the compensation; A could only have dealt with the land if the Collector had granted an exemption, which was not obtained.

Decoy. It *looks* like an ordinary owner’s right — an owner can normally mortgage his own land. The trap is forgetting that the preliminary notification has already frozen dealings; the ownership right is suspended, not intact.

Conclusion. Yes, A has violated s. 11(4). The mortgage is ineffective against the acquisition and gives the bank no claim on the compensation.

The Visual



Case Laws

- ***Nandeshwar Prasad vs State of Uttar Pradesh (1964)*** — the preliminary notification confers on officers the authority to enter, survey and take levels to ascertain whether the land is suited to the purpose; the acquisition proceedings begin with that notification.
- ***Bahori Lal vs Land Acquisition Officer (1970)*** — the notification must describe the locality clearly enough to give reasonable notice to all persons whose land or interest is likely to be affected, so they can file objections.
- ***Women's Education Trust vs State of Haryana*** — before compulsory acquisition an effective opportunity to object must be given; the Collector must objectively consider the objections and make reasoned recommendations before any declaration is issued.

7. Determination of Compensation — Market Value, Cost of Acquisition and Elements of Price

Previous Year Questions

- **[16M]** How is compensation determined under the RFCTLARR Act, 2013? Explain the elements in fixing the price of the land. *(Jul 2025 (80))* ★★★
- **[8M]** Write a short note on "market value" of land / "cost of acquisition" under the Act. *(Oct 2023 (80), Aug 2024 (80), Jul 2025 (80))* ★★

The Hook

Under the old 1894 Act, a farmer whose land was taken often got the "market value" recorded in the sale-deed registers — figures deliberately kept low to dodge stamp duty. He was paid a fraction of what his land was really worth, then watched it turn into a township worth crores. The 2013 Act was written to end that robbery. Its formula does three things the old law never did: it fixes market value *generously*, then *multiplies* it, and then adds a *100% solatium* on top. The result: up to **twice** the market value in cities and up to **four times** in villages.

How compensation is built up

The everyday way to remember this topic is a recipe with three ingredients: **(1)** find the real market value, **(2)** multiply it, **(3)** add solatium — plus the value of anything standing on the land. Miss any ingredient and the answer is incomplete. The building blocks live in **sections 26 to 30** and the **First Schedule**.

A. Step 1 — Market value of the land (s. 26)

The Collector first fixes the land's **market value**, and the Act tells him to take the **highest** of three figures, so the owner never loses by an undervalued register:

1. the **market value specified in the Indian Stamp Act** for registration of sale deeds in the area (the "guidance value" or circle rate); **or**
2. the **average sale price** of the higher 50% of the sale deeds for similar land in the vicinity over the **preceding three years**; **or**
3. the **consented amount** agreed (in acquisitions for private companies / PPP).

Whichever of these is **highest** is taken as the market value. This alone is usually far above the old bare-register figure.

B. Step 2 — Multiply the market value (the multiplier / factor, First Schedule)

Market value is then multiplied by a **factor (multiplier)** set out in the **First Schedule**:

- for land in **rural areas**, a factor of **1.00 up to 2.00**, rising with the distance of the project from an urban centre (the remoter and more rural the land, the higher the multiplier, because rural owners had suffered the worst undervaluation); and
- for land in **urban areas**, a factor of **1.00**.

C. Step 3 — Add the value of assets, then the solatium (ss. 29–30)

1. **Value of assets attached to the land (s. 29)** — the Collector separately values buildings, trees, standing crops, wells and any other improvements on the land, and adds them in.
2. **Solatium (s. 30)** — a **solatium of 100%** is then added over the whole compensation amount. "Solatium" is a legal *solace payment* for the compulsory, involuntary nature of the taking — money to soothe the hurt of being forced to give up your land. At 100%, it *doubles* the figure reached so far.
3. **Interest (s. 30(3))** — an additional **12% per annum** on the market value is payable for the period from the date of the preliminary notification (SIA stage) until the award or possession.

> ***Section 30(1), RFCTLARR Act, 2013:*** *"The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a solatium amount equivalent to one hundred per cent of the compensation amount."*

In Simple Terms: After the Collector adds up the multiplied market value and the value of everything on the land, he must add the **same amount again** as solatium. So the "solatium" effectively doubles the compensation — the Act's way of recognising that the owner did not *choose* to sell.

D. "Cost of acquisition" and the "elements of price"

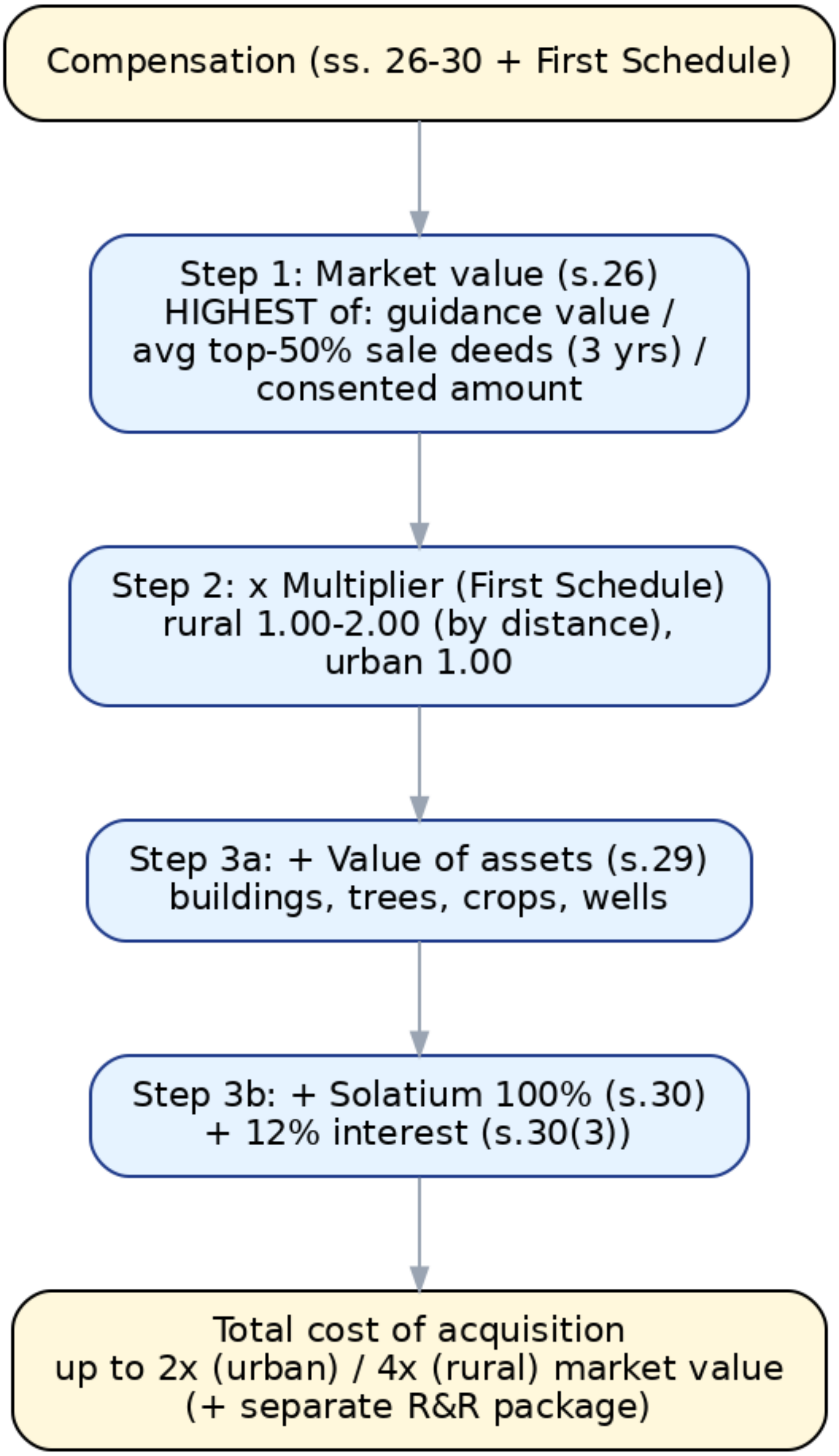
Pulling it together, the **cost of acquisition** (the total the State must pay) and the **elements of price** are:

1. **Market value** (s. 26) — the highest of the three figures above; **multiplied** by the First-Schedule factor (up to 2× rural).
2. **Value of assets** attached to the land — buildings, trees, crops, wells (s. 29).
3. **Solatium** — 100% of the above (s. 30).
4. **12% interest** for the notification-to-award period (s. 30(3)).
5. Plus, running alongside, the separate **R&R entitlements** of the Second Schedule (Topic 8), which are part of the true cost of taking people's land.

The headline every answer should end on: because market value is taken generously, *then* multiplied, *then* doubled by solatium, the owner receives up to **2× market value in urban areas and up to 4× in rural areas** — the exact opposite of the 1894 Act's bare payout.

> ◈ **WORKED EXAMPLE — building up a rural compensation figure**
>
> **Facts.** B's rural land has a guidance value of Rs. 10 lakh, but the average of the top 50% of nearby sale deeds over three years is Rs. 12 lakh. A well and trees on the land are worth Rs. 2 lakh. The applicable rural multiplier is 2.00.
>
> **Rule.** Market value = highest of guidance value / average sale price / consented amount (s. 26); multiply by the First-Schedule factor; add value of assets (s. 29); add 100% solatium (s. 30).
>
> **Apply.** Market value = the higher figure, **Rs. 12 lakh**. Apply the multiplier 2.00 -> **Rs. 24 lakh**. Add assets (well + trees) Rs. 2 lakh -> **Rs. 26 lakh**. Add solatium at 100% -> **+ Rs. 26 lakh = Rs. 52 lakh** (plus 12% interest for the notification-to-award period, and the separate R&R package).
>
> **Conclusion.** B's Rs. 12-lakh land yields about **Rs. 52 lakh** in compensation before R&R — showing how "highest value -> multiply -> add assets -> double with solatium" produces the up-to-4x rural payout.

The Visual


Compensation (ss. 26-30 + First Schedule)
Step 1: Market value (s.26) HIGHEST of: guidance value / avg top-50% sale deeds (3 yrs) / consented amount
Step 2: x Multiplier (First Schedule) rural 1.00-2.00 (by distance), urban 1.00
Step 3a: + Value of assets (s.29) buildings, trees, crops, wells
Step 3b: + Solatium 100% (s.30) + 12% interest (s.30(3))
Total cost of acquisition up to 2x (urban) / 4x (rural) market value (+ separate R&R package)

Case Laws

- ***Indore Development Authority vs Manoharlal (2020)*** — a Constitution Bench settled the meaning of "compensation paid" and the lapse rule (s. 24), clarifying when tender/deposit of compensation satisfies the Act.
- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki (2014)*** — where compensation is neither paid to the owner nor deposited in court, the acquisition lapses; the owner's right to actual, fair compensation is central to the Act.
- ***Nagpur Improvement Trust vs Vithal Rao (1973)*** — an owner is entitled to the true market value of his land; discriminatory or arbitrary under-compensation offends equality — the injustice the 2013 formula was designed to cure.

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8. Rehabilitation and Resettlement (R&R) Award and Procedure

> **Previous Year Questions**
>
> - **[16M]** Explain the Rehabilitation and Resettlement (R&R) Award and the procedure for R&R under the RFCTLARR Act, 2013. *(Nov 2022 (100), Apr 2023 (100), Aug 2024 (100), Apr 2024 (100), Feb 2025 (100), Feb 2026 (80), Apr 2024 (80))* ★★★
> - **[8M]** Write a short note on the R&R Award / entitlements of affected families. *(Oct 2023 (80), Aug 2024 (80), Jul 2025 (80), Apr 2024 (80))* ★★★

The Hook

For 119 years, "acquisition" meant a cheque to the landowner and nothing for anyone else. The tenant farming the field, the labourer working it, the potter selling by the roadside — all lost their living and were simply told to move. The single biggest reform of the 2013 Act is that it made **rehabilitation and resettlement part of the acquisition itself**: the government cannot take possession of the land until it has actually rehoused and rehabilitated every affected family. No R&R, no possession. This topic is where the Act's promise becomes concrete money, houses and jobs.

What the R&R Award is

Here is the everyday picture: the compensation award (Topic 7) pays for the *land*; the **R&R Award** rebuilds the *life* that stood on it. Under **section 31**, the Collector passes a **separate Rehabilitation and Resettlement Award for each affected family**, spelling out exactly what that family will get — a house, land, a job or annuity, and a set of allowances — drawn from the entitlements in the **Second Schedule**. The best way to structure the essay is in three parts: **(A)** the scheme and authorities, **(B)** the Award and its contents, and **(C)** the entitlements and the safeguards on possession.

> ***Section 31(1), RFCTLARR Act, 2013:*** *"The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule."*

In Simple Terms: Section 31 forces the Collector to sit down for *every* affected family and write out an individual R&R Award — this family gets this house, this much land, this job or annuity, these allowances. It is personal and itemised, not a single lump sum for the village.

