

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 9 | Issue 5

2026

© 2026 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Beyond Compensation: Reassessing the Legal Protection of Affected Persons through Social Impact Assessment, Land Records and Participatory Safeguards under the Land Acquisition Framework in Tamil Nadu

SADHASIVAM ALAGAPPAN*

ABSTRACT

When the State takes private land, the usual question is how much the owner will be paid. This article asks a wider question: are affected people protected before, during and after the taking, or only paid once the decision is made? The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 moved Indian law in that direction by adding Social Impact Assessment (SIA), public hearings, rehabilitation and resettlement, and a wider idea of the “affected family”. These safeguards work only if the right people are found, the land records are reliable and people are truly heard. Using a doctrinal method, the article studies the 2013 Act, the Tamil Nadu Rules of 2017 and Supreme Court decisions under Articles 14, 21 and 300A of the Constitution. It makes three arguments. A land record should be the starting point for finding affected people, not the final word. SIA should shape the decision to acquire, not sit in the file as a formality. A hearing should count only when the authority gives reasons that show it considered what it heard. The article proposes a Tamil Nadu Integrated Acquisition Justice Model that links record verification, field checks, SIA, community verification, reasoned decisions, compensation with rehabilitation, and monitoring after acquisition. It concludes that fair acquisition needs a shift from paying compensation to protecting people.

Keywords: Land Acquisition, Social Impact Assessment, Land Records, Participatory Justice, Affected Persons, Tamil Nadu

I. INTRODUCTION

Land is not just an asset with a price. It is where people live and work and where communities hold together. When the State acquires private land, it does more than move ownership from one name to another. It uses public power that can change the lives of whole families.

* Author is a Student at S. Thangapazham Law College, Tenkasi, Tamil Nadu, India.

Indian law has slowly come to accept this. The Land Acquisition Act, 1894 was built around taking land for a public purpose and paying for it.¹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act) went further. It added social impact assessment (SIA), public hearings, rehabilitation and resettlement, and a wider view of who counts as affected.²

Three tools sit at the centre of this change. SIA studies what a project will do to people. Land records are how the State first learns who holds what. Participation lets people challenge official assumptions. This article studies them together, mainly in Tamil Nadu, and asks whether the law protects affected persons before, during and after acquisition, or only pays them after the decision is taken.

Acquisition always pulls two ways. The State needs land for public work, and the people on that land have rights and interests. The 2013 Act added safeguards beyond money, but four doubts remain.³ First, acquisition justice is still judged mostly by the size of compensation, which overlooks lost livelihoods, broken community life and people whose link with the land is not shown by a title. Second, holding an SIA does not prove that it influenced the decision; it may be a real safeguard or only a box to tick. Third, acquisition depends on knowing who holds an interest in the land, and recorded ownership often differs from who possesses, cultivates or earns from the land. Fourth, a notice and a hearing are not meaningful participation. What matters is whether people had proper information, a real chance to speak, and a decision-maker who took their concerns seriously.

In Tamil Nadu these questions arise under the Act, the Tamil Nadu RFCTLARR Rules, 2017 (TN Rules) and the State's land administration.⁴ The article asks whether the framework joins SIA, reliable records and meaningful participation into one process, whether it must do so to move beyond a compensation-only approach, whether SIA and participation work as substantive safeguards, how land records affect who is identified and protected, and what reforms Tamil Nadu needs. Its argument is that the 2013 Act widened protection beyond money, but that its success depends on accurate identification, reliable records and meaningful participation. Where these work only on paper, the purpose of the law is weakened, and an integrated model becomes necessary.

¹ The Land Acquisition Act, No. 1 of 1894, INDIA CODE (1894) (repealed) [hereinafter 1894 Act].

² The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013, INDIA CODE (2013) [hereinafter RFCTLARR Act].

³ RFCTLARR Act, *supra* note 2, §§ 4–9, 15–19.

⁴ The Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017, G.O. (Ms.) No. 298, Revenue & Disaster Mgmt. Dep't (Sept. 20, 2017), Tamil Nadu Gov't Gazette Extraordinary No. 300 (Sept. 21, 2017) (India) [hereinafter TN Rules].

The existing writing has developed along separate lines. Early work on land acquisition looked at the State's power to take land, compensation and the development case for acquisition. Later work turned to displacement and rehabilitation. After the 2013 Act, attention moved to SIA, participation and transparency, and a newer body of work studies land records and their digitisation.

