

**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.

Public Purpose in Indian Land Acquisition Law: A Doctrinal Reassessment

DR. THOKCHOM GHANAKUMAR SINGH*

ABSTRACT

This article undertakes a doctrinal reassessment of 'public purpose' in Indian land acquisition law. It argues that the concept of 'public purpose' must function as a meaningful constitutional and statutory limit on State power rather than as an elastic, deferential label. Tracing the jurisprudence from the Land Acquisition Act, 1894 through the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, it shows how the Supreme Court's treatment of 'public purpose' as flexible and vague enabled broad executive discretion in favour of market-oriented development. The analysis highlights where judicial decisions blurred the statutory distinction between acquisition for a public purpose and acquisition for a company. The article proposes a multi-dimensional framework for interpreting 'public purpose' under Article 300A that integrates statutory fit and spirit. By recalibrating 'public purpose' along these lines, it argues, the judiciary can preserve the State's capacity for legitimate development while preventing the concept from degenerating into a legal fiction that legitimises unjust dispossession.

Keywords: Public Purpose, Land Acquisition, Article 300A, Eminent Domain, Development

I. INTRODUCTION

Acquiring land is one of the State's biggest challenges in the pursuit of development. Besides agriculture and allied activities, land is also exploited for natural resources such as minerals. The State may acquire land by using the principle of eminent domain.¹ Such activities are undertaken both by the State and by private parties. Eminent domain confers on the State a sovereign power to acquire land. As the activities of the State and of private players expand, this sovereign power to take away land becomes a contested field. This necessitates an enquiry into how the doctrine of eminent domain and the concept of 'public purpose' are interpreted and implemented through land acquisition legislation.

Eminent domain is an established doctrine which, as an attribute of sovereignty, empowers the State to take property without the owner's consent for public welfare.² Although it is a fundamental extension of sovereignty, this power is checked by two limitations: public purpose

* Author is an Assistant Professor at the Department of Law, Nagaland University, Lumami, Nagaland, India.

¹ INDIA CONST. art. 300A.

² JULIUS L. SACKMAN, NICHOLS' LAW OF EMINENT DOMAIN § 1.11 (rev. 3d ed. 1983); see also William D. McNulty, *Eminent Domain in Continental Europe*, 21 YALE L.J. 555 (1912), <https://doi.org/10.2307/785884>.

and just compensation. These limitations were placed to protect individuals against the State.³ It has, however, also been argued that eminent domain gives the State a ‘legal right to acquire property by forced rather than by voluntary exchange.’⁴ This authority is conferred upon the State to obtain private property for a ‘public purpose’, accompanied by compensation.⁵ It is also necessary that the acquisition bear a sufficient relationship to the welfare of the community. The judicial treatment of ‘public purpose’, however, has not been uniform. The expression has been described as incapable of precise definition, as elastic, and as dependent upon the statute and the circumstances of the locality. The consequence is that it has permitted broad deference to executive and legislative determinations, particularly in cases involving industrialisation, urbanisation, infrastructure and economic development.

This article argues that ‘public purpose’ and land acquisition must be examined as one interconnected question rather than as separate issues. The objective is to ensure that ‘public purpose’ functions as a meaningful constitutional and statutory limit upon State power.

II. EMINENT DOMAIN AND STATE AUTHORITY

Eminent domain is considered a fundamental extension of sovereignty, and for this reason it does not require express authority in a constitution. Although the power of eminent domain is recognised, its exercise is checked by two limitations, public purpose and just compensation, which were meant to protect individuals against the State.⁶ The modern governance of land relies primarily on the concept of eminent domain, which gives the State a “legal right to acquire property by forced rather than by voluntary exchange.”⁷ In other words, eminent domain is “effectively a reassignment of property rights: the seller is deprived of his right to refuse to sell and constrained in his right to bargain over price.”⁸ Equally, “the doctrine of eminent domain invests power in the state to acquire private land for public purpose on payment of compensation.”⁹ Eminent domain has three essential ingredients:

³ Malabika Pal, *Land Acquisition and “Fair Compensation” of the “Project Affected”*: Scrutiny of the Land and Its Interpretation, in THE LAND QUESTION IN INDIA: STATE, DISPOSSESSION, AND CAPITALIST TRANSITION 155 (Anthony P. D’Costa & Achin Chakraborty eds., 2017), <https://doi.org/10.1093/oso/9780198792444.003.0007>.