A. The scheme and the authorities

R&R runs on a dedicated machinery, and naming the officers scores marks:

1. **The R&R Scheme (s. 16).** After the preliminary notification, the **Administrator for R&R** prepares a draft Rehabilitation and Resettlement Scheme, based on the SIA, listing the affected families and their entitlements. It is discussed at a public hearing in the Gram Sabha and then published.
2. **Administrator for R&R (s. 43).** The appropriate Government appoints an officer (not below a specified rank) as **Administrator** to formulate, execute and monitor the R&R plan on the ground.
3. **Commissioner for R&R (s. 44).** The State appoints a **Commissioner** to supervise the Administrator and oversee the overall implementation of R&R for the project.
4. **R&R Committee at project level (s. 45).** For projects involving large-scale displacement, a project-level committee monitors and reviews the actual implementation of the R&R scheme.

(Above these sit the **National and State Monitoring Committees** of Unit 2.)

B. The R&R Award and its contents (s. 31)

The R&R Award for each family must specify, so far as applicable, the following — where a head does not apply to a family, it is marked "not applicable":

1. the **R&R amount** payable to the family;
2. the **bank account** to which the amount is to be transferred;
3. **particulars of the house site and house** to be allotted (for displaced families);
4. **particulars of the land** allotted to displaced families;
5. **one-time subsistence allowance and transportation allowance** (for displaced families);
6. particulars of payment for **cattle shed and petty shops**;
7. the **one-time amount to artisans and small traders**;
8. details of **mandatory employment** to be provided to members of affected families;

9. particulars of any **fishing rights** involved;
10. particulars of **annuity and other entitlements**; and
11. **special provisions for the Scheduled Castes and Scheduled Tribes** (Topic 9).

Infrastructural amenities (s. 32). In every resettlement area, the Collector must ensure the provision of the **basic minimum amenities and infrastructural facilities** listed in the Third Schedule — roads, drainage, drinking water, schools, health centres, electricity and the like — so that a resettlement colony is a real place to live, not a bare plot.

C. The Second Schedule entitlements

These are the concrete benefits the Award draws on — give three or four in a short note, more in an essay:

1. **Housing** — a constructed house (as per specifications) for each displaced family, or an amount in lieu.
2. **Land for land** — in irrigation projects, at least **one acre** of land in the command area for each displaced family (SC/ST families get special preference — Topic 9).
3. **Choice of employment or annuity** — one of: **a job** for one member of the affected family (where employment is generated), **or** a **one-time payment**, **or** an **annuity** paid for **twenty years** with indexation for inflation.
4. **Subsistence grant** — a monthly subsistence allowance for **one year** for displaced families.
5. **One-time resettlement allowance** and a **transportation allowance** for shifting.
6. **Cattle shed / petty shop** amount, and a **one-time grant to artisans, small traders and the self-employed**.
7. Additional benefits, e.g. **stamp-duty exemption** on the resettlement land and continued **fishing rights** where relevant.

D. Powers of the Collector and the safeguard on possession

1. **Correction of the Award (s. 33).** The Collector may correct clerical or arithmetical mistakes in an award, on his own motion or on application, but **not later than six months** from the award, and never to a person's prejudice without hearing him.
2. **Civil-court powers.** For his enquiries the Collector may **summon witnesses, compel production of documents and adjourn** the enquiry, with the powers of a civil court under the CPC, 1908.
3. **Possession only after R&R (s. 38) — the key safeguard.** The Collector may take possession of the land **only after** full payment of compensation **and** the R&R entitlements. The Act sets timelines: **compensation within three months**, the **monetary R&R entitlements within six months**, and the **infrastructural R&R components within eighteen months** of the award. For irrigation/hydel projects, R&R must be complete **six months before submergence**.
4. **Multiple displacement.** A family already displaced once must not be displaced again without **additional compensation equal to the earlier compensation**.

5. **Urgency (s. 40).** In genuine emergencies (defence, national security, natural calamities), the government may take possession on short notice after tendering **80% of the estimated compensation**, and may dispense with the SIA and some R&R procedure — but must then pay an **additional 75% of compensation** (except for projects touching sovereignty, security or foreign relations).

◈ WORKED EXAMPLE — possession refused until R&R is delivered

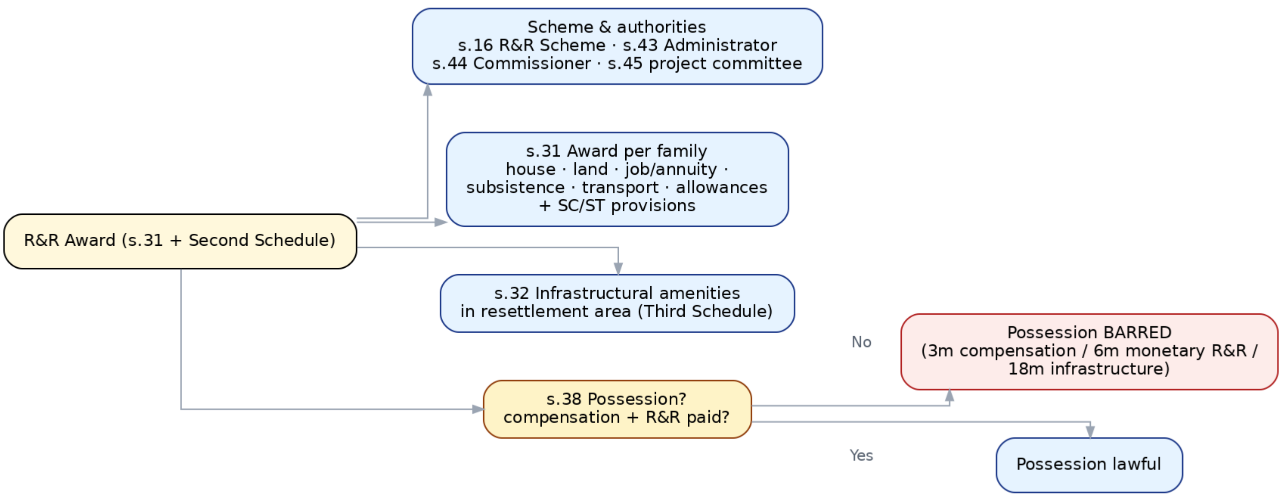
Facts. A dam project's award is passed. The State pays the landowners their land compensation and immediately tries to take possession to start construction, but the displaced families have not yet received their houses, subsistence allowance or resettlement plots.

Rule. Section 38 bars the Collector from taking possession until *both* compensation and R&R entitlements are paid — monetary R&R within six months, infrastructural components within eighteen months, and for irrigation projects R&R complete six months before submergence.

Apply. Paying only the *land compensation* is not enough. The R&R entitlements — houses, subsistence, plots — are unpaid, so the s. 38 pre-condition is not met. Possession cannot lawfully be taken; for a dam, R&R had to be finished six months before any submergence.

Conclusion. The State's attempt to take possession is premature and unlawful. The rule "no R&R, no possession" is exactly what makes rehabilitation a real right rather than a paper promise.

The Visual



Case Laws

- ***State of UP vs Abdul Ali (2017)*** — once an award is passed, corrections are confined to the narrow clerical/arithmetical power (s. 33) and only within six months; there can be no award for property that was never notified.

- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki (2014)*** — actual payment/deposit of compensation and completion of the process are mandatory; failure defeats the acquisition, protecting affected families.
- ***Delhi Development Authority vs Sukhbir Singh (2016)*** — interpreted the possession and compensation provisions of the new Act, reinforcing that its R&R and payment safeguards are substantive conditions, not formalities.

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9. Special Provisions for Scheduled Castes and Scheduled Tribes (ss. 41–42)

> **Previous Year Questions**
>
> - **[8M]** Write a short note on the special provisions for Scheduled Castes and Scheduled Tribes under the RFCTLARR Act, 2013. *(Feb 2025 (80), Feb 2026 (80))* ★

The Hook

When a dam or mine displaces a tribal community, the loss is not just a house and a field — it is a whole way of life: the sacred grove, the forest they gather from, the compact village where their language and customs survive. Money cannot rebuild that. So the 2013 Act, in **sections 41 and 42**, gives SC and ST families an *extra* layer of protection over and above the ordinary R&R Award — because they have the most to lose and the least power to bargain.

What ss. 41–42 do

Start with the everyday idea: these are **"R&R with extra care"** provisions. Everything in Topic 8 still applies to an SC/ST family; sections 41–42 simply **add** stronger safeguards on top. They are triggered when the people displaced belong to Scheduled Castes or Scheduled Tribes, and especially when land is acquired in a **Scheduled Area** (the constitutionally protected tribal areas under the Fifth and Sixth Schedules).

> ***Section 41 (marginal note), RFCTLARR Act, 2013:*** *"Special provisions for Scheduled Castes and Scheduled Tribes." The section requires, among other things, that acquisition in Scheduled Areas be a demonstrable last resort undertaken only with the prior consent of the concerned Gram Sabha or Panchayats, and it lays down enhanced resettlement benefits for the affected SC/ST families.*

In Simple Terms: Section 41 says: if you must take tribal or Scheduled-Caste families' land, do it only as a last resort, only after asking the Gram Sabha, and then give them more than the ordinary package — land of their own, part of the money up front, and resettlement close to home so their community survives intact.

A. The extra safeguards under section 41

1. **Last resort + Gram Sabha consent.** Acquisition in Scheduled Areas must be avoided as far as possible; where unavoidable, it needs the **prior consent of the Gram Sabha / Panchayats / autonomous councils**.
2. **Development plan.** A separate **development plan** must be prepared, settling the SC/ST families' rights (including alienated land and forest/community rights).
3. **Land for land.** Each affected SC/ST family is to be given land to the extent acquired or **two and a half acres, whichever is lower** — a floor of land, not just cash.
4. **One-third of compensation up front. One-third of the compensation** amount must be paid to the SC/ST families **at the very outset**, so they are not left waiting.
5. **Resettlement in the same Scheduled Area, in a compact block.** They should be resettled **preferably in the same Scheduled Area in a compact block**, so they keep their ethnic, linguistic and cultural identity together.
6. **Continued access to community resources.** Free land for community and social gatherings, and continued access to forest produce and other traditional resources, must be preserved.
7. **Extra payment if moved out of the district.** Where SC/ST families are resettled **outside the district**, they receive an **additional 25% of the R&R benefits** and a **one-time entitlement of Rs. 50,000**.

B. Reservation and other benefits under section 42

Section 42 protects the *status* the family carried in its old home:

1. **Reservation and benefits continue.** All **reservation and other benefits** the SC/ST families were entitled to in their original area **continue in the resettlement area** — they do not lose their standing by being moved.
2. **Restoration of alienated land / fishing rights.** Steps are taken to restore rights over land alienated in Scheduled Areas and to preserve fishing and similar rights in the resettlement area.

⚠ DON'T CONFUSE — RFCTLARR ss. 41–42 vs the PTCL Act (Unit IV)

This is a deliberate exam trap, and mixing the two loses the marks. Both mention "special provisions for SC/ST" and land, but they are **different Acts doing opposite jobs**:

- **RFCTLARR ss. 41–42 (this unit)** — protect SC/ST families *during a fresh acquisition*: extra R&R, land-for-land, one-third compensation up front, resettlement in the same Scheduled Area. It is part of the *acquisition* scheme.
- **Karnataka SC/ST (Prohibition of Transfer of Certain Lands) Act, 1978 — the PTCL Act (Unit IV)** — stops *granted* land, given to SC/ST persons, from being **sold away**, and lets the State **resume and restore** land transferred in breach. It is about *protecting existing holdings*, not acquisition.

One protects displaced SC/ST families *when the State takes land*; the other protects SC/ST grantees *from losing land they already hold*. In a Land-Law paper, "special provisions for SC/ST" placed with acquisition topics means **ss. 41–42** — answer that, not the PTCL Act (even where a paper mistakenly slots it in the Part-B question).