On compensation and displacement, Chakravorty shows that the effects of acquisition reach well beyond the taking itself.⁵ Sarkar notes that a few bear the costs of development for many.⁶ Saxena criticises the old law for ignoring habitat, livelihood and rehabilitation.⁷ Patil and Ghosh show that even after compensation, farmers face transaction costs, uncertainty about replacement land and trouble rebuilding livelihoods.⁸ Ghosh and Ray find that gaps remain after the 2013 Act.⁹ Siddiqui, and Dutta, Runacres and Sinha, show that displacement damages common land and social networks, which a price cannot capture.¹⁰ Yet this work mostly treats displacement as an outcome and says little about how steps taken before acquisition decide who is identified and heard.

On SIA, Samanta and Shireesh describe it as a way of mapping costs and benefits and argue that it should be participatory.¹¹ Das reviewed twelve SIA reports from different sectors. She found uneven compliance on impact identification, consultation and web disclosure, and raised concerns about agency capacity, State oversight and public disclosure.¹² The literature seldom asks how far SIA depends on the quality of the land records it starts from.

⁵ SANJOY CHAKRAVORTY, *THE PRICE OF LAND: ACQUISITION, CONFLICT, CONSEQUENCE* (Oxford Univ. Press 2013).

⁶ Abhirup Sarkar, *Development, Displacement, and Food Security: Land Acquisition in India*, in *THE OXFORD HANDBOOK OF THE INDIAN ECONOMY 311* (Chetan Ghate ed., Oxford Univ. Press 2012), <https://doi.org/10.1093/oxfordhb/9780199734580.013.0011>.

⁷ K.B. Saxena, *Development, Displacement, and Resistance: The Law and the Policy on Land Acquisition*, 38 SOC. CHANGE 351 (2008), <https://doi.org/10.1177/004908570803800301>.

⁸ Vikram Patil & Ranjan Ghosh, *Rehabilitation Myths? How Transaction Costs Reduce Farmer Welfare After Land Acquisition*, 12 J. S. ASIAN DEV. 1 (2017), <https://doi.org/10.1177/0973174117695984>.

⁹ Puranjay Ghosh & Abhishek Ray, *Social Impact Assessment Under RFCTLARR Act 2013 and Social Costs – An Analysis*, 18 ARTHA J. SOC. SCI. 27 (2019), <https://doi.org/10.12724/ajss.49.2>.

¹⁰ Kalim Siddiqui, *Development Induced Displacement of Rural Communities in India: A Critical Review*, 5 TURKISH ECON. REV. 226 (2018), <https://journals.econsciences.com/index.php/TER/article/view/1705>; Swarup Dutta, Adam Runacres & Ishita Sinha, *Development-Induced Displacement, Indigenous Knowledge, and the RFCTLARR Act: A Critical Analysis*, 15 J. RESOURCES, ENERGY & DEV. 25 (2018), <https://doi.org/10.3233/RED-151203>.

¹¹ Debabrata Samanta & Shireesh, *Social Impact Assessment of Projects Involving Land Acquisition in India: Implications of RFCTLARR Act, 2013*, 7 J. MGMT. & PUB. POL'Y 27 (2015).

¹² Preeti Jain Das, *Social Impact Assessments Under the RFCTLARR Act, 2013: A Critical Analysis*, 15 J. RESOURCES, ENERGY & DEV. 63 (2018), <https://doi.org/10.3233/RED-151206>.

On land records, Goswami and others show how widely land-record systems differ across States.¹³ The Digital India Land Records Modernization Programme aims at accurate and accessible records.¹⁴ Kavuri and Ramanathan warn that digitisation can leave marginal people behind,¹⁵ and Sekher and others note that digital systems can repeat old errors where records do not match how land is really held.¹⁶ But this work treats records as a matter of tenure and administration. Their part in deciding who is seen as an affected person has received little attention.

Each part is well studied, but the links between them are not. This article asks how records, SIA and participation work together, and shifts the question from “how much compensation?” to “who is affected, how are they found, who is heard, and does any of it change the decision?” The study is doctrinal. It draws on the Constitution, the 1894 Act, the 2013 Act, the TN Rules, State laws and Government Orders, and on judicial decisions, mainly those of the Supreme Court, with legislative history, reports and scholarly writing supplying context. The subject is the legal protection of persons affected by compulsory acquisition, not land administration or development policy in general. Comparative material is used only lightly, and the study uses no primary field data.