⁴ Patricia Munch, *An Economic Analysis of Eminent Domain*, 84 J. POL. ECON. 473 (1976), <https://doi.org/10.1086/260455>.

⁵ Usha Ramanathan, *Land Acquisition, Eminent Domain and the 2011 Bill*, 46(44–45) ECON. & POL. WKLY. 10 (Nov. 5, 2011), <https://www.epw.in/journal/2011/44-45/commentary/land-acquisition-eminent-domain-and-2011-bill.html>.

⁶ Pal, *supra* note 3, at 155.

⁷ Munch, *supra* note 4, at 473.

⁸ *Id.* at 474.

⁹ Ramanathan, *supra* note 5, at 10.

[F]irst, the power of the State to take over private land; second, this power has to be exercised for public good [public purpose]; and third, the obligation of the State to compensate those whose lands are so taken over.¹⁰

While distinguishing eminent domain from the ‘police power’ of the State, the Supreme Court reiterated that eminent domain involves the appropriation of property for public use and ordinarily requires compensation.¹¹ The Court has further held that the State cannot take possession of private property through ‘absolute power’ or administrative muscle; even for a public objective, such deprivation of private property must be authorised by law and conducted through a legally recognised process.¹² These distinctions show that ‘public purpose’ cannot legitimise every form of State interference with property. The State must first identify the nature of its action and satisfy the legal conditions applicable to that form of power.

III. CONSTITUTIONAL EVOLUTION OF PROPERTY RIGHTS AND LAND ACQUISITION

Land acquisition in India was governed by the Land Acquisition Act, 1894 (hereafter the LAA) and is now governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter the LARR Act), which was enacted in 2013 and came into force on 1 January 2014. India’s land acquisition legislation is founded on the premise that the government possesses the power to take private property for public benefit. This authority stems from the principle of eminent domain, which permits governments to undertake such measures in return for appropriate compensation to the property owner. Such actions have long been a bone of contention in India. As originally enacted, the Constitution guaranteed the right to property as a fundamental right under Article 19(1)(f), and this generated extensive litigation in the early years after Independence.

As a case in point, the Patna High Court invalidated the Bihar Land Reforms Act, 1950 in *Kameshwar Singh v. State of Bihar*.¹³ Even earlier, in *Chiranjit Lal Chowdhuri v. Union of India*,¹⁴ the Supreme Court had recognised eminent domain as an inherent authority of every sovereign State to take and appropriate private property belonging to individuals for a ‘public purpose’.¹⁵ This was reiterated in *Dwarkadas Shrinivas v. Sholapur Spinning & Weaving Co.*

¹⁰ Mihir Desai, *Land Acquisition Law and the Proposed Changes*, 46(26–27) ECON. & POL. WKLY. 95 (June 25, 2011), <https://www.epw.in/journal/2011/26-27/perspectives/land-acquisition-law-and-proposed-changes.html>.

¹¹ See *Sooraram Pratap Reddy v. Dist. Collector, Ranga Reddy Dist.*, (2008) 9 SCC 552 (India).

¹² See *Tukaram Kana Joshi v. Maharashtra Indus. Dev. Corp.*, (2013) 1 SCC 353 (India).

¹³ *Kameshwar Singh v. State of Bihar*, 1951 SCC OnLine Pat 56 (India) (decided Mar. 12, 1951).

¹⁴ *Chiranjit Lal Chowdhuri v. Union of India*, 1950 SCC 833, AIR 1951 SC 41 (India).