◈ WORKED EXAMPLE — tribal displacement in a Scheduled Area

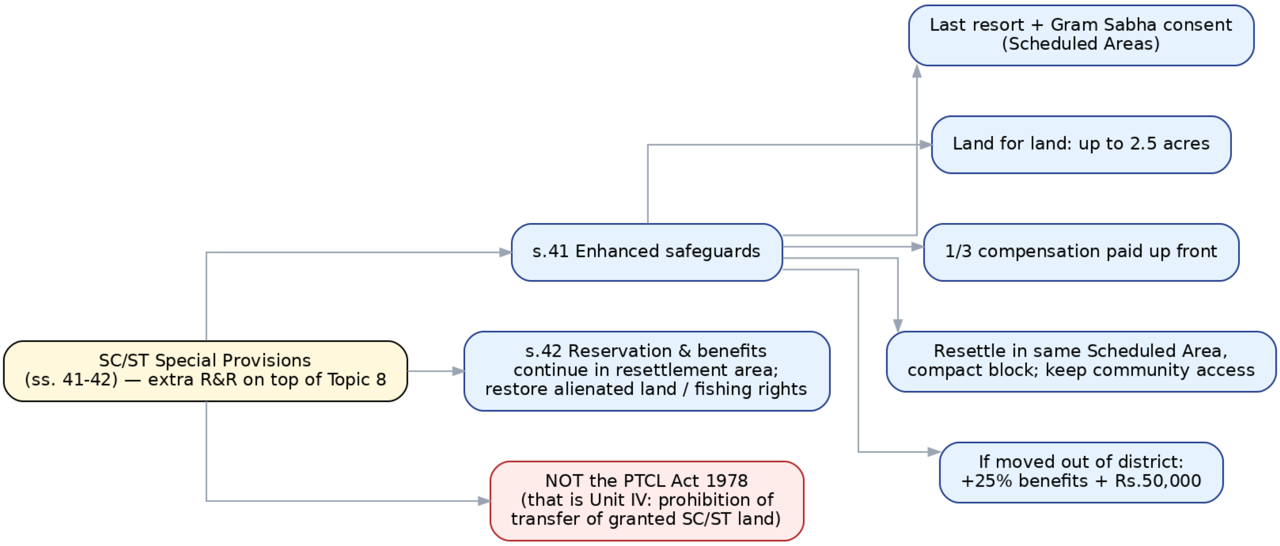
Facts. A mining project in a Scheduled Area will displace forty ST families who own small plots and depend on the nearby forest. The State proposes to pay them cash compensation and resettle them in a town in the next district.

Rule. Section 41 requires Gram Sabha consent, land-for-land (up to 2.5 acres), one-third compensation up front, resettlement preferably in the same Scheduled Area in a compact block, continued forest/community access, and (if moved out of district) 25% extra benefits plus Rs. 50,000; s. 42 continues their reservation and benefits.

Apply. Cash alone is not enough: each family is entitled to **land** (up to 2.5 acres) and **one-third of the compensation immediately**. Moving them to the next district is only a fallback — the Act prefers resettlement **in the same Scheduled Area, together**, with forest access preserved; and because they *are* being moved out of the district, they must get the **25% additional benefits and Rs. 50,000**. Their reservation benefits follow them (s. 42).

Conclusion. The State's plan under-delivers on every s. 41 safeguard. These provisions exist precisely so a vulnerable community is not scattered and stripped of its identity by an acquisition.

The Visual



Case Laws

- ***Samatha vs State of Andhra Pradesh (1997)*** — the Supreme Court strongly protected tribal land in Scheduled Areas, restricting its transfer to non-tribals; the constitutional backdrop to the special care ss. 41–42 give SC/ST families.
- ***Orissa Mining Corporation vs Ministry of Environment & Forests (2013)*** (the Niyamgiri / Vedanta case) — the Gram Sabha's consent is essential before tribal land and habitat are taken, echoing the consent safeguard in s. 41.

Quick Revision & Case Law Table

One-line memory hooks

- **Scope & features:** the RFCTLARR Act 2013 (in force 1 Jan 2014) replaced the 1894 Act; objects = fair compensation, transparency, R&R, participation; salient features = SIA, consent (70% PPP / 80% private), higher compensation, R&R as a right, wide "affected family", food security; base = Entry 42 List III + Art. 300A.
- **Eminent domain:** the sovereign's inherent power to take private land — *salus populi suprema lex*; two limbs = public purpose + compensation; now exercised through a valid law under Art. 300A (old Arts 19(1)(f), 31 deleted, 44th Amdt 1978).
- **SIA (ss. 4–9):** the mandatory first gate — s.4 study + SIMP (6 months) -> s.5 public hearing -> s.6 publish -> s.7 Expert Group (2 months; abandon or clear) -> s.8 government decides; it counts *everyone* affected, so it feeds R&R planning.
- **Public purpose (s. 3(za)/s. 2(1)):** community interest over individual; closed list (defence, infrastructure, housing, poor/landless, planned development); consent by category (own use = none, PPP = 70%, private = 80%); reviewable by courts.

- **Food security (s. 10):** don't take multi-crop irrigated land except as a last resort; replace with equal wasteland or deposit its value in an agri-fund; district ceiling; **exception = linear projects** (rail/highway/canal/power line).
- **Notification & acquisition (Ch. IV):** s.11 preliminary notification (5 modes) -> **s. 11(4) freezes dealings** -> s.12 survey / s.13 damage -> s.15 objections (60 days) -> s.19 declaration; a post-notification sale/mortgage breaches s.11(4).
- **Compensation (ss. 26–30 + First Schedule):** market value = highest of guidance value / avg top-50% sale deeds / consented amount; × multiplier (rural 1–2, urban 1); + assets (s.29) + 100% solatium (s.30) + 12% interest = up to 2× (urban) / 4× (rural).
- **R&R Award (s. 31 + Second Schedule):** separate award per family — house, land-for-land, job/annuity (20 yrs), subsistence, allowances; Administrator (s.43)/ Commissioner (s.44); **no possession until compensation + R&R paid (s.38)** — 3m/ 6m/18m timelines.
- **SC/ST (ss. 41–42):** extra R&R — Gram Sabha consent, land up to 2.5 acres, 1/3 compensation up front, resettle in same Scheduled Area, +25% + Rs.50,000 if moved out of district; reservation continues (s.42). **Not the PTCL Act (Unit IV).**

Master Case List for Unit 1

Case	Topic	One-line ratio
Pune Municipal Corporation vs Harakchand Misirimal Solanki (2014)	Scope; SIA; food security; compensation; R&R	Compensation neither paid nor deposited in court -> old acquisition lapses; the Act's protective steps are mandatory.
Indore Development Authority vs Manoharlal (2020)	Scope; compensation	Constitution Bench settled the s. 24 lapse rule and the meaning of "compensation paid" (tender/ deposit).
State of Bombay vs R.S. Nanji (1956)	Scope; public purpose	Whether a public purpose is established depends on all the facts of each case; no rigid formula.
State of Bihar vs Kameshwar Singh (1952)	Eminent domain	Eminent domain is the sovereign's power to take private property for public use on payment of compensation.
Coffee Board vs Commissioner of Commercial Taxes (1988)	Eminent domain	Eminent domain is an inherent attribute of sovereignty, exercisable for a public purpose with compensation.

Case	Topic	One-line ratio
K.T. Plantation Pvt. Ltd. vs State of Karnataka (2011)	Eminent domain	Under Art. 300A, deprivation of property must be by a law that is just, fair and reasonable and provides compensation.
Orissa Mining Corporation vs Ministry of Environment & Forests (2013) — Niyamgiri	SIA; SC/ST	Gram Sabha consent is essential before tribal land and habitat are taken.
Delhi Development Authority vs Sukhbir Singh (2016)	SIA; R&R	The new Act’s possession, compensation and R&R safeguards are substantive conditions, not formalities.
Somawanti vs State of Punjab (1963)	Public purpose	“Public purpose” is inclusive and evolving — community interest over individual interest, changing with society’s needs.
Manimegalai vs Special Tahsildar (Land Acquisition Officer) (2018)	Public purpose	Acquisition for anything that is not a genuine public purpose cannot be done compulsorily.
Vellore Citizens Welfare Forum vs Union of India (1996)	Food security	Sustainable development and protection of agricultural/natural resources are part of Indian law.
Nandeshwar Prasad vs State of Uttar Pradesh (1964)	Notification & acquisition	The preliminary notification empowers officers to enter, survey and take levels to test the land’s suitability.
Bahori Lal vs Land Acquisition Officer (1970)	Notification & acquisition	The notification must describe the locality clearly enough to give reasonable notice to affected persons.
Women’s Education Trust vs State of Haryana	Notification & acquisition	An effective, reasoned hearing of objections is required before any declaration to acquire.

Case	Topic	One-line ratio
Nagpur Improvement Trust vs Vithal Rao (1973)	Compensation	An owner is entitled to true market value; arbitrary or discriminatory under-compensation offends equality.
State of UP vs Abdul Ali (2017)	R&R Award	Post-award corrections are confined to clerical/ arithmetical errors (s. 33) within six months; no award without a notification.
Samatha vs State of Andhra Pradesh (1997)	SC/ST	Tribal land in Scheduled Areas is strongly protected against transfer to non-tribals.

End of Unit 1.

Land Law

KSLU LL.B. — Model Answers: Essays, Short Notes & Problems (All Five Units) · 100-mark pattern

KSLU LL.B. Question Bank

Medha-Academy

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Notes Version: **v1.0**

August 2026

Contents

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> ***Read this first, then go to your unit.*** *This companion to the study notes gives you a full, exam-ready* ***model answer*** *to every 16M essay, every 8-mark Q8 short note, and every fact-pattern problem asked in past KSLU* ***Land Law*** *papers — grouped by unit and topic in the same order as the notes. Sub-8-mark short notes (5M / 6M) are answered in the notes bundle, not here.*
>
> ***Built for the 100-mark paper.*** *KSLU sets an* ***80-mark*** *and a* ***100-mark*** *paper; this bank is the* ***100-mark*** *edition (`Question_Bank_100_LAND.pdf`), which most students sit. Its essays and short notes are the 100-mark questions, but its* ***problems cover every fact-pattern from both patterns*** *— problems repeat, so none is left out. Sitting the 80-mark paper? An 80-mark edition can be generated on request.*

How to Use This Question Bank

What this is. A rehearsal book. The study notes teach the concept; this bank shows you how to *write the marks* — a complete answer in the exact shape an examiner rewards.

The 3-step drill. (1) Read the question and try a 2-minute plan from memory.

1. Read the model answer; note the structure, the cases, the verdict. (3) For problems, re-do the IRAC in your own words under time.

Priorities. The ★ rating shows how often a question repeats — ★★★ (asked 5+ times / "must cover") is a near-certainty; do these first. The Priority Index below lists them ranked.

House rules that win marks. Lead with a definition + roadmap; name the case **and** the year (use "vs"); cite the section by number; for problems use the four IRAC headings and always give a definite verdict. Where the notes flag a **2020-amendment currency caveat** (the Karnataka Land Reforms ceiling was doubled; ss. 79A/79B/79C were omitted), write the classic pre-2020 answer **and** add the current-law caveat.

Exam Pattern & Mark Weights

> ***100-mark paper.*** *Q1–Q7 are* ***16-mark essays*** *(answer any five of the long questions as set);* ***Q8*** *is a* ***short note*** *question (answer any four of the 8-mark short notes);* ***Q9*** *carries the* ***application problems*** *(fact-patterns, worth ~20 marks between Q9a/Q9b/Q9c). Always attempt the problem (Q9) first — it is the most-often-dropped and the most drillable.*

Mark slot	What it is	How many	Where it's drilled
16M	Long essay (Q1–Q7)	Answer 5	Section A of each unit
8M	Q8 short note	Answer 4	Section B of each unit
Problems	Fact-pattern, IRAC (Q9)	~2 (×10)	Section C of each unit

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Priority Index — Questions by Frequency

Rank	Question (short)	Type	Times asked	Unit
1	PTCL Act — prohibition, resumption & restitution of granted land	16M	★★★ (12)	4
2	Rehabilitation & Resettlement (R&R) Award and procedure	16M	★★★ (7)	1
3	Social Impact Assessment (SIA) — meaning, process, relevance	16M	★★★ (7)	1
4	Record of Rights (RTC) & disposal of disputed mutation cases	16M	★★★ (4)	3
5	Karnataka Revenue Appellate Tribunal (KRAT) — constitution & powers	16M	★★★ (6)	3
6	Functions and duties of the promoter (RERA)	16M	★★★ (6)	5
7	Real Estate Regulatory Authority — constitution, powers, functions	16M	★★★ (5)	5

Rank	Question (short)	Type	Times asked	Unit
8	Revenue officers — constitution, appointment, powers & procedure	16M	★★★ (5)	3
9	“All land liable unless exempted” — land revenue, assessment	16M	★★★ (4)	3
10	Scope, salient features, objects & history of the RFCTLARR Act	16M	★★★ (5)	1
11	Co-operative farms (Land Reforms Act)	16M	★★★ (3)	4
12	Tenancy provisions & the Land Tribunal; conferment	16M	★★★ (2)	4
13	Public purpose & purposes for acquisition	16M	★★★ (2)	1
14	Food-security safeguard (s. 10)	16M	★★★ (2)	1
15	Notification & acquisition procedure	16M	★★★ (3)	1
16	LARR Authority — constitution, adjudication, appeal	16M	★★★ (6)	2
17	Registration of real estate projects & agents	16M	★★★ (3)	5
18	Functions & duties of the promoter	8M	★★★ (2)	5
19	Public purpose (short note)	8M	★★★ (4)	1
20	Co-operative farms (short note)	8M	★★★ (2)	4
21	Record of Rights / RTC (short note)	8M	★★★ (2)	3
22	Land revenue — liability & assessment (short note)	8M	★★★ (4)	3
23	PTCL grantee’s heirs recover sold granted land	Prob	★★ (2)	4
24	Khata never mutated; seller’s heir took RTC	Prob	★★ (1)	3