II. HOW ACQUISITION LAW DEVELOPED

A. The 1894 Act

Modern Indian acquisition law began with the colonial Land Acquisition Act, 1894, which remained the main law for over a century.¹⁷ Its steps were a preliminary notification (section 4), objections (section 5A), a declaration of public purpose (section 6), compensation (sections 11, 23 and 24), and possession and vesting (sections 16 and 17). Section 17 allowed urgency powers.¹⁸

The Act gave a procedure, but its focus was the transfer of land for money. It did not require anyone to study social consequences. A tenant, a farm worker or a family relying on common

¹³ AMLANJYOTI GOSWAMI ET AL., LAND RECORDS MODERNISATION: STATE-LEVEL EXPERIENCES (Indian Inst. for Hum. Settlements 2015); AMLANJYOTI GOSWAMI ET AL., LAND RECORDS MODERNISATION IN INDIA: AN INSTITUTIONAL, LEGAL & POLICY REVIEW (Indian Inst. for Hum. Settlements 2017).

¹⁴ *Digital India Land Records Modernization Programme*, DEP'T OF LAND RES., MINISTRY OF RURAL DEV., GOV'T OF INDIA, <https://dolr.gov.in/en/document-category/program-dilrmp/> (last visited Oct. 6, 2026).

¹⁵ K. Sudha Kavuri & Anjana Ramanathan, *Land: Governance, Digitization and Human Rights – A Comparative Study*, 30 COMPAR. L. REV. 237 (2024), <https://doi.org/10.12775/CLR.2024.009>.

¹⁶ Madhushree Sekher et al., *Beyond Digitization: The Need for Inclusive Co-Governance in Reforming Indian Land Administration*, 15 LAND 1351 (2026), <https://doi.org/10.3390/land15081351>.

¹⁷ 1894 Act, *supra* note 1, §§ 4–6, 11, 16–17, 23–24.

¹⁸ *Id.* § 17.

resources could suffer badly and still fall outside the compensation calculation. The law's idea of loss was too narrow.

B. The 2013 Act

The RFCTLARR Act came into force on 1 January 2014 and replaced the 1894 Act. Its long title promises a “humane, participative, informed and transparent” process, carried out in consultation with local self-government institutions and Gram Sabhas, with fair compensation and adequate rehabilitation so that affected persons become partners in development.¹⁹

Four features matter here. First, section 3(c) defines the “affected family” widely, covering people whose livelihood depends on the land, not only the titleholder.²⁰ Second, section 8 requires the Government to examine the SIA report and the Expert Group's view, and to consider whether the purpose is legitimate and whether the land is the absolute minimum needed.²¹ Third, section 2(2) requires the consent of affected families in specified cases, such as acquisition for private companies and public-private partnerships.²² Fourth, compensation is joined to rehabilitation and resettlement.

In short, the 1894 Act ran from public purpose to notification, objections, declaration, compensation and vesting. The 2013 Act places assessment, identification and participation before the decision to acquire. The Constitution Bench decision in *Indore Development Authority v. Manoharlal*, on section 24 of the 2013 Act, also shows how differently the two laws are built.²³ For that reason, decisions under the 1894 Act cannot be assumed to answer questions under the 2013 Act, especially on SIA, consent, affected families and rehabilitation, where the later law is built differently.²⁴

III. THE CONSTITUTIONAL FOUNDATION

The Constitution does not forbid acquisition. It sets limits on it. Legality cannot be judged only by asking whether a statute allows the taking. The action must also be non-arbitrary, fair in procedure and aimed at a genuine public purpose.

Property and Article 300A. Originally, Articles 19(1)(f) and 31 protected property as a fundamental right and tied acquisition to public purpose and compensation.²⁵ The Forty-fourth

¹⁹ RFCTLARR Act, *supra* note 2, long title.

²⁰ *Id.* § 3(c).

²¹ *Id.* § 8.

²² *Id.* § 2(2).

²³ *Indore Dev. Auth. v. Manoharlal*, (2020) 8 S.C.C. 129 (India).

²⁴ *See id.*

²⁵ INDIA CONST. arts. 19(1)(f), 31 (repealed); *State of Bihar v. Maharajadhiraja Sir Kameshwar Singh of Darbhanga*, 1952 S.C.R. 889 (India).