¹⁵ *Id.*

Ltd.,¹⁶ where Mahajan J., in the leading opinion, held that Article 31, “read as a whole comprehensively defines the State’s power of eminent domain as distinguished from all its other powers the exercise of which may amount to the taking of private property.”¹⁷ Together with Article 19(1)(f), the right to property was thus secured through Article 31 of the Constitution.¹⁸ Both articles were later repealed by the Constitution (Forty-fourth Amendment) Act, 1978, and Article 300A was inserted.¹⁹ In *Jilubhai Nanbhai Khachar v. State of Gujarat*,²⁰ the Supreme Court observed that “the word ‘property’ used in Article 300A must be understood in the context in which the sovereign power of eminent domain is exercised by the State and property expropriated.”²¹ The Court further explained that not every public purpose falls under Article 300A, nor is every exercise of eminent domain an acquisition or taking of possession under that Article. Further clarifying the scope of property in *K.T. Plantation (P) Ltd. v. State of Karnataka*,²² the Supreme Court declared that “public purpose is a precondition for deprivation of a person from his property under Article 300-A.”²³

As the Supreme Court has maintained that ‘public purpose’ is a precondition for the deprivation of property, it is pertinent to analyse what constitutes a ‘public purpose’. This question has been contested in numerous cases, and the difficulty was compounded when the Supreme Court held, in *State of Bombay v. R.S. Nanji*²⁴ and in *State of Bihar v. Kameshwar Singh*,²⁵ that ‘public purpose’ was incapable of precise definition. In the latter case, the Court stated that ‘public purpose’ is not capable of a precise definition and that its interpretation is left to the judiciary, which must interpret it in keeping with changing times and the objective of the relevant statute. Beyond this judicial observation, no definition of ‘public purpose’ is to be found in the repealed Article 31(2) or in Article 300A.

IV. PUBLIC PURPOSE AS AN ELASTIC EXPRESSION

The Supreme Court’s early understanding of ‘public purpose’ is associated with *State of Bihar v. Maharajadhiraja Sir Kameshwar Singh*.²⁶ The Court held that the expression ‘public purpose’

¹⁶ *Dwarkadas Shrinivas v. Sholapur Spinning & Weaving Co. Ltd.*, (1953) 2 SCC 791, AIR 1954 SC 119 (India).

¹⁷ *Id.* ¶ 19 (Mahajan, J.).

¹⁸ Namita Wahi, *Land Acquisition, Development and the Constitution*, SEMINAR, Feb. 2013, No. 642, https://india-seminar.com/2013/642/642_namita_wahi.htm (explaining that Article 31 provided that “any state acquisition of property must only be upon enactment of a valid law, for a public purpose and upon payment of compensation”).

¹⁹ INDIA CONST. art. 300A (“No person shall be deprived of his property save by authority of law.”).

²⁰ *Jilubhai Nanbhai Khachar v. State of Gujarat*, 1995 Supp (1) SCC 596 (India).

²¹ *Id.* ¶ 48.

²² *K.T. Plantation (P) Ltd. v. State of Karnataka*, (2011) 9 SCC 1 (India).

²³ *Id.* ¶ 221(e).

²⁴ *State of Bombay v. R.S. Nanji*, 1956 SCR 18, AIR 1956 SC 294 (India).

²⁵ *State of Bihar v. Maharajadhiraja Sir Kameshwar Singh*, (1952) 1 SCC 528, AIR 1952 SC 252 (India).

²⁶ *State of Bihar v. Kameshwar Singh*, *supra* note 25.

is incapable of precise definition and can only be defined by a process of judicial inclusion and exclusion. Its meaning changes with the legislation, the temporal context, societal demands and the conditions of the community. The Court also distinguished the collective interest of the community from the personal interest of the individual, and this distinction remains the conceptual foundation of public purpose jurisprudence. The Law Commission, in its Tenth Report on the 'Law of Acquisition and Requisitioning of Land', considered this open-ended approach and, rather than attempting an exhaustive definition, recommended an inclusive one guided by the welfare of the community.²⁷

Such a generic interpretation has caused numerous grievances, as the courts' interpretation reflects a developmental approach to public purpose.²⁸ In such cases, the Court did not insist upon direct public ownership or immediate public access. Instead, it examined the wider economic and social effects of the project. Public purpose was therefore understood as a functional and consequential concept.