Rank	Question (short)	Type	Times asked	Unit
25	Advance paid, no sale deed after 2 years (RERA)	Prob	★★ (2)	5

Year Index — Questions by Paper

Session (paper)	Essays asked	Short notes asked	Problems asked
Feb 2026 (100)	Q1.3, Q3.5, Q3.6, Q4.1, Q4.2, Q5.4	S2.1, S4.4, S5.1	—
Jul 2025 (100)	Q1.1, Q3.3, Q3.4, Q3.6, Q4.1, Q4.6, Q5.4	S1.1, S3.4, S5.3	—
Feb 2025 (100)	Q1.4, Q3.1, Q3.5, Q4.1, Q4.4, Q5.1	S3.3	P4.3, P5.1
Aug 2024 (100)	Q1.3, Q1.7, Q3.2, Q3.8, Q4.1, Q4.5, Q5.4	S3.4, S4.3	P3.3, P4.1, P5.2
Apr 2024 (100)	Q1.1, Q1.7, Q3.5, Q3.9, Q4.5, Q5.3	S1.2, S5.1, S5.2	—
Oct 2023 (100)	Q1.3, Q3.5, Q3.7, Q4.1, Q4.3, Q5.3	S1.3, S5.2	P3.2, P4.1, P5.1
Apr 2023 (100)	Q1.6, Q3.1, Q3.3, Q4.1, Q4.4, Q5.2	S1.1, S3.2, S5.3	P3.1, P4.2
Nov 2022 (100)	Q1.2, Q1.5, Q1.7, Q3.2, Q3.4, Q4.1, Q4.2	S2.2, S4.4, S4.5	—

> ***This bank is built for the 100-mark paper.*** *Its* ***essays*** *(§A) and* ***short notes*** *(§B) are the long questions asked on a* ***100-mark*** *KSLU Land Law sitting; its* ***problems*** *(§C) cover* ***every*** *fact-pattern problem from both the 80- and 100-mark papers, because problems recur across sittings and are the easiest marks to lose. Every unit, in the notes' topic order. Section B answers the* ***8-mark Q8 short notes*** *(100-mark paper); the 80-mark 10-mark essays are NOT repeated here (§A covers those topics), and sub-8-mark notes (5M / 6M) live in the study-notes bundle.*

UNIT 1 — RFCTLARR Act 2013 (Part A: Social Impact to the R&R Award)

A. Essay Questions (16M) — Model Answers

Q1.1 — `[16M]` Explain the salient features, objects and scope of the RFCTLARR Act, 2013. Trace briefly its historical development.

> *Asked: Apr 2024 (100), Jul 2025 (100), Aug 2024 (80), Oct 2023 (80), Feb 2026 (80) · Pattern: both · ★★★ · Notes: Unit 1 → Topic 1 (Scope, Salient Features, Objects and Historical Development)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *History — the 1894 Act and why it failed; the 2013 Act in force 1 Jan 2014.*
> 2. *Objects — fair compensation, transparency, R&R, participation.*
> 3. *Salient features — SIA, consent, higher compensation, R&R as a right, wide "affected family", food security.*
> 4. *Scope, application and constitutional base — Entry 42 List III, Art. 300A.*
> 5. *Conclusion — a shift from "compensate the owner" to "rehabilitate every affected family".*

Introduction

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (**RFCTLARR**, or the "2013 Act") is the central all-India statute governing how the State takes private land. Its guiding idea is a **balance** — the community sometimes genuinely needs private land for a road, a dam or a hospital, but the people who lose that land must not be left destitute so that others gain. The Act's own long title is its object clause, promising a "humane, participative, informed and transparent" process. This answer traces the law's history, then states its objects, salient features and scope.

A. Historical development — why the 1894 Act had to go

For 119 years India took land under a single colonial statute, the **Land Acquisition Act, 1894**, written so the British Raj could lay railways and cantonments quickly and cheaply. It let the government declare almost anything a "public purpose", pay a bare market price recorded in undervalued sale-deed registers, and evict people with **no duty to resettle** them. The Sardar Sarovar Dam displaced hundreds of thousands; decades later more than half were still awaiting rehabilitation. That long injustice is why Parliament scrapped the 1894 Act and, on **1 January 2014**, brought the 2013 Act into force — an Act whose very name lists the four things the old law ignored: fair compensation, transparency, rehabilitation and resettlement.

B. The objects of the Act

State these as the "why" of the statute.

1. **Fair compensation** — a price far above the old bare market value (up to **2× market value in urban areas and up to 4× in rural areas**), curing the routine under-payment of the 1894 regime.
2. **Transparency** — a Social Impact Assessment, public hearings and mandatory publication at every stage, so acquisition can no longer happen in secret.
3. **Rehabilitation and resettlement (R&R)** — for the first time R&R is made *part of the acquisition process itself*, not an afterthought, and it reaches livelihood-losers, not only owners.
4. **Participation and consent** — Gram Sabhas are consulted and the affected families' consent is required for acquisition for private companies and PPP projects.

C. The salient features

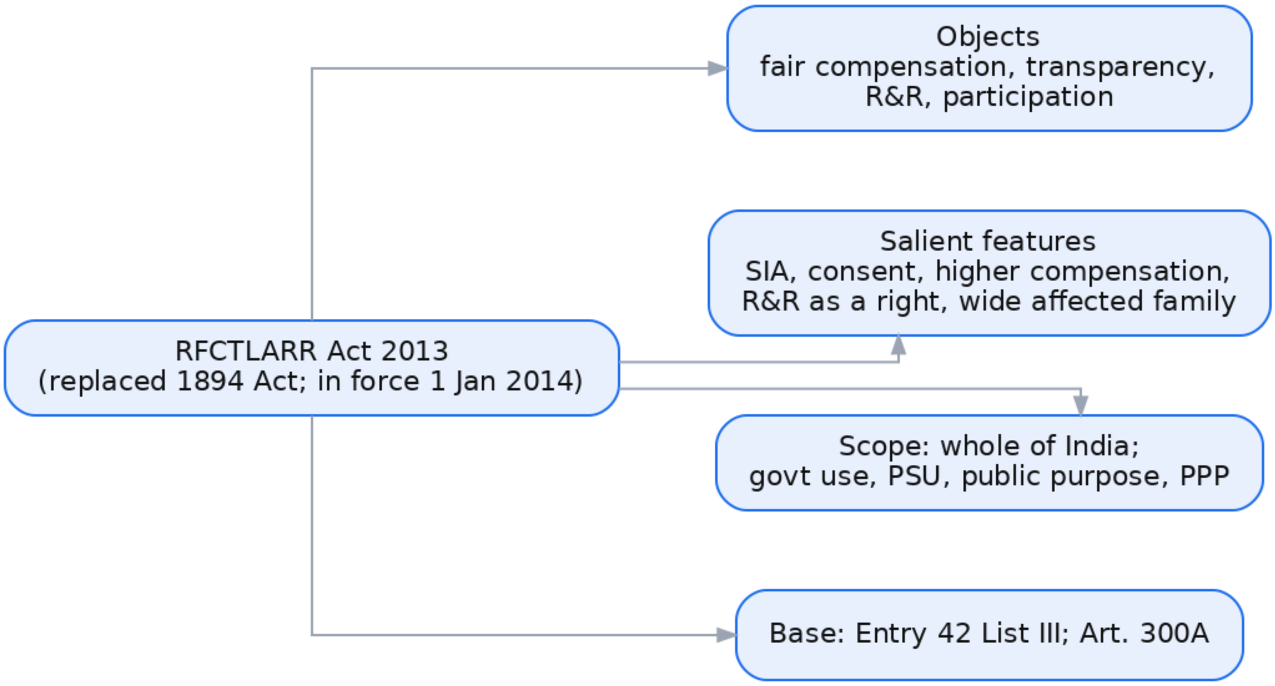
These are the headline features every answer should list, each with a one-line reason.

1. **Compulsory Social Impact Assessment (SIA)** — no major acquisition can begin without first studying who and what it will affect.
2. **Consent requirement** — prior consent of **70% of affected families for PPP** projects and **80% for private companies** (none where the government acquires purely for its own use).
3. **Higher, fairer compensation** — market value determined generously, then *multiplied*, plus a **100% solatium**.
4. **R&R as a right** — a separate R&R Award with a guaranteed package of housing, land, a job or annuity and allowances.
5. **The wide "affected family"** — protection reaches tenants, sharecroppers, agricultural labourers and artisans, not only titleholders.
6. **Food-security safeguard** — a bar on freely acquiring irrigated, multi-crop farmland (s. 10).
7. **Special protection for SC/ST families** (ss. 41–42) and a **retrospective / lapse** rule under which stale, unpaid old acquisitions fall through and begin afresh under this Act.
8. **Transparency and grievance machinery** — publication at every stage and a dedicated LARR Authority to adjudicate disputes.

D. Scope, application and constitutional base

The Act **extends to the whole of India** and applies whenever the "appropriate Government" acquires land for its own use, for a public sector undertaking, for a **public**

purpose, or for private companies / PPP projects for a public purpose. Two constitutional facts explain why the subject exists: under the Seventh Schedule "land" is a **State subject (Entry 18, State List)** but "acquisition and requisitioning of property" is in the **Concurrent List (Entry 42)**, so Parliament could enact this central law; and since the **44th Amendment (1978)** the right to property is no longer a fundamental right, surviving only as a legal right under **Art. 300A** ("no person shall be deprived of his property save by authority of law"). The 2013 Act is that "authority of law".



Leading cases

- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki*** (2014) — where compensation under an old 1894 acquisition was neither paid nor deposited in court, the acquisition **lapses** and must be reinitiated under the 2013 Act; its protective steps are mandatory.
- ***Indore Development Authority vs Manoharlal*** (2020) — a Constitution Bench settled the s. 24 lapse rule, holding "paid" means tendered and that deposit in the treasury can suffice.

Conclusion

The 2013 Act is best understood as the 1894 Act's opposite. Where the colonial law compensated only the owner and left everyone else displaced, the new law reconceives acquisition around the **"affected family"** and makes R&R, transparency, consent and generous compensation compulsory parts of the process. Naming that single shift — from "compensate the owner" to "rehabilitate every affected family" — is what scores the salient-features essay.

Q1.2 — `[16M]` Explain the doctrine of "eminent domain" as the basis of the State's power to acquire private land.

> *Asked: Nov 2022 (100) · Pattern: 100-only · ★ · Notes: Unit 1 → Topic 2 (The State's Power of Eminent Domain)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *Define eminent domain — the sovereign's inherent power to take private land.*
> 2. *The two maxims — salus populi suprema lex; public necessity over private.*
> 3. *The two limbs — public purpose + compensation.*
> 4. *Constitutional home — Art. 300A after the 44th Amendment.*
> 5. *Conclusion — eminent domain exercised through the 2013 Act.*

Introduction

How can the government take your land at all, even against your will, when you never agreed to sell it? The answer is a doctrine older than any statute — **eminent domain** — the idea that the sovereign always keeps a superior, overriding claim over every piece of land within its borders. It is the doctrinal foundation on which the entire 2013 Act rests. This answer explains the doctrine, its basis in ancient maxims, its two indispensable limbs, and its modern constitutional home.

A. The meaning of eminent domain

Eminent domain is the inherent power of a sovereign State to take private property for a public use, without the owner's consent, on payment of compensation. It is not a power a statute *grants* the State; it is a power the State is taken to *possess* simply by being sovereign — the statute only **regulates how** the power is exercised. This is why the 2013 Act does not "create" the power to acquire; it merely disciplines it with procedure, consent and fair compensation.

B. The basis of the doctrine — two maxims

Naming the maxims scores marks.

1. ***salus populi est suprema lex*** [the welfare of the people is the supreme law] — the good of the community can override an individual's holding, because the State exists to secure the common welfare.
2. ***necessitas publica major est quam privata*** [public necessity is greater than private necessity] — when public need and private interest collide, public need must prevail; a single owner cannot hold the whole community to ransom.