Amendment removed both and added Article 300A: “No person shall be deprived of his property save by authority of law.” Property stopped being a fundamental right but stayed a constitutional right.²⁶ In *K.T. Plantation (P) Ltd. v. State of Karnataka*, the Supreme Court held that deprivation needs authority of law.²⁷ In *Vidya Devi v. State of Himachal Pradesh*, it held that the State cannot forcibly take private property without legal sanction and due process.²⁸ In *Anurag Krishna Sinha v. State of Bihar*, it struck down a takeover scheme that was manifestly arbitrary and confiscatory, noting that a law allowing acquisition while cutting compensation to a token can fail under Articles 14 and 300A.²⁹ *Brihanmumbai Municipal Corporation v. Vijay Nagar Apartments* again stressed fair compensation under Article 300A.³⁰ A statute is necessary but not enough. The fairness of the deprivation can also be examined.

Article 14. In *State of Punjab v. Gurdial Singh*, the Court said that “public purpose” cannot be used as a cover for a colourable exercise of power.³¹ Acquisition power cannot be used arbitrarily or for an improper purpose, and unequal treatment of similar groups raises questions under the Article. Non-arbitrariness also needs reliable information. If identification is incomplete, those left out are treated unequally.

Article 21. In *Olga Tellis v. Bombay Municipal Corporation*, livelihood was held to be part of the right to life,³² and *Maneka Gandhi v. Union of India* requires procedure to be fair and reasonable.³³ Neither is an acquisition case, but their principles apply to State action that affects livelihood and residence. For a cultivator, land is property, workplace, income and household security together, and Article 21 supports looking at the effects of acquisition on life, livelihood and dignity. Article 21 does not bar acquisition that causes hardship. It requires a rational process that identifies serious consequences and offers safeguards, which gives a constitutional reason for SIA, hearings and rehabilitation.

Public purpose and proportion. Public purpose is a valid reason to acquire, but it is not unlimited.³⁴ Section 8 of the 2013 Act ties it to proportion by asking whether the land taken is the minimum needed. Where another site or a less disruptive plan can reach the same goal, public purpose alone should not end the inquiry.

²⁶ The Constitution (Forty-fourth Amendment) Act, 1978 (India); INDIA CONST. art. 300A.

²⁷ *K.T. Plantation (P) Ltd. v. State of Karnataka*, (2011) 9 S.C.C. 1 (India).

²⁸ *Vidya Devi v. State of Himachal Pradesh*, (2020) 2 S.C.C. 569 (India).

²⁹ *Anurag Krishna Sinha v. State of Bihar*, 2026 INSC 219, ¶¶ 44–45 (India).

³⁰ *Brihanmumbai Mun. Corp. v. Vijay Nagar Apartments*, 2026 INSC 517, ¶¶ 41, 62 (India).

³¹ *State of Punjab v. Gurdial Singh*, (1980) 2 S.C.C. 471 (India); INDIA CONST. art. 14.

³² INDIA CONST. art. 21; *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C. 545 (India).

³³ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

³⁴ *Aflatoon v. Lt. Governor of Delhi*, (1975) 4 S.C.C. 285 (India); *Gurdial Singh*, *supra* note 31; RFCTLARR Act, *supra* note 2, § 8.

The whole chain. Land records help recognise persons and interests, SIA assesses consequences, participation lets people challenge official assumptions, and compensation and rehabilitation respond to the loss. A failure at one point carries forward to the next.

The courts have developed rules on legality, public purpose, compensation and procedural fairness. They have said much less on how land-record accuracy, SIA and participation work together to identify affected people. Accurate identification comes before effective notice and participation, so land records should be seen as part of procedural fairness. The case law therefore suggests a fuller test: was the acquisition authorised by law, for a genuine purpose, with affected interests identified, heard and assessed, and with enough compensation and rehabilitation? Courts need not replace the State's development choices to ask this. They need only review the process.

IV. SOCIAL IMPACT ASSESSMENT AS A SUBSTANTIVE SAFEGUARD

A. The statutory structure

SIA is one of the biggest changes made by the 2013 Act. Sections 4 to 9 set out a sequence. The Government consults the local body and carries out the SIA (section 4). A public hearing is held and families' views are recorded (section 5). The SIA report and the Social Impact Management Plan (SIMP) are published in the local language and online (section 6). An Expert Group appraises the report, including whether the purpose is legitimate and benefits outweigh social costs (section 7). The Government then examines the proposal, the report and the Expert Group's view (section 8). Section 9 allows certain exemptions.³⁵

The SIA covers livelihood, public and community property and other listed matters, so it is wider than the value of private land. A safeguard is real only if what it produces can change the decision to acquire, the extent of land taken, the measures to reduce harm and the protection given.