V. DEFERENCE AND THE LIMITS OF JUDICIAL REVIEW

The Court has also repeatedly recognised that the executive and the legislature are institutionally better placed to identify social and developmental priorities. In *Daulat Singh Surana v. First Land Acquisition Collector*,²⁹ the Court observed that public purpose varies with the times and prevailing conditions, and that the legislature has left it to the State to decide whether a particular acquisition is required.³⁰ This does not, however, make the State the sole or conclusive judge. In *State of Bombay v. R.S. Nanji*,³¹ the Supreme Court held that while the government is *prima facie* the best judge of 'public purpose', it is not the sole judge, and that the courts have jurisdiction to determine whether a requisition order truly serves a 'public purpose'.³² The resulting standard has generally been deferential. Courts intervene where the purpose is *mala*

²⁷ LAW COMM'N OF INDIA, TENTH REPORT ON THE LAW OF ACQUISITION AND REQUISITIONING OF LAND ¶ 38 (1958) (declining to attempt an exhaustive definition and proposing that the guiding principle should be whether the acquisition promotes the welfare of the community, even if the immediate use benefits a particular individual).

²⁸ In *Babu Barkya Thakur v. State of Bombay*, (1961) 1 SCR 128, AIR 1960 SC 1203 (India), the Court adopted a broad formulation, stating that 'public purpose' is used in its generic sense of including any purpose in which even a fraction of the community may be interested or by which it may be benefited. Later cases extended public purpose to industrialisation and integrated development. In *Jage Ram v. State of Haryana*, (1971) 1 SCC 671 (India), acquisition for a china-ware and porcelain-ware factory was accepted on the ground that the industrialisation of an area served the public interest. In *State of Karnataka v. All India Manufacturers Organisation*, (2006) 4 SCC 683 (India), acquisition of land beyond the immediate highway project was upheld because the project was treated as an integrated development scheme. Similarly, in *Sooraram Pratap Reddy*, *supra* note 11, an integrated business-cum-leisure tourism project was held to serve a public purpose because it would bring in foreign exchange and generate employment.

²⁹ *Daulat Singh Surana v. First Land Acquisition Collector*, (2007) 1 SCC 641 (India).

³⁰ *Id.* ¶ 44.

³¹ *R.S. Nanji*, *supra* note 24.

³² *Id.* ¶ 12.

fide, wholly irrelevant, procedurally illegal or unrelated to the statutory scheme, but they have been less willing to question the economic or planning wisdom of the project itself. This has produced a central doctrinal tension: ‘public purpose’ is legally reviewable, yet the government’s determination receives substantial weight and economic development is treated as a legitimate public objective, while the Court avoids examining whether the distribution of benefits and burdens is equitable.

VI. ARTICLE 300A AND THE CONSTITUTIONALISATION OF PUBLIC PURPOSE

The repeal of Articles 19(1)(f) and 31 by the Forty-fourth Amendment changed the constitutional status of property. The right to property ceased to be a fundamental right and became a constitutional right under Article 300A, which provides that “No person shall be deprived of his property save by authority of law.” Although the text does not expressly mention ‘public purpose’ or compensation, the Supreme Court has read both requirements into the constitutional structure governing expropriation.

In *Jilubhai Nanbhai Khachar v. State of Gujarat*,³³ the Supreme Court observed that “the word ‘property’ used in Article 300A must be understood in the context in which the sovereign power of eminent domain is exercised by the State and property expropriated.”³⁴ In *K.T. Plantation (P) Ltd. v. State of Karnataka*,³⁵ the Court stated that ‘public purpose’ is a precondition to deprivation under Article 300A and that the State must justify both the ‘public purpose’ and the compensation by reference to the scheme of the statute, the legislative policy and the object of the law. More recently, the Supreme Court’s Article 300A jurisprudence has moved towards a procedural conception of property protection. In *Kolkata Municipal Corporation v. Bimal Kumar Shah*,³⁶ the Court described the right to property under Article 300A as a net of intersecting sub-rights: notice, hearing, a reasoned decision, acquisition only for a ‘public purpose’, restitution or fair compensation, an efficient and expeditious process, and the conclusion of the proceedings.³⁷ This development suggests that the State must not merely announce a ‘public purpose’ but must demonstrate it through a legally authorised, transparent, participatory and reasoned process.