C. The two limbs — the leash on the power

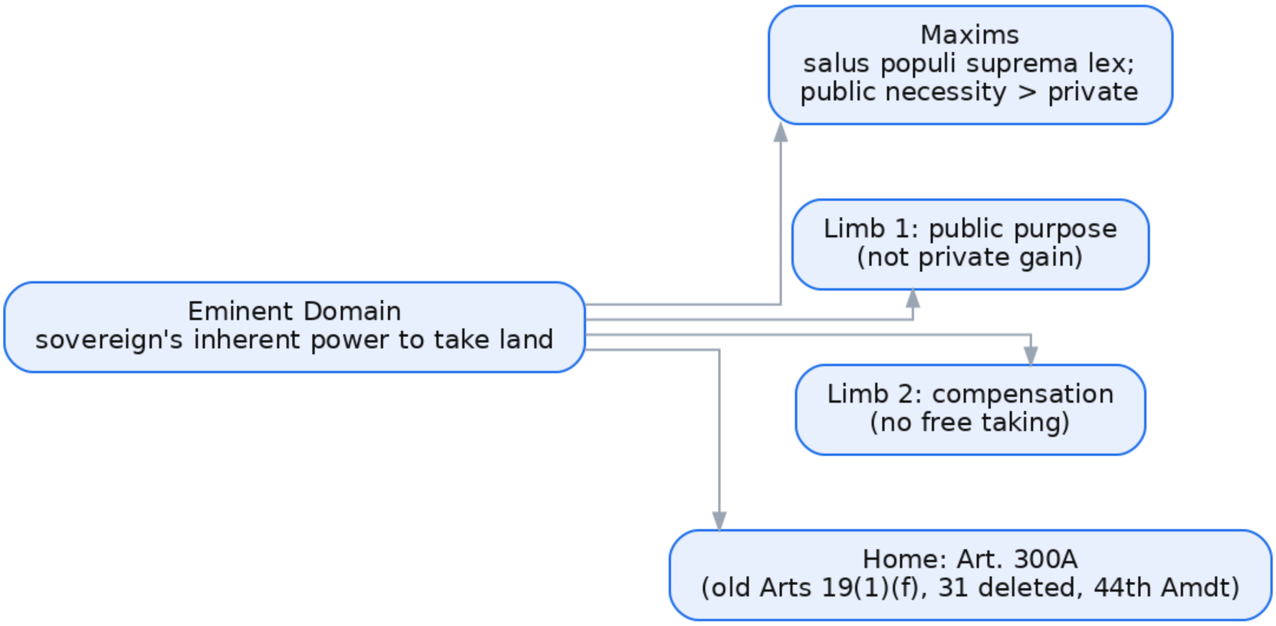
The power is **not absolute**. Two conditions must both be satisfied or the taking is unlawful.

1. **Public purpose** — the land must be taken for a genuine public use or benefit, never to enrich a private person. Handing land to a private builder for a luxury colony is not a public purpose; taking it for a hospital, road or slum-clearance is.
2. **Compensation** — the owner must be paid. Taking without payment is **confiscation, not acquisition**. Under the 2013 Act this limb becomes the generous market-value-plus-solatium formula.

Fail either limb and the acquisition is bad, however important the project seems.

D. The constitutional home — Article 300A

Originally the right to property was a **fundamental right** (old Arts. 19(1)(f) and 31), and eminent domain was hedged by those articles. The **44th Amendment, 1978 deleted them**, so property is now only a constitutional **legal right under Art. 300A** — "no person shall be deprived of his property save by authority of law." Eminent domain today therefore operates **through a valid law** (the 2013 Act), which supplies both required limbs — public purpose and fair compensation. No valid law, no lawful taking.



Leading cases

- ***State of Bihar vs Kameshwar Singh*** (1952) — described eminent domain as the sovereign's power to take private property for public use on payment of compensation; a foundational Indian statement of the doctrine.
- ***Coffee Board vs Commissioner of Commercial Taxes*** (1988) — reaffirmed that eminent domain is an **inherent attribute of sovereignty**, exercisable for a public purpose subject to compensation.

- ***K.T. Plantation Pvt. Ltd. vs State of Karnataka*** (2011) — after the 44th Amendment, deprivation of property must be by "authority of law" under Art. 300A, and such a law must be **just, fair and reasonable** and provide compensation.

Conclusion

Eminent domain lets the State take land, but never for private gain and never for free. The two limbs — public purpose and compensation — are exactly what the 2013 Act converts into detailed procedure, exercised through a law that satisfies Art. 300A. The doctrine is thus not a licence to confiscate but a disciplined, compensated power. In practice a court challenged on an acquisition will always test the same two things — was the taking for a genuine public purpose, and has fair compensation been provided under a valid law — and if either answer is no, the acquisition fails. That is why eminent domain, though inherent in sovereignty, can never be exercised arbitrarily: the sovereign's superior claim over land is real, but it is always subordinate to the twin conditions the Constitution and the 2013 Act impose. The modern statute is, in the end, eminent domain fitted with a far stronger leash than the 1894 Act ever wore.

Q1.3 — `[16M]` Explain the meaning, process and relevance of Social Impact Assessment (SIA) under the RFCTLARR Act, 2013.

> *Asked: Oct 2023 (100), Aug 2024 (100), Feb 2026 (100), Apr 2024 (80), Aug 2024 (80), Oct 2023 (80), Feb 2026 (80) · Pattern: both · ★★★ · Notes: Unit 1 → Topic 3 (Social Impact Assessment)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *Define SIA — the compulsory "look before you leap" study; ss. 4–9.*
> 2. *What the study must assess (s. 4) + the SIMP.*
> 3. *The five-step process — s.4 study → s.5 hearing → s.6 publish → s.7 Expert Group → s.8 government.*
> 4. *Relevance — it counts everyone, so it feeds R&R planning.*
> 5. *Conclusion — the mandatory first gate.*

Introduction

Social Impact Assessment (SIA) is the compulsory *"look before you leap"* study that opens every major land acquisition. Before the State takes a single field it must first investigate, in the open, the full human cost — how many families lose land or livelihood, how many homes, wells, schools and common lands vanish, and whether the benefits truly outweigh those losses. Only if the study clears the project can acquisition proceed. The 2013 Act turns this idea into law in **Chapter II (ss. 4–9)**. This answer explains what SIA is, what it must assess, its process and its relevance.

A. Meaning — people, not just plots

The **International Association for Impact Assessment** defines SIA as the process of analysing, monitoring and managing the intended and unintended social consequences of a planned intervention. The point to grasp is that SIA studies **people, not just plots**: it counts landless labourers, tenants and artisans who depend on the land, which is why it is the **mandatory first gate** of acquisition. **Section 4(1)** requires the appropriate Government, whenever it intends to acquire land for a public purpose, to **consult the Panchayat, Municipality or Municipal Corporation** and carry out the SIA study in consultation with them — consultation is built into the very first step.

B. What the study must assess (s. 4)

The study, done with the local body, must examine and record:

1. whether the acquisition serves a genuine **public purpose**;
2. the **estimated number of affected families** and how many will be displaced;
3. the **extent of land** likely to be affected and whether the area is the **absolute bare minimum** needed;
4. whether any **common property resources** (grazing land, water bodies, burial grounds, schools) are affected; and
5. the **social costs and adverse impacts**, weighed against the benefits.

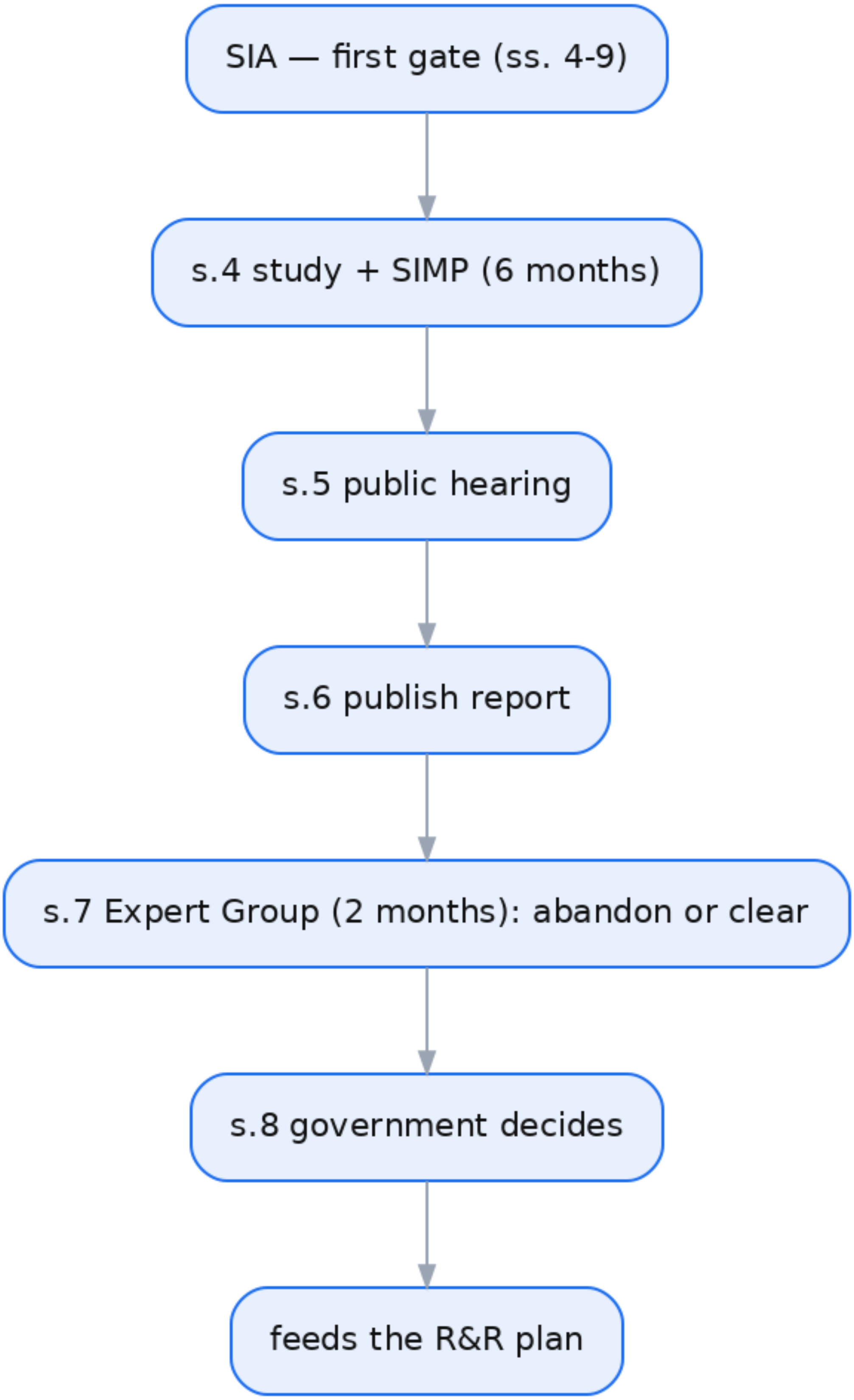
Alongside the study the authority prepares a **Social Impact Management Plan (SIMP)** — a written plan of the ameliorative measures for each impact (s. 4(5)). The study must be **completed within six months**.

C. The SIA process — the five steps (ss. 4–8)

1. **SIA study (s. 4).** Government consults the local body, carries out the study and prepares the SIMP — completed in **six months**.
2. **Public hearing (s. 5).** A public hearing is held *in the affected area*, with notice and publicity, so affected families' views are recorded in the SIA Report.
3. **Publication (s. 6).** The SIA report and SIMP are published in the local language and made available to the Panchayat, the Collector's office and the government website.
4. **Appraisal by an Expert Group (s. 7).** An **independent multi-disciplinary Expert Group** — two non-official social scientists, two local-body representatives, two rehabilitation experts and one technical expert — evaluates the report within **two months**. If the project does not serve public purpose or its social costs outweigh benefits, the Group recommends **abandonment** (s. 7(4)) and no further step may be taken; otherwise it clears it and certifies the land is the bare minimum (s. 7(5)).
5. **Examination by the Government (s. 8).** The government takes the final decision, ensuring the purpose is genuine, benefits outweigh costs, only the bare minimum land is taken, and no already-acquired land lies unused.

D. Relevance — the link to R&R

The essay must couple SIA with R&R. SIA is the **only mechanism** that identifies *everyone* affected, including the landless who depend on the land but do not own it. That headcount and impact-list is precisely what the later **R&R Award** needs to rehouse and rehabilitate the right people; without SIA, R&R would be planned blind. An **exemption (s. 9)** exists for urgency acquisitions and certain irrigation projects already requiring an Environmental Impact Assessment.


SIA — first gate (ss. 4-9)
s.4 study + SIMP (6 months)
s.5 public hearing
s.6 publish report
s.7 Expert Group (2 months): abandon or clear
s.8 government decides
feeds the R&R plan

Leading cases

- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki*** (2014) — the 2013 Act's social and compensation safeguards are **mandatory and protective**, not a formality.
- ***Orissa Mining Corporation vs Ministry of Environment & Forests*** (2013) — the Niyamgiri case; the **Gram Sabha's voice** must be heard before tribal land and habitat are taken, the participatory idea SIA and s. 5 embody.

Conclusion

SIA is the mandatory first gate that turns a vague "we need this land" into a precise, published account of who and what will be harmed. Because it counts every affected family, protects common resources and confirms the bare-minimum footprint, it is the foundation on which fair compensation and honest R&R are built — the difference between acquisition done *to* a community and acquisition done *with* it.

Q1.4 — `[16M]` What is "public purpose"? Enumerate the purposes for which land may be acquired under the RFCTLARR Act, 2013.