B. The Tamil Nadu framework

The TN Rules build detail on top of the Act. A State SIA Unit sees that studies are commissioned and carried out as required. Rule 8 provides for a panel of SIA agencies and keeps the Requiring Body out of choosing the agency, which protects independence. Rule 9 requires project-specific terms of reference.³⁶

³⁵ RFCTLARR Act, *supra* note 2, §§ 4–9.

³⁶ TN Rules, *supra* note 4, rr. 7–9.

Rule 10 asks the agency to make site visits, use participatory methods, and study impacts on land, livelihoods, income, assets, public services, health, culture and social cohesion, including direct, indirect and cumulative effects. It must also look at whether the land is the bare minimum and at alternative sites. Rule 10(5) requires an accurate estimate of affected and displaced families based on land assessment, land records and field verification. The SIMP must set out how harm will be avoided, reduced or made good, who is responsible and by when, and the report must state whether families may still be worse off after mitigation.³⁷

Rule 11 requires a public hearing in the affected area on at least fifteen days' notice and in the local language. The draft report and SIMP must be available beforehand, the main findings presented, and the views of families recorded, considered and added to the final report.³⁸

C. Independence and the Government's duty

The Expert Group is meant to stop the SIA from being controlled by the project's proponent, who usually has more money, expertise and information than the families. Yet an expert panel is not automatically independent. Its value depends on the competence of the experts, the quality of their information, the openness of their reasoning and the weight the Government gives their advice.³⁹

Section 8 is the key point. If the Government must engage with the findings, the SIA can lead to changes, safeguards or even rejection of a project. If not, the report becomes ceremonial. SIA should be judged by whether its findings visibly affect the final decision.⁴⁰

D. Exemptions

Section 9 allows exemption from SIA in specified cases, and section 40 gives separate urgency powers. Real urgency may justify speed. But an exemption removes the very tool built to find consequences before acquisition, so it must stay a true exception and not become a way around ordinary safeguards.⁴¹

E. SIA and land records

The TN Rules link SIA and land records directly. The Requiring Body must supply records of rights and revenue maps with its request, and the SIA must use records and field verification to count affected families.⁴² So the SIA is only as good as the information that goes into it. It

³⁷ *Id.* r. 10(2), (4)(c)–(d), (5), (7), (9)–(10).

³⁸ *Id.* r. 11(1), (3), (5)–(6).

³⁹ RFCTLARR Act, *supra* note 2, § 7.

⁴⁰ *Id.* § 8.

⁴¹ *Id.* §§ 9, 40.

⁴² TN Rules, *supra* note 4, rr. 3(1)(iii), 10(5).

depends on four things: accurate information, independent assessment, meaningful participation and a responsive Government.

V. LAND RECORDS AND WHO BECOMES VISIBLE

A. Why records matter

Land records show the parcel, survey number, extent, class, owner and recorded interests. In acquisition they are the first source of information, and their errors travel forward. The chain runs from the land record to the parcel, the recorded interest, the SIA, the affected person, participation, and then compensation and rehabilitation. A weak first link weakens every later one.

So the issue is not just whether records exist. It is whether they reflect the current legal position, match actual possession and use, are kept up to date, and can be seen and challenged by affected people.

B. Digitisation

Digitisation can help, since it speeds up retrieval and allows cross-checks. But digitisation is not accuracy. A digital record repeats whatever the underlying record says. It cannot tell whether a person farming the land is a tenant, whether a family inherited after an owner's death, or whether a community depends on land in ways no entry shows. A record may also be online and still out of reach for someone with no digital skills or internet access.

C. The recorded owner and the real user

Ownership is a legal link. Use and livelihood are economic and social links that may not match the title. Land recorded in an owner's name may be farmed by a tenant or sharecropper. It may also support farm labourers who own nothing, a household living on it under a loose arrangement, or a community using common resources nearby. The wider definition of "affected family" in the Act recognises this, and so does the purpose of SIA.⁴³ The recorded owner may be an affected person, but an affected person is not always the recorded owner.

This matters for procedure too. A person who is not identified is not notified, and a person who is not notified is not heard. Identification is therefore a substantive safeguard, not a clerical first step. At the same time, not every indirect connection with a project should become a full entitlement. The need is for dependable criteria that prevent both wrongful exclusion and loose inclusion.

⁴³ RFCTLARR Act, *supra* note 2, § 3(c).

D. A chain of verification

Identification should therefore use several sources, each checking the one before:

1. Documentary identification: land records show the parcel, owner and recorded interests.
2. Field verification: inspection tests the record against actual possession and use.
3. Social assessment: the SIA finds livelihood, economic, social, cultural and health impacts.
4. Participatory verification: affected people add information about use and unrecorded interests.
5. Administrative determination: the Government decides on the combined information.