³³ *Jilubhai Nanbhai Khachar*, *supra* note 20.

³⁴ *Id.* ¶ 48.

³⁵ *K.T. Plantation*, *supra* note 22, ¶ 221(e).

³⁶ *Kolkata Mun. Corp. v. Bimal Kumar Shah*, (2024) 10 SCC 533 (India) (Civil Appeal No. 6466 of 2024, decided May 16, 2024).

³⁷ *Id.* ¶ 30.

VII. THE PRIVATE-COMPANY PROBLEM

One of the most significant features of the Land Acquisition Act, 1894 was the distinction between acquisition for a ‘public purpose’ and acquisition for a company. The Act prescribed different procedures for each, under Part II and Part VII respectively.

However, in several decisions³⁸ the Court permitted acquisition for companies where the cost of acquisition was borne wholly or partly out of public funds. This approach weakened the distinction between acquisition for State purposes and acquisition for private enterprises. The practical consequence was that the State could acquire land and transfer it to companies while presenting the project as a public-purpose initiative. A Parliamentary Standing Committee, tracing the erosion of this distinction to the 1984 amendment of the LAA and its judicial interpretation, criticised it for opening the floodgates to State acquisition of land for companies and for provoking a tribal and rural backlash.³⁹

It follows from this analysis that the Court’s failure to maintain the distinction between acquisition for a ‘public purpose’ and acquisition for a company under the LAA has created a problem. The question is not merely whether a project creates some public benefit. Rather, it is whether the State has used public authority to transfer land in a manner that disproportionately benefits a private entity. A project may generate employment, taxes or infrastructure and still be constitutionally problematic if the private beneficiary receives the principal economic advantage while the public receives only speculative or indirect benefits, or if the transfer is made without transparent valuation, public participation or enforceable conditions. The inquiry must therefore distinguish between ‘public purpose’ as aggregate benefit and ‘public purpose’ as constitutionally legitimate benefit.

³⁸ *Pandit Jhandu Lal v. State of Punjab*, (1961) 2 SCR 459, AIR 1961 SC 343 (India): land was acquired for a labour colony under a Government-sponsored housing scheme for industrial workers. Although the acquisition was for a company within the meaning of the LAA, the procedure under Part VII was not followed. The Court held that since part of the compensation was to be paid out of public revenues, the acquisition was not for a “company simpliciter”. Cf. *R.L. Arora v. State of Uttar Pradesh*, 1962 Supp (2) SCR 149, AIR 1962 SC 764 (India): the Court held that it was not enough that the products of the company would be useful to the public; to fall within section 40(1)(b) the work itself had to be directly useful to the public, and the acquisition was quashed. Parliament responded by amending sections 40 and 41 in 1962. *Somawanti v. State of Punjab*, (1963) 2 SCR 774, AIR 1963 SC 151 (India): for a factory to manufacture refrigeration compressors, the Government sanctioned a token amount of Rs. 100 towards the cost of acquisition, and the requirements of Part VII were not followed. The Court rejected the contention that a token contribution showed that the acquisition was not for a public purpose, and upheld the acquisition, observing that “[o]n the basis of the correctness of that view the State Governments have been acquiring private properties all over the country by contributing only token amounts towards the cost of acquisition.” *Id.* ¶ 51.

³⁹ STANDING COMM. ON RURAL DEV. (2011–12), FIFTEENTH LOK SABHA, THIRTY-FIRST REPORT ON THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT BILL, 2011 ¶ 3.5 (May 17, 2012), https://prsindia.org/files/bills_acts/bills_parliament/2011/SCR_Land_Acquisition_Rehabilitation_and_Resettlement_Bill_2011.pdf.