> *Asked: Feb 2025 (100), Feb 2025 (80) · Pattern: both · ★★ · Notes: Unit 1 → Topic 4 (Determination of Social Impact and Public Purpose)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *Define public purpose — community interest over individual interest; s. 3(za)/s. 2(1).*
> 2. *The three categories and the consent each triggers.*
> 3. *Enumerate the permitted purposes (s. 2(1)).*
> 4. *Safeguards and judicial control.*
> 5. *Conclusion — a closed statutory checklist, not guesswork.*

Introduction

Eminent domain's first limb is that the State may take land **only for a public purpose**. But as the Supreme Court admitted in *Somawanti* (1963), the phrase cannot be pinned down once and for all — it "must change with varying concept, time, state of society and its needs." So the 2013 Act does not leave it to guesswork: it **lists** the permitted purposes in **s. 2(1)**, tied to the definition in **s. 3(za)**. This answer explains the concept, the categories that decide consent, the enumerated purposes and the safeguards.

A. The meaning of public purpose

The classic test is simple: a purpose is “public” when the **general interest of the community**, as opposed to the **particular interest of an individual**, is directly and vitally concerned. Handing land to a private person for private gain is never public purpose; taking it for a hospital, road or slum-clearance is. Under the Act you do not argue this from first principles — you point to the statutory definition in **s. 3(za)**, which ties public purpose to the activities listed in **s. 2(1)**.

B. The three categories — and the consent each needs

Section 2 classifies acquisitions into three categories, and the category decides whether *consent* is required.

1. Government acquires for its **own use / hold and control** (including for a Public Sector Undertaking) — **no consent** of affected families required.
2. Government acquires for a **public-private partnership (PPP)** project (land continues to vest in government) — **consent of 70%** of affected families required.
3. Government acquires for a **private company** for a public purpose — **consent of 80%** of affected families required.

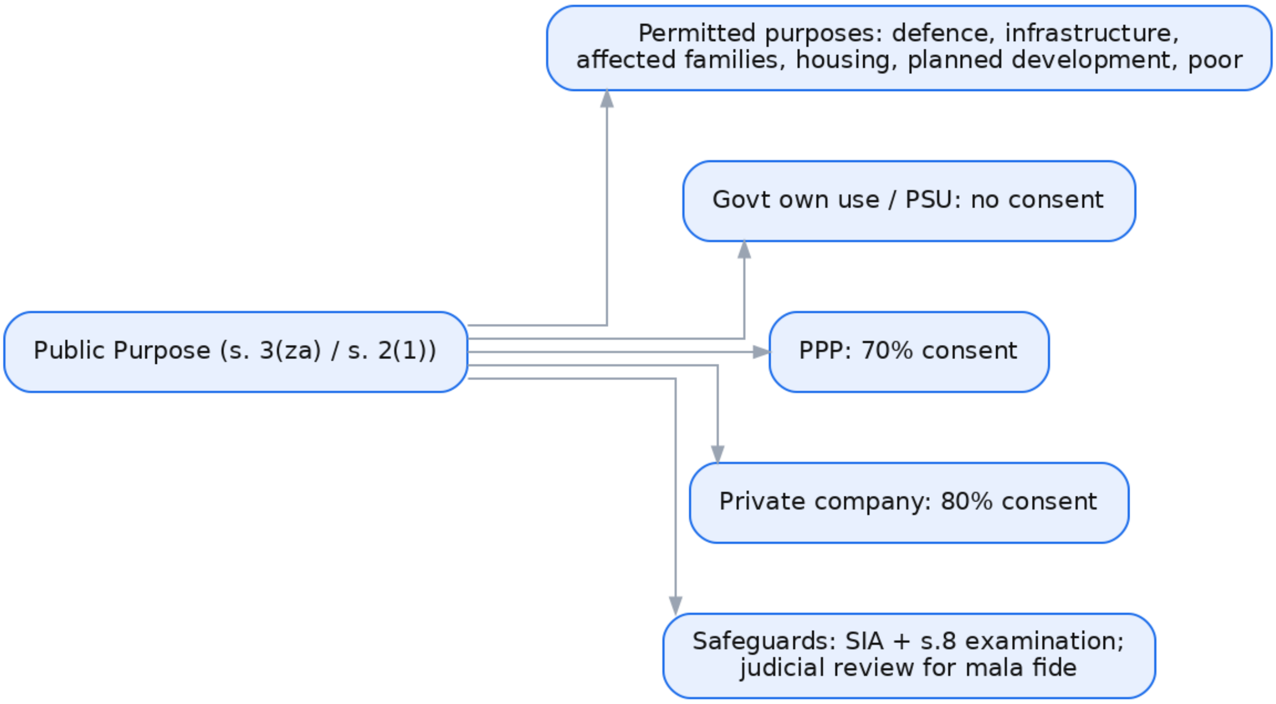
C. The purposes for which land may be acquired (s. 2(1))

Enumerate these heads — a vague answer loses marks.

1. **Strategic / defence purposes** — naval, military, air force and armed forces, central paramilitary forces, and works vital to national security, State police and public safety.
2. **Infrastructure projects** — a wide head covering the government’s official infrastructure list (excluding private hospitals, private educational institutions and private hotels); agro-processing, warehousing and cold storage set up by government or farmers’ cooperatives; industrial corridors and mining; water harvesting and sanitation; government-aided education and research; sports, healthcare, tourism, transport and space programmes.
3. **Project-affected families** — acquiring land to resettle those displaced by a project.
4. **Housing** for income groups specified by the government.
5. **Planned development** — improvement of village sites or urban areas, and residential land for **weaker sections**.
6. **Residential purposes for the vulnerable** — the poor, the landless, and persons displaced by natural calamities or by any government scheme.

D. Safeguards and judicial control

“Determination of public purpose” is not a rubber stamp. For the private-company and PPP categories the acquisition needs **both** the SIA **and** the 80% / 70% consent. Before any declaration the government must satisfy itself under **s. 8** that the purpose is bona fide, the benefits outweigh the social costs, only the **bare minimum** land is taken, and no unused acquired land is available. And though public purpose is primarily for the executive to judge — the “best judge” — it is **not beyond judicial review**: a court will strike down an acquisition that, in the guise of public purpose, really benefits a private individual, or that is arbitrary or mala fide.



Leading cases

- ***Somawanti vs State of Punjab*** (1963) — public purpose is an inclusive, **evolving** concept, covering purposes in which the community’s interest, not the individual’s, is directly and vitally concerned.
- ***State of Bombay vs R.S. Nanji*** (1956) — whether a public purpose is established depends on **all the facts** of each case; there is no rigid formula.
- ***Manimegalai vs Special Tahsildar*** (2018) — acquisition for anything that is not a genuine public purpose cannot be carried out compulsorily.

Conclusion

Public purpose under the 2013 Act is not open-ended: it is a **statutory checklist** in s. 2(1), policed by SIA, the consent thresholds, the s. 8 examination and, ultimately, the court. A project that fits a listed head and clears those gates may be acquired; a project dressed as public purpose to serve a private gain may not — however useful it looks.

Q1.5 — `[16M]` Explain the special provision to safeguard food security (with minimum compensation) under the RFCTLARR Act, 2013.

> *Asked: Nov 2022 (100), Apr 2024 (80) · Pattern: both · ★★★ · Notes: Unit 1 → Topic 5 (Special Provision to Safeguard Food Security)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *Why the safeguard exists — protecting multi-crop irrigated farmland; s. 10.*
> 2. *The food-security limb — last resort, replace capacity, district ceiling.*
> 3. *The linear-projects exception.*
> 4. *The minimum-compensation link.*
> 5. *Conclusion — protect both the food supply and the farmer.*

Introduction

Roughly 60% of India's land is agricultural and about 70% of Indians depend on farming to eat and earn. Every acre of good irrigated farmland handed to a factory can never grow rice or wheat again. If acquisition could freely swallow the best farmland, the country could build itself into a food crisis. So the 2013 Act placed a special lock on one kind of land — **multi-crop irrigated land** — in **s. 10**. This answer explains the food-security limb, its linear-projects exception and its link to minimum compensation.

A. What the safeguard does

The everyday idea is *save the best farmland for last*. **Multi-crop irrigated land**, which yields more than one crop a year because it has assured water, is treated as too precious to take casually. Section 10 does not ban its acquisition outright, but it makes taking it genuinely hard, and it forces the State to **replace** the food-growing capacity it destroys. The examiner always wants two limbs coupled here — the **food-security limb** and the **minimum-compensation limb** — so give both.

B. The food-security limb — three protections

1. **Last-resort rule.** Multi-crop irrigated land may be acquired **only as a demonstrable last resort**, and never beyond the ceiling the State Government fixes for such land. The State must show it genuinely had no alternative site.
2. **Replace what you take.** Wherever such land is acquired, the State must **either** develop an **equivalent area of culturable wasteland** for agriculture **or** deposit an **amount equal to the value of the acquired land** with the government, to be invested in agriculture to enhance food security — so there is no net loss of food-growing capacity.

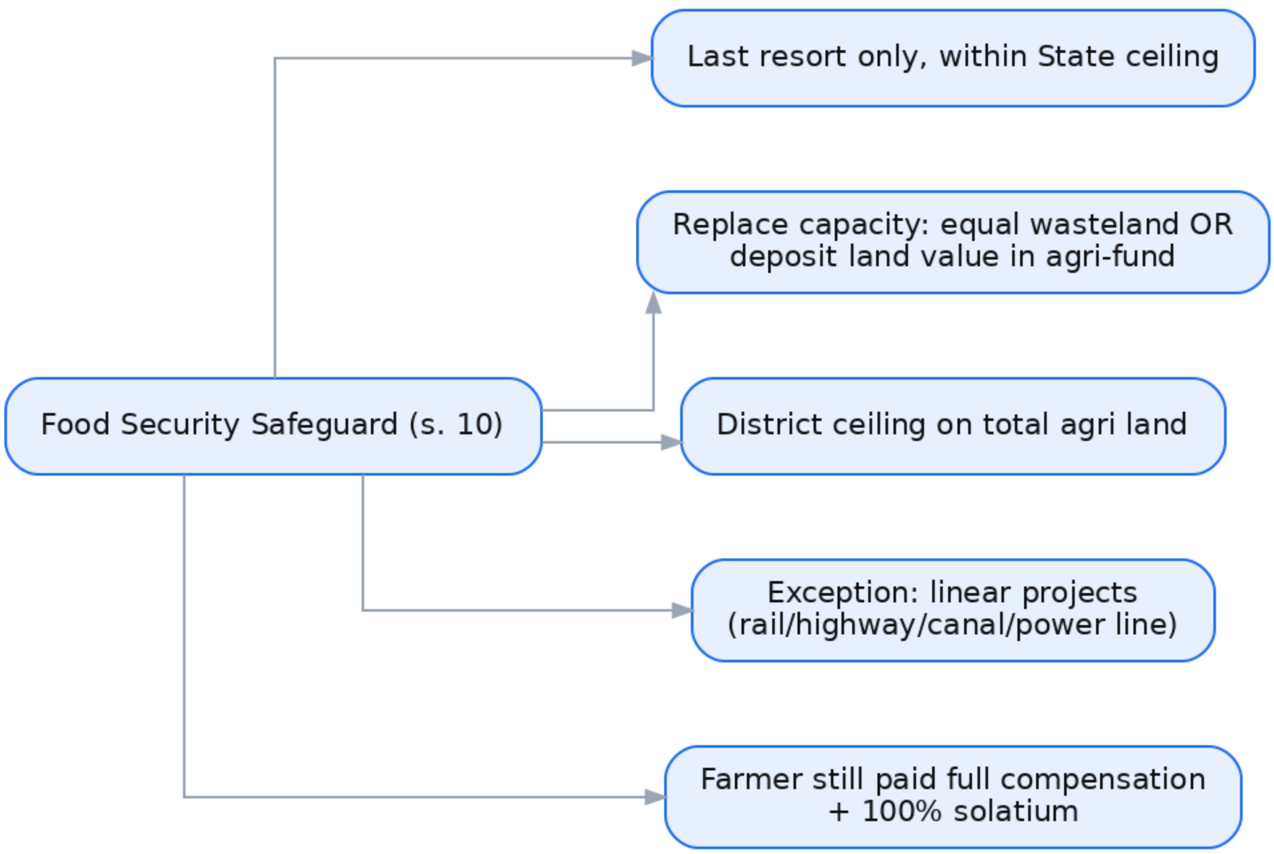
3. **District ceiling.** Each State must fix a **limit on the total agricultural land** that can be acquired in any district, so no single district is stripped of its farming base.

C. The exception — linear projects

Section 10's restrictions **do not apply to linear projects** — projects that run in a *line* across the country and cannot avoid crossing farmland: railways, highways, major district roads, irrigation canals and power lines. A highway cannot detour around every irrigated field, so the last-resort rule would make it impossible; hence the carve-out. Spotting this exception is what separates a full answer from a half one — the same irrigated field is protected against a factory but freely acquirable for a highway.