E. Rule 13 and access

The TN Rules recognise that records can be incomplete. After the preliminary notification, Rule 13 requires an update of entries on legal heirs, registered transactions, mortgages, sub-divisions, structures, non-agricultural use, tenants or sharecroppers, and crops.⁴⁴ Updating helps only if the missing facts are actually found, verified and entered, and if people absent from the record have a practical way to come forward. Rule 13 supports SIA and participation but does not replace them.

Access matters as well. People cannot object to a wrong entry if they cannot see what the State has recorded. An affected person should be able to see the records, point out errors, send supporting material, have corrections considered and receive reasons if a claim is rejected. Not every claim must be accepted, but relevant interests must be visible and open to challenge.

F. Records as a baseline

The right approach is not “land record equals the whole truth” but “land record equals a documentary baseline”, tested against field findings, SIA results and what people tell the authorities. Otherwise a wrong record distorts the SIA, a distorted SIA undercounts affected families, and weak participation leaves the original error in place.

Three weaknesses remain. Accurate paperwork is not always accurate fact, digitisation cannot find interests that were never recorded, and the people most likely to be missed are the ones

⁴⁴ TN Rules, *supra* note 4, r. 13(3).

needed to correct the record. The better question is therefore “who has a legal or social interest in this land or its resources, how is that interest found, and what protection follows?”

VI. PARTICIPATORY JUSTICE

A. Information, objections and hearings

Participation begins with information. People cannot object to a project they have not heard of or understood. The Act supports this through SIA, the public hearing and publication of the report (sections 4 to 6). But a document that is public in law and unreadable in practice, because of language, technical terms or poor notice, informs no one.⁴⁵

The right to object has long been central, and acquisition is hard to reverse. Under section 5A of the 1894 Act, in *Hindustan Petroleum Corporation Ltd. v. Darius Shapur Chenai*, the Supreme Court treated the hearing as a real safeguard against arbitrary acquisition, not a courtesy: the authority must apply its mind to the objections.⁴⁶ Objections protect individuals and give the State facts its first inquiry missed. Under the 2013 Act, section 15 widens this right, allowing objections on the area and suitability of the land, the justification of the public purpose and the findings of the SIA report,⁴⁷ and urgency powers now sit within a more structured scheme under section 40.⁴⁸ Participation is no longer only a shield against arbitrary action. It is also a way to test the need for acquisition and its social cost.

B. Formal and meaningful participation

Participation can be formal or meaningful. Formal participation asks whether a notice was issued and a hearing held. Meaningful participation asks whether people had enough information, put forward their concerns, saw them considered, and received a decision that engages with their objections. Only the second matches the purpose of the Act.

Access is part of this. Rule 11 requires advance notice, a hearing in the local language and presentation of the main findings.⁴⁹ A hearing in a distant place, on short notice, without disclosure of the assessment, satisfies the rule on paper and defeats its purpose.

C. Who gets heard

The State finds titleholders easily because they appear in revenue and registration records. Tenants, sharecroppers, farm workers and people who rely on common resources are harder to

⁴⁵ RFCTLARR Act, *supra* note 2, §§ 4–6.

⁴⁶ *Hindustan Petroleum Corp. Ltd. v. Darius Shapur Chenai*, (2005) 7 S.C.C. 627 (India); 1894 Act, *supra* note 1, § 5A.

⁴⁷ RFCTLARR Act, *supra* note 2, § 15.

⁴⁸ RFCTLARR Act, *supra* note 2, § 40.

⁴⁹ TN Rules, *supra* note 4, r. 11(1), (5).

find, even though they may depend heavily on the land. Participation should work as a correction: families can point out left-out households, disputed boundaries and unrecorded livelihood links.

D. Does it change the decision?

The hardest test is whether participation can change the decision. If objections are never considered, or SIA findings have no link to the final decision, the process becomes procedural theatre. A participatory system should leave a clear trail from objection to consideration, to reasons, to decision. Was the land necessary? Were less displacing options examined?

VII. RETHINKING THE “AFFECTED PERSON”

The 1894 Act was built around the “person interested”, someone with a legally recognised interest in the land. The 2013 Act asks who is affected, in what way, and what protection they need. Ownership still matters for title and compensation, but it should not be the complete measure of impact.