VIII. REFORM AND CONTINUITY: THE LARR ACT, 2013

Against the background of widespread criticism of the 1894 Act, the LARR Act was enacted. It sought to introduce fairer compensation, transparency, consent for certain acquisitions, social impact assessment, and rehabilitation and resettlement, among other measures.⁴⁰

The Act requires the prior consent of at least eighty per cent of affected families for acquisitions for private companies, and of at least seventy per cent for public-private partnership projects. It also provides for a Social Impact Assessment to determine whether the proposed acquisition serves a 'public purpose' and whether its social costs are justified. These provisions represent an important movement from executive declaration towards evidentiary justification: 'public purpose' is expected to be assessed against social impact, displacement, loss of livelihood and the availability of alternatives.

The framework has, however, been diluted in important respects. Exemptions from the consent and social impact assessment requirements were introduced, first by an Ordinance of 2014 that lapsed in 2015 and subsequently by amendments in several States, for projects involving defence and national security, rural infrastructure, affordable housing, industrial corridors and infrastructure projects, including certain public-private partnership projects.⁴¹ The Fourth Schedule also creates exclusions that may have significant consequences for tribal and rural populations.⁴²

The result is a tension within the statute itself. The LARR Act seeks to make public purpose more transparent and consensual, but its broad categories and exemptions may continue to facilitate large-scale acquisition for development and commercial projects. Critics therefore

⁴⁰ JAIRAM RAMESH & MUHAMMAD ALI KHAN, *LEGISLATING FOR JUSTICE: THE MAKING OF THE 2013 LAND ACQUISITION LAW* 11 (2015).

⁴¹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014, § 10A (India) (promulgated Dec. 31, 2014; lapsed 2015); *see, e.g.*, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016, Gujarat Act No. 12 of 2016, § 10A (India). The public purposes themselves are enumerated in The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, § 2(1) (a)–(f) (India).

⁴² The LARR Act provides rehabilitation and resettlement entitlements for affected families (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, § 31 & sched. II (India)) and additional compensation in cases of multiple displacement (*id.* § 39). However, section 105 read with the Fourth Schedule excludes the application of the Act to thirteen enactments under which land is acquired, dealing with matters such as mines, coal, petroleum and railways. The Act's compensation and rehabilitation provisions were later extended to those enactments by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015, S.O. 2368(E) (Aug. 28, 2015) (India).

argue that the statutory concept remains influenced by a dominant developmental model centred upon industrialisation, infrastructure and market-oriented growth.⁴³

From a constitutional perspective, the problem is that the Act does not expressly require the State to determine whether the transfer or development is compatible with the principles of fairness, proportionality and non-arbitrariness. Consent and compensation may address individual burdens, but they do not necessarily protect the broader public interest.

IX. REASSESSING PUBLIC PURPOSE

The generic interpretation of ‘public purpose’ by the judiciary has caused multiple problems. The Court itself has acknowledged that the expression, so interpreted, includes any purpose in which even a fraction of the community may be interested or by which it may be benefited.⁴⁴ An attempt was made to recalibrate the scope of ‘public purpose’ by insisting on a nexus between the public purpose and the taking of property, a question the Supreme Court examined under Article 31(2) when reviewing the Karnataka Contract Carriages (Acquisition) Act, 1976.⁴⁵ Such a nexus requirement allows the State’s action to be challenged where it goes beyond the purpose authorised by law. However, it has been argued that the judiciary has from time to time interpreted ‘public purpose’ in a manner that aligns with the government’s land acquisition policy.⁴⁶ The attempt to bring about change through the LARR Act, by fostering transparency, consensus, and rehabilitation and resettlement, has failed to materialise because many exemptions were created.

On the one hand, the courts have recognised that the expression cannot be reduced to a fixed formula and must evolve with societal needs. On the other hand, this very flexibility has permitted an expansion so broad that the distinction between public and private purpose has become increasingly difficult to maintain. The result is a body of law that is at once sophisticated and indeterminate.