D. The minimum-compensation link

Why pair "food security" with "minimum compensation"? Because the two work together to protect the **farmer** as well as the **food supply**. Even where farmland is taken, the Act guarantees the owner the full generous package of Topic 7 — the multiplied market value plus **100% solatium** — so the safeguard is not only about national food stocks but about ensuring the farmer who loses irrigated land is paid a floor reflecting its real, productive value. The "value of the land acquired" that must be re-invested in agriculture (limb 2) is measured on that same fair basis.



Leading cases

- ***Vellore Citizens Welfare Forum vs Union of India*** (1996) — recognised sustainable development and the protection of agricultural and natural resources as part of Indian law; the policy backdrop to safeguarding farmland.
- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki*** (2014) — the 2013 Act's protective provisions are mandatory and must be strictly followed, which includes its special safeguards on the land taken.

Conclusion

Section 10 is a double protection: it shields the nation's food-growing capacity by making prime irrigated land a last resort and forcing its replacement, and it shields the individual farmer by guaranteeing full compensation. The deciding fact in any problem is whether the project is **linear** — if it is, the safeguard steps aside; if not, s. 10 bites in full. The last-resort requirement is not a formality either: the State must be able to *demonstrate*, on the SIA record, that no less-precious site was available, and the district ceiling caps how much farmland any one district may lose however many projects are proposed. Read with the generous compensation of Topic 7, the section therefore works on three fronts at once — it rations the taking of prime land, replaces the food-growing capacity that is lost, and pays the farmer the true, productive value of what was taken — which is exactly why the examiner insists both the food-security and the minimum-compensation limbs be answered together.

Q1.6 — `[16M]` Explain the procedure for notification and acquisition of land under the RFCTLARR Act, 2013.

> *Asked: Apr 2023 (100), Feb 2025 (80), Jul 2025 (80) · Pattern: both · ★★★ · Notes: Unit 1 → Topic 6 (Notification and Acquisition Procedure)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *The acquisition timeline (Chapter IV) — notification to declaration.*
> 2. *Preliminary notification (s. 11) — five modes of publication; contents.*
> 3. *The freeze on transactions (s. 11(4)).*
> 4. *Survey, damage and hearing of objections (ss. 12–15).*
> 5. *Declaration (s. 19) and temporary acquisition; conclusion.*

Introduction

Once the SIA and public purpose stages clear, acquisition moves through a set sequence in **Chapter IV** of the 2013 Act, running from the **preliminary notification** to the formal **declaration** to acquire. The single most examined feature is that the moment the government publishes the preliminary notification, the land **freezes** — the owner can no longer sell or mortgage it. This answer sets out the procedure step by step.

A. The acquisition timeline

1. **Preliminary notification (s. 11).** When it appears to the appropriate Government that land is required for a public purpose, it publishes a **preliminary notification** with the land's details.
2. **Survey (s. 12)** and **payment for damage (s. 13).**
3. **Hearing of objections (s. 15).**
4. **R&R Scheme and Declaration (ss. 16–19)** — the formal decision to acquire.
5. **Award** — the compensation award and the R&R Award.

B. Preliminary notification (s. 11) — how it is published

The notification is not a quiet office memo; it must be published **five ways** so no affected person can miss it:

1. in the **Official Gazette**;
2. in **two daily newspapers** circulating in the locality, one in the **regional language**;
3. in the **local language** in the Panchayat / Municipality and the offices of the Collector, the Sub-Divisional Magistrate and the Tehsil;
4. **uploaded on the website** of the appropriate Government; and
5. in the **affected areas** in the prescribed manner.

The concerned **Gram Sabha** must also be informed. The notification must state the **nature of the public purpose**, the reasons necessitating displacement, a **summary of the SIA Report**, and the **particulars of the Administrator** appointed for R&R.

C. The freeze on transactions (s. 11(4))

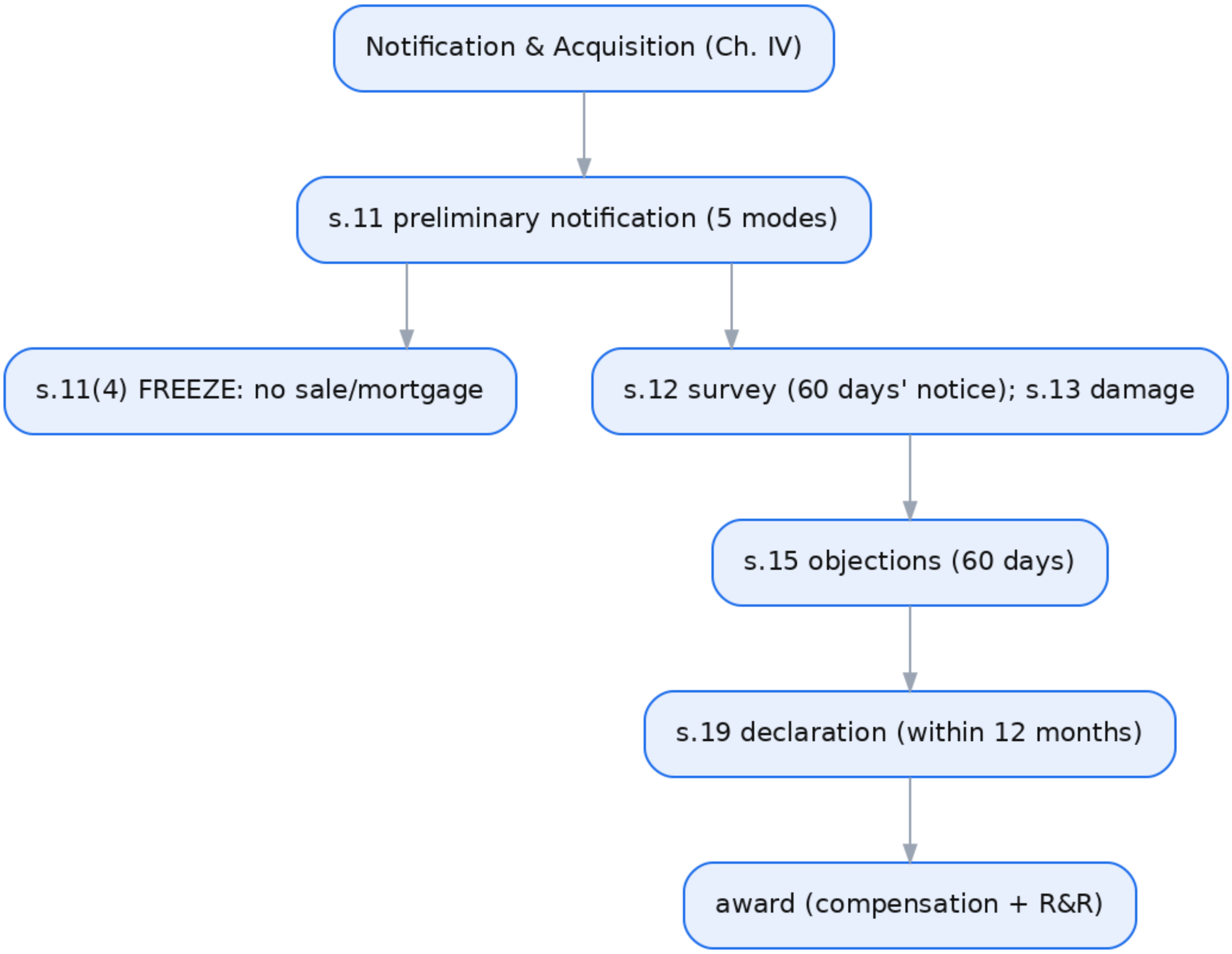
This is the sub-section every problem turns on. Once the preliminary notification is published, **no person may make any transaction or create any encumbrance** — sale, mortgage, gift, lease or charge — on the notified land until the acquisition is complete. If a person **wilfully violates** the freeze, the **Collector is not bound to recognise or make good** any resulting loss, so a buyer or mortgagee gets no claim against the compensation. In **special circumstances** the Collector may, on the owner's application, **exempt** the land; and after the notification the Collector must update the land records **within two months**.

D. Survey, damage and objections (ss. 12–15)

Under **s. 12** the authorised officer may enter, survey, dig or bore, and set out boundaries — but only after **at least 60 days' notice** (7 days for a dwelling-house's courtyard or garden). Under **s. 13** any damage caused during the survey must be paid for, a dispute going to the Deputy Commissioner. Under **s. 15**, within **60 days** of the notification any interested person may object on three grounds — the **area and suitability** of the land, the **justification for the public purpose**, and the **findings of the SIA**. The Collector must give a **reasonable opportunity of being heard**, then report with recommendations; only a person with an interest in *that* land has locus standi.

E. Declaration and temporary acquisition

After objections, the **declaration under s. 19** is the government's formal, published decision to acquire, with a summary of the R&R Scheme; it must generally be made within **twelve months** of the SIA appraisal, or the SIA report lapses. Separately, **temporary acquisition (s. 104)** lets the government occupy waste or arable land for a public purpose for a **limited period not exceeding three years**, paying compensation or rent and restoring the land afterwards — it is *occupation*, not permanent taking.



Leading cases

- ***Nandeshwar Prasad vs State of Uttar Pradesh*** (1964) — the preliminary notification empowers officers to enter, survey and take levels to test the land's suitability; acquisition begins with that notification.
- ***Bahori Lal vs Land Acquisition Officer*** (1970) — the notification must describe the locality clearly enough to give reasonable notice to all affected persons so they can object.

- ***Women's Education Trust vs State of Haryana*** — an effective, reasoned hearing of objections is required before any declaration to acquire.

Conclusion

The notification-to-declaration sequence is the Act's transparency in action: five-way publication so nobody is caught unawares, a freeze to stop last-minute dealings, a survey with notice, a real hearing of objections, and only then a published declaration. Each step is a substantive protection, not a formality — which is why a breach of any of them, including the s. 11(4) freeze, defeats the dealing rather than the acquisition.

Q1.7 — `[16M]` Explain the Rehabilitation and Resettlement (R&R) Award and the procedure for R&R under the RFCTLARR Act, 2013.

> *Asked: Nov 2022 (100), Apr 2023 (100), Aug 2024 (100), Apr 2024 (100), Feb 2025 (100), Feb 2026 (80), Apr 2024 (80) · Pattern: both · ★★★ · Notes: Unit 1 → Topic 8 (Rehabilitation and Resettlement Award and Procedure)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *What the R&R Award is — a separate award per family; s. 31 + Second Schedule.*
> 2. *The scheme and authorities (ss. 16, 43–45).*
> 3. *The Award's contents and the Second-Schedule entitlements.*
> 4. *Possession only after R&R (s. 38) — the key safeguard.*
> 5. *Conclusion — "no R&R, no possession".*

Introduction

For 119 years "acquisition" meant a cheque to the landowner and nothing for anyone else. The single biggest reform of the 2013 Act is that it made **rehabilitation and resettlement part of the acquisition itself**: the government cannot take possession until it has actually rehoused and rehabilitated every affected family. Where the compensation award pays for the **land**, the **R&R Award rebuilds the life** that stood on it. Under **s. 31** the Collector passes a **separate R&R Award for each affected family**, drawn from the **Second Schedule**. This answer covers the scheme and authorities, the Award's contents, and the possession safeguard.

A. The scheme and the authorities

R&R runs on a dedicated machinery, and naming the officers scores marks.

1. **R&R Scheme (s. 16).** After the preliminary notification the **Administrator for R&R** prepares a draft Scheme, based on the SIA, listing affected families and entitlements; it is discussed at a Gram Sabha public hearing and published.
2. **Administrator for R&R (s. 43)** — an officer appointed to formulate, execute and monitor the plan on the ground.
3. **Commissioner for R&R (s. 44)** — supervises the Administrator and oversees implementation.
4. **R&R Committee at project level (s. 45)** — for large-scale displacement, monitors actual implementation. (Above these sit the National and State Monitoring Committees of Unit 2.)

B. The R&R Award and its contents (s. 31)

The Award for each family must specify, so far as applicable: the **R&R amount** and the **bank account** for it; **particulars of the house site and house**; **particulars of land** allotted to displaced families; **one-time subsistence and transportation allowances**; payment for **cattle shed and petty shops**; a **one-time amount to artisans and small traders**; **mandatory employment** details; any **fishing rights**; **annuity** and other entitlements; and **special provisions for SC/ST families**. Under **s. 32** the Collector must provide the **basic minimum amenities** of the Third Schedule — roads, drainage, drinking water, schools, health centres, electricity — in every resettlement area.