Ownership is different from dependence. One plot can support an owner, a tenant, a sharecropper and a farm worker, and the land means something different to each. Compensation answers a recognised legal loss. Rehabilitation and resettlement answer the wider damage of displacement.

The affected person can be understood through several dimensions, set out in Table 1. This is a way of reading the existing law, not a new entitlement.

Dimension	Central question	Main safeguard
Proprietary	Who owns or holds a recognised interest?	Land records and statutory compensation
Possessory or use	Who occupies or uses the land?	Field verification
Economic	Whose livelihood depends on the land?	SIA and livelihood assessment
Social	Whose community resources and relationships are disrupted?	SIA and public participation
Displacement	Who must move or face major physical disruption?	Rehabilitation and resettlement
Participatory	Who must be heard before the decision?	Notice, hearing and objections

Table 1: Dimensions of the affected person

No single source covers all of these. Records suit the first, field checks the second, SIA the third and fourth, and hearings let communities check the result. If records are old and participation weak, the owner-centred approach the 2013 Act tried to leave behind quietly returns.

VIII. THE TAMIL NADU EXPERIENCE

Tamil Nadu works through several layers: the central Act, the TN Rules (approved by G.O. Ms. No. 298, 20 September 2017),⁵⁰ State laws, the revenue administration and the acquiring bodies. The Commissionerate of Land Administration deals with acquisition, patta transfer and updating of registry, so it sits where records and acquisition meet.⁵¹

Several routes. The State still uses its own laws for industrial purposes, highways and what its 1978 Act calls “Harijan welfare schemes”, and revived specified laws through the Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019.⁵² So the safeguards that apply, including whether SIA or consent is needed, can depend on the route chosen.

Consent. Consent is a stronger requirement than participation and applies in specified cases.⁵³ The prescribed process calls for the terms of acquisition, compensation and rehabilitation to be explained in the local language. Consent is valid only when the person has enough information to decide.

Gaps. The main challenge is carrying out the law, not the absence of it. Safeguards weaken when SIA becomes a compliance exercise, families are not fully counted, records are old, objections are noted but not weighed, non-title groups stay unidentified, or the final order does not show how SIA findings mattered.

IX. FINDINGS

1. The legal idea of acquisition has widened. The 2013 Act moved past compensation by adding SIA, participation, consent in specified cases and rehabilitation.
2. Compensation is necessary but not enough. It cannot capture livelihood, displacement and community loss.
3. Land records are the base but are incomplete. They identify legal interests but do not show every affected person.
4. SIA can be a real safeguard, if it rests on accurate data, field verification, participation and a responsive Government.

⁵⁰ TN Rules, *supra* note 4.

⁵¹ *About Us*, COMMISSIONERATE OF LAND ADMIN., GOV'T OF TAMIL NADU, https://cla.tn.gov.in/about_us.html (last visited Oct. 6, 2026).

⁵² The Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019, Tamil Nadu Act No. 38 of 2019 (India); The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, Tamil Nadu Act No. 10 of 1999; The Tamil Nadu Highways Act, 2001, Tamil Nadu Act No. 34 of 2002; The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, Tamil Nadu Act No. 31 of 1978.

⁵³ RFCTLARR Act, *supra* note 2, § 2(2); TN Rules, *supra* note 4, r. 12.

5. Participation must be judged by its effect on decisions, not by whether a hearing was held.
6. Non-title interests need more visibility. Tenants and workers stay at risk when identification rests on title.
7. Coordination among institutions is central. Revenue, registration, survey, SIA, acquisition and rehabilitation bodies each hold part of the picture.
8. Tamil Nadu has a useful base for integration. Its Rules already connect records, field checks, SIA, hearings, consent and updating. The challenge is carrying them out together.
9. Judicial doctrine supports an integrated approach through Articles 14, 21 and 300A.
10. Acquisition justice needs a move from compliance to accountability. A complete file does not prove a fair process. What counts is whether each step was a real inquiry.

The main gap is thus not missing safeguards but missing integration. An accurate record without SIA may overlook social impact, a full SIA without reliable identification may overlook households, and participation without a response gives voice without influence.

X. RECOMMENDATIONS AND THE PROPOSED MODEL

The law already has most of what is needed. The task is to turn separate procedures into one system, and in Tamil Nadu much of this can be done through administrative protocols without weakening the State's power to acquire land for lawful public purposes.