To address this, any enquiry into public purpose must accomplish two objectives. It must preserve the State’s capacity to respond to legitimate developmental needs, and it must prevent

⁴³ Swagato Sarkar, *The Impossibility of Just Land Acquisition*, 46(41) ECON. & POL. WKLY. 35 (Oct. 8, 2011), <https://www.epw.in/journal/2011/41/land-acquisition-and-resettlement-bill-specials/impossibility-just-land-acquisition>; Sanjoy Chakravorty, *A Lot of Scepticism and Some Hope*, 46(41) ECON. & POL. WKLY. 29 (Oct. 8, 2011), <https://www.epw.in/journal/2011/41/land-acquisition-and-resettlement-bill-specials/lot-scepticism-and-some-hope.html>.

⁴⁴ See *Babu Barkya Thakur*, *supra* note 28.

⁴⁵ *State of Karnataka v. Shri Ranganatha Reddy*, (1977) 4 SCC 471 (India) (considering the nexus required between the public purpose and the acquisition under Article 31(2), and upholding the Karnataka Contract Carriages (Acquisition) Act, 1976).

⁴⁶ Colin Gonsalves, *Judicial Failure on Land Acquisition for Corporations*, 45(32) ECON. & POL. WKLY. 37 (Aug. 7, 2010), <https://www.epw.in/journal/2010/32/perspectives/judicial-failure-land-acquisition-corporations.html>.

‘public purpose’ from becoming a legal fiction that legitimises arbitrary, disproportionate or unjust acquisitions. In interpreting ‘public purpose’, therefore, three aspects must be considered: the constitutional architecture of Article 300A, the statutory safeguards of the land acquisition regime, and the administrative-law principles of reasonableness, non-arbitrariness and proportionality.

The starting point is to recognise that ‘public purpose’ is not a single inquiry but a cluster of related questions. When a court examines whether an acquisition serves a public purpose, it is in fact asking several distinct but interconnected questions. Under the LARR Act, ‘public purpose’⁴⁷ is defined by reference to a broad enumeration of purposes, which the Central Government may extend by notifying further infrastructure facilities, rather than by a closed definition. This allows the State to characterise almost any developmental project as ‘infrastructure’ or ‘planned development’, thereby stretching ‘public purpose’ to cover largely private benefits. The courts must therefore ask not only whether the project falls within the statutory categories, but also whether it falls within the spirit of those categories. A project that technically fits within the language of the statute but bears no meaningful relationship to community welfare should not be treated as a public purpose simply because the statutory text is broad.

Furthermore, the courts need to examine whether there is a direct and substantial relationship between the acquisition and the stated public objective. Another dimension, largely neglected, is the distributional test. Courts have traditionally focused on whether a project serves the public in the abstract, without examining how its benefits and burdens are distributed. The Court must ask not only whether the project serves the public, but which public is served and which public is burdened. This allows the court to examine whether the distribution of benefits and burdens is reasonable, and whether the project perpetuates or mitigates existing inequalities. To maintain a legitimate public purpose, the court must ask, before acquisition, whether the State has considered alternative sites, whether public or degraded land could have been used, whether the project design could be modified to reduce displacement, and whether the scale of acquisition exceeds the demonstrable public need. This is necessary to ensure that the State has acted reasonably and that the deprivation of property is proportionate to the public benefit. A further requirement is procedural fairness. The Court has recently emphasised that Article 300A requires the deprivation of property to follow a fair, reasoned and lawful process. In this light,

⁴⁷ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, §§ 2(1), 3(z) (India).

‘public purpose’ is increasingly treated as a constitutional obligation rather than merely an administrative label.

X. CONCLUSION

The judicial history of ‘public purpose’ reveals an understanding of it as an ‘elastic expression’ incapable of precise definition. The legislation maintained a procedural distinction between acquisition for a ‘public purpose’ and acquisition for a company, but that distinction was blurred over time. The reforms brought by the LARR Act, 2013 have tried to address many of these questions. However, the statutory concept remains influenced by a dominant developmental model, and vague judicial interpretation has created an internal tension within the statute. To give the concept coherence, the courts must, while interpreting ‘public purpose’, take account of the constitutional architecture of Article 300A, the statutory safeguards of the land acquisition regime, and the administrative-law principles of reasonableness, non-arbitrariness and proportionality.