C. The Second-Schedule entitlements

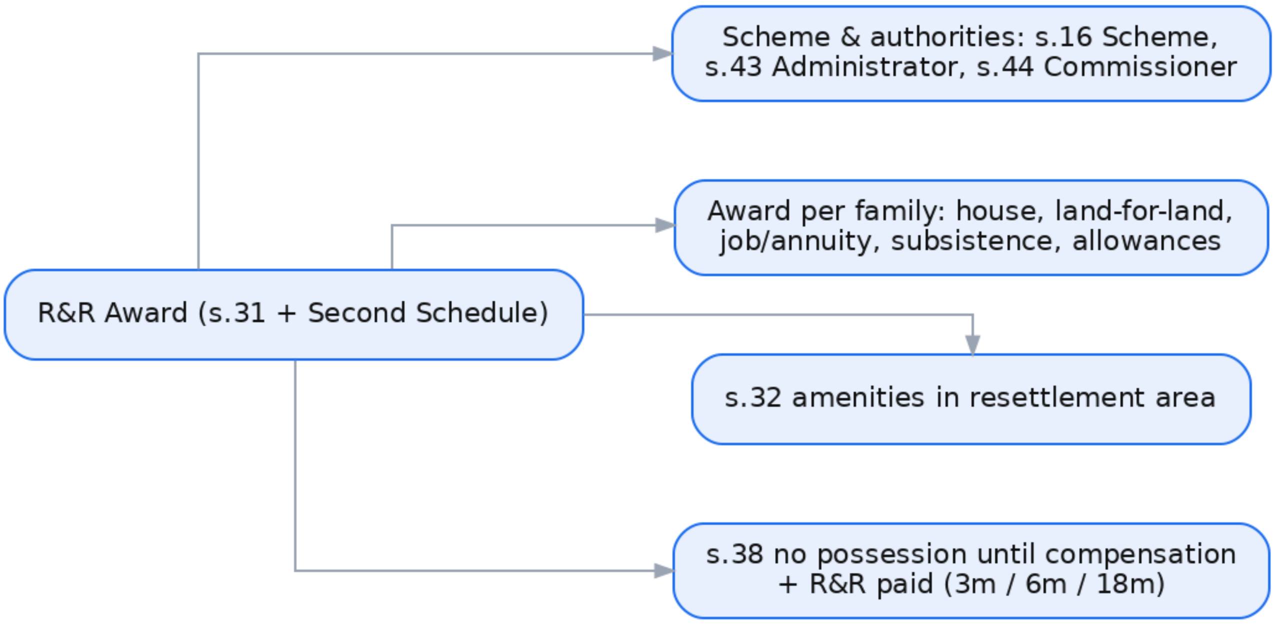
These are the concrete benefits the Award draws on.

1. **Housing** — a constructed house for each displaced family, or an amount in lieu.
2. **Land for land** — in irrigation projects, at least **one acre** in the command area for each displaced family (SC/ST families get preference).
3. **Choice of employment or annuity** — a **job** for one member, **or** a one-time payment, **or** an **annuity for twenty years** with inflation indexation.
4. **Subsistence grant** — a monthly allowance for **one year** for displaced families.
5. **Resettlement and transportation allowances**, and a **cattle-shed / petty-shop amount**.
6. A **one-time grant to artisans, small traders and the self-employed**, plus **stamp-duty exemption** on resettlement land and continued **fishing rights** where relevant.

D. Powers of the Collector and the possession safeguard

1. **Correction of the Award (s. 33)** — only clerical or arithmetical mistakes, within **six months**, never to a person's prejudice without a hearing.
2. **Civil-court powers** — the Collector may summon witnesses and compel production of documents under the CPC, 1908.

3. **Possession only after R&R (s. 38) — the key safeguard.** The Collector may take possession **only after** full payment of compensation **and** R&R entitlements: **compensation within three months**, **monetary R&R within six months**, **infrastructural components within eighteen months**, and for irrigation projects R&R complete **six months before submergence**.
4. **Multiple displacement** requires **additional compensation equal to the earlier compensation**.
5. **Urgency (s. 40)** — in genuine emergencies the government may take possession after tendering **80% of estimated compensation**, but must then pay an **additional 75%**.



Leading cases

- ***State of UP vs Abdul Ali*** (2017) — once an award is passed, corrections are confined to the clerical/arithmetical power of s. 33 within six months; no award can be made for property never notified.
- ***Pune Municipal Corporation vs Harakchand Misirimal Solanki*** (2014) — actual payment or deposit of compensation and completion of the process are mandatory; failure defeats the acquisition.
- ***Delhi Development Authority vs Sukhbir Singh*** (2016) — the new Act's possession, compensation and R&R safeguards are substantive conditions, not formalities.

Conclusion

The R&R Award is what makes the Act's promise concrete — an itemised, per-family package of house, land, job or annuity and allowances, delivered before possession. The rule "**no R&R, no possession**" under s. 38 is the hinge on which the whole reform turns: it converts rehabilitation from a paper promise into an enforceable pre-condition of the State ever setting foot on the land.

B. Short Notes (8M) — Model Answers

S1.1 — `[8M]` Write a short note on the Social Impact Assessment (SIA) study / report.

> *Asked: Nov 2022 (100), Apr 2023 (100), Jul 2025 (100) · Pattern: 100-only · ★★ · Notes: Unit 1 → Topic 3 (Social Impact Assessment)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *What the SIA study is — the first gate; s. 4.*
> 2. *What the study/report must contain.*
> 3. *Publication and appraisal (ss. 6–7).*
> 4. *Conclusion — the basis of R&R planning.*

> ⚠ **DON'T CONFUSE**
>
> **Looks like:** the full SIA *process* essay (Q1.3, Unit 1). **How it differs:** this short note is about the **contents of the study and its report** (s. 4 checklist + SIMP), not the five-step machinery. **Tell them apart by:** "study/report" asks *what is recorded*; "process/relevance" asks *the steps and why*.

Introduction

The **Social Impact Assessment (SIA) study** is the compulsory first step of every major acquisition under **ss. 4–9** of the 2013 Act. Before land is taken, **s. 4** requires the appropriate Government to consult the local Panchayat or Municipality and study, in the open, the full human cost of the project. Its written output is the **SIA Report**.

A. What the study and report must contain

The study must examine and record: whether the project serves a genuine **public purpose**; the **estimated number of affected families** and how many will be displaced; the **extent of land** and whether it is the **bare minimum** needed; the effect on **common property resources** such as grazing land, water bodies and schools; and the **social costs weighed against benefits**. Alongside it the authority prepares a **Social Impact Management Plan (SIMP)** listing the ameliorative measures for each impact (s. 4(5)). The study must be **completed within six months**.

B. Publication and appraisal

The report and SIMP are **published** in the local language and placed with the Panchayat, the Collector and the government website (**s. 6**), after a **public hearing** (s. 5) records affected families' views. An **independent Expert Group** then appraises the report within

two months (**s. 7**) and either recommends the project's **abandonment** or clears it as bare-minimum before the government's final examination (s. 8).

Conclusion

The SIA study and report are the factual foundation of the whole acquisition: because they count *everyone* affected — owners and livelihood-losers alike — they are exactly what the later R&R Award needs to rehabilitate the right people. Without the SIA report, both compensation and R&R would be planned blind.

S1.2 — `[8M]` Write a short note on "public purpose" / the purposes for which land may be acquired.

> *Asked: Apr 2024 (100), Aug 2024 (100), Feb 2026 (100), Jul 2025 (100) · Pattern: 100-only · ★★★ · Notes: Unit 1 → Topic 4 (Determination of Social Impact and Public Purpose)*

> ▤ ***ANSWER OUTLINE***
>
> *1. Define public purpose — community interest over individual; s. 3(za)/s. 2(1).*
>
> *2. The enumerated purposes.*
>
> *3. Consent by category.*
>
> *4. Conclusion — a closed checklist, reviewable by courts.*

Introduction

A purpose is **"public"** when the **general interest of the community**, as opposed to the particular interest of an individual, is directly and vitally concerned. Under the 2013 Act this is not left to argument — **s. 3(za)** ties "public purpose" to the activities listed in **s. 2(1)**, a closed statutory checklist.

A. The purposes for which land may be acquired (s. 2(1))

1. **Strategic / defence** — the armed forces, paramilitary and works vital to national security and public safety.
2. **Infrastructure** — the government's official infrastructure list (excluding private hospitals, colleges and hotels), agro-processing and cold storage, industrial corridors, mining, sanitation, government-aided education, sports, healthcare, tourism, transport and space.
3. **Project-affected families** — land to resettle those displaced by a project.
4. **Housing** for specified income groups.
5. **Planned development** — improving village or urban sites and residential land for weaker sections.

6. **Residential purposes for the vulnerable** — the poor, the landless and those displaced by natural calamities or government schemes.

B. Consent by category

The category decides consent: government's **own use / PSU** needs **no consent**; a **PPP** project needs **70%**; a **private company** needs **80%** of affected families' consent, plus SIA.

Conclusion

Public purpose is a statutory checklist, not guesswork — a project that fits a listed head and clears the consent and s. 8 gates may be acquired. But the concept is **evolving** (*Somawanti*, 1963) and **judicially reviewable**: an acquisition that really benefits a private person, though dressed as public purpose, will be struck down.

S1.3 — `[8M]` Write a short note on the food-security safeguard (s. 10).

> *Asked: Oct 2023 (100), Feb 2026 (100) · Pattern: 100-only · ★★★ · Notes: Unit 1 → Topic 5 (Special Provision to Safeguard Food Security)*

> ▤ ***ANSWER OUTLINE***
>
> *1. What s. 10 protects — multi-crop irrigated land.*
>
> *2. The three protections.*
>
> *3. The linear-projects exception.*
>
> *4. Conclusion — no net loss of food-growing capacity.*

Introduction

Section 10 of the 2013 Act is a special lock on the country's most productive land — **multi-crop irrigated land**, which yields more than one crop a year because it has assured water. Because such land, once built over, can never grow food again, the Act makes taking it genuinely hard and forces the State to replace the capacity it destroys.

A. The three protections

1. **Last resort.** Multi-crop irrigated land may be acquired **only as a demonstrable last resort**, never beyond the ceiling the State fixes for such land.
2. **Replace what you take.** Where it is acquired, the State must **either** develop an **equal area of culturable wasteland** for farming **or** deposit an **amount equal to the land's value** into a fund for investment in agriculture.
3. **District ceiling.** Each State must cap the **total agricultural land** acquirable in any district, so no district loses its farming base.

B. The exception

The restrictions **do not apply to linear projects** — railways, highways, canals and power lines — because such projects run in a line and cannot detour around every irrigated field. The owners, however, are still paid full compensation with the 100% solatium.

Conclusion

Section 10 protects both the **food supply** (no net loss of food-growing capacity) and the **farmer** (full compensation for what is taken). In any problem the deciding fact is whether the project is **linear**: if it is, the safeguard steps aside and the land may be taken (compensation still paid); if not, s. 10 applies in full, and the State must prove a genuine last resort, replace the capacity, and stay within the district ceiling.

C. Problems — Model Answers (IRAC)

P1.1 — `[Prob]` The Government publishes the preliminary notification covering A's land. After that notification, A mortgages the land to a bank for a loan. Has A violated any law?

> *Asked: Feb 2025 (100) · Pattern: 100-only · ★ · Notes: Unit 1 → Topic 6 (Notification and Acquisition Procedure)*

> ▤ ***ANSWER OUTLINE***
>
> 1. *Issue — can an owner deal with land after the preliminary notification?*
> 2. *Rule — s. 11(4) freeze on transactions and encumbrances.*
> 3. *Apply — the mortgage is a post-notification encumbrance; kill the "owner's right" decoy.*
> 4. *Verdict — A has violated s. 11(4); the bank's charge does not bind the acquisition.*

Issue.

Whether A, after a preliminary notification has been published over the land, may lawfully mortgage it — and what is the effect of a mortgage created in breach.

Rule.

1. Under **s. 11(4), RFCTLARR Act 2013**, once the preliminary notification is published, **no person may make any transaction or create any encumbrance** — sale, mortgage, gift, lease or charge — on the notified land until the acquisition is complete. The land "freezes".

2. If a person **wilfully violates** the freeze, the **Collector is not bound to recognise or make good** any loss arising from that dealing; only the Collector may, in special circumstances and on application, **exempt** the land.

Application.

1. **Name and kill the decoy.** A mortgage *looks* like an ordinary incident of ownership — an owner can normally raise a loan against his own land. The trap is forgetting that the preliminary notification has already **suspended** that right: the ownership is intact but dealings are frozen from the date of publication.
2. **Apply the rule.** A's mortgage is an **encumbrance created after the notification**, squarely within the s. 11(4) bar. It is therefore in breach of the freeze. A did not obtain the Collector's exemption, which was the only lawful route to deal with the land.
3. **Consequence for the bank.** The bank's charge **does not bind the acquisition**; the Collector is not obliged to protect the bank's loss out of the compensation, so the mortgagee gets no claim against the acquisition proceeds.

Conclusion.

Yes — **A has violated s. 11(4)**. The mortgage is ineffective against the acquisition and gives the bank no enforceable claim on the compensation; A could lawfully have dealt with the land only if the Collector had granted an exemption, which was not obtained.