1. **Look beyond compensation.** Ask whether people were correctly identified, impacts assessed, objections heard and rehabilitation matched to the disruption, not only whether compensation was paid.
2. **Create an Affected-Person Identification Protocol.** Before the decision, combine revenue and registration records, survey data, field verification, SIA findings, local-body information, details of tenants, sharecroppers and labourers, and representations from hearings. Title alone should not decide who is affected.
3. **Verify land records before acquisition.** For projects above a set size, check ownership, succession, pending mutations, sub-divisions, mortgages, tenancy, structures and cultivation, and record the discrepancies and corrective steps in a Pre-Acquisition Land-Record Verification Report. This moves part of Rule 13 earlier in the process.⁵⁴

⁵⁴ TN Rules, *supra* note 4, r. 13(3).

4. **Link records with SIA.** Every SIA should contain a Land-Record and Affected-Person Reconciliation Statement comparing records with field and community findings. Differences should be investigated, not dismissed.
5. **Make SIA drive decisions.** The final decision should show how the authority treated the main impacts, alternatives, affected livelihoods, hearing concerns and measures to reduce harm. Departures from significant SIA findings should be explained.
6. **Make hearings responsive.** Prepare a Public Hearing Response Matrix listing each issue raised, who raised it, the authority's response and the reason for accepting or rejecting it. This gives no one a veto. It requires reasoned consideration.
7. **Identify non-title and vulnerable groups.** Tenants, sharecroppers, labourers and people who depend on common resources should be specially sought out.
8. **Issue a reasoned "Acquisition Justice Decision".** It should identify the land and persons, summarise impacts and material objections, consider alternatives and mitigation, and explain why acquisition remains necessary and proportionate.
9. **Build interoperability.** Tamil Nadu should develop an Integrated Acquisition Information System that lets authorised bodies cross-check land records, survey data, registrations, SIA findings, family counts and compensation and rehabilitation status, with proper privacy controls.
10. **Publish an Acquisition Rights Charter** for each route, stating the applicable law, authority, notice and objection rules, participation rights, entitlements, grievance channels and remedies.
11. **Monitor after acquisition.** For projects with major displacement, monitoring over three to five years could track rehabilitation, livelihood restoration and unresolved disputes.
12. **Provide independent oversight.** A Land Acquisition Justice and Monitoring Cell could monitor compliance, receive complaints of exclusion and help correct errors before possession makes them hard to repair.

The Integrated Acquisition Justice Model. The main contribution of this study is the following model, set out in Table 2:

Step	Element of the model
1	Land Records: set the documentary baseline
2	Field Verification: find differences and actual land use

Step	Element of the model
3	Social Impact Assessment: identify social, economic, livelihood and displacement effects
4	Participatory Verification: let people confirm, contest and add to official information
5	Affected-Person Reconciliation: settle differences between records, field findings and community views
6	Reasoned Acquisition Decision: show necessity, public purpose, alternatives and responses to objections
7	Compensation, Rehabilitation and Resettlement: provide the protection the law requires
8	Post-Acquisition Monitoring: check whether protection became real outcomes
9	Constitutional Accountability

Table 2: The Tamil Nadu Integrated Acquisition Justice Model

Phasing. Tamil Nadu can begin with administrative protocols for record verification, identification and response matrices, and later, if needed, give legal backing to integrated identification and oversight.

The limits of participation. The model gives affected persons no veto and does not stop legitimate development. Participation exposes hidden costs, finds affected interests, corrects official records and brings forward alternatives. Its aim is to make development constitutionally accountable, not impossible.

XI. CONCLUSION

Land acquisition is not just a transfer of private land for a public purpose. It can reshape property, livelihood, residence, community ties and economic security. The move from the 1894 Act to the 2013 Act was therefore a real change, from acquisition and payment to a model that treats transparency, participation, impact assessment and rehabilitation as parts of justice.

Yet the existence of safeguards does not guarantee protection. SIA can reveal the wider effects of a project only when the affected population is correctly identified and genuinely heard. Land records give a necessary baseline but cannot capture every person and interest on the ground. Participation is how records and assessments are verified, challenged and completed.

Tamil Nadu has a good base in its Rules on record updating, SIA and public participation. Yet fragmented institutions, incomplete identification, unequal access to information and formal participation still limit its protective power. The proposed Integrated Acquisition Justice Model joins these tools as connected safeguards.

Acquisition justice cannot be measured by whether compensation was paid. It must also ask who is affected, whether the impact was properly assessed, whether people were truly heard and whether the decision answered their interests. Strengthening this approach can move land acquisition in Tamil Nadu beyond compensation toward a more open, participatory and rights-based system.
