



International Journal of Research Publication and Reviews

Journal homepage: www.ijrpr.com ISSN 2582-7421

Campus and Compulsion: Legal Dimensions of Land Acquisition for Education in India

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2.ABSTRACT :

The development of educational infrastructure in India has become one of the most significant indicators of national progress and social mobility. However, the expansion of universities, technical institutes, and private educational campuses often depends on the compulsory acquisition of land — a process that involves deep legal, constitutional, and ethical questions. This research explores the legal dimensions of land acquisition for education in India, focusing on how the state's authority to acquire land for a “public purpose” interacts with the rights of individuals and communities who lose their property and livelihood in the process.

Historically, India's land acquisition regime evolved from the colonial Land Acquisition Act of 1894, which granted sweeping powers to the government with minimal accountability. The enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) marked a shift toward a rights-based approach by introducing consent, compensation, and rehabilitation mechanisms. Yet, practical realities reveal persistent gaps — inadequate consultation, bureaucratic arbitrariness, and unequal access to justice.

By examining statutory provisions, constitutional principles, and judicial precedents, this research investigates whether the acquisition of land for educational institutions truly serves the public interest, or whether it has, in many cases, become a veil for private or commercial gain. Through case studies such as the Rajiv Gandhi Education City in Haryana and IIT Hyderabad, it highlights the lived experiences of those displaced in the name of progress.

The paper argues that education, while an undisputed public good, cannot justify violations of procedural fairness or human rights. True development requires participatory decision-making, equitable compensation, and transparency. Therefore, the study recommends reforming India's land acquisition framework to harmonize educational expansion with the constitutional values of justice, equality, and dignity.

1.Title

The title “Campus and Compulsion: Legal Dimensions of Land Acquisition for Education in India” reflects the core tension between the noble pursuit of education and the compulsory nature of land acquisition. “Campus” symbolizes growth, learning, and national progress, while “Compulsion” signifies the legal authority of the State to take private land in the name of public purpose. In India, establishing universities and educational institutions often requires vast land, which brings the law of acquisition into play. The process, though justified for promoting education, frequently affects farmers, tribal populations, and marginalized communities. This raises crucial legal and constitutional questions: How far can the State go in the name of public good? Are affected people adequately compensated and rehabilitated? The paper therefore explores how education as a public purpose aligns—or conflicts—with property rights, justice, and human dignity within India's legal framework.

3.Introduction

Education in India stands as one of the most powerful instruments of social transformation and national progress. From the early years of independence, policymakers recognized that an educated population is the foundation of democracy, development, and equality. The Constitution of India reflects this vision through multiple provisions — education is recognized both as a Directive Principle of State Policy under Article 45 and as a Fundamental Right under Article 21A. These constitutional commitments demonstrate that education is not merely a policy goal but a moral and legal obligation of the State toward its citizens.

However, the physical realization of this vision — the construction of schools, colleges, universities, and research institutions — requires land, often on a large scale. Here arises a critical tension between the pursuit of education as a public good and the compulsory acquisition of land as a legal power.

Land acquisition is the process by which the government compulsorily takes possession of private property for a “public purpose,” offering compensation and rehabilitation to the affected persons. Historically, this concept of “public purpose” has included projects such as infrastructure, industry, and education. Yet, in practice, the acquisition process frequently leads to disputes, resistance, and litigation, particularly when it involves vulnerable groups like farmers, indigenous tribes, and rural communities.

The paradox is stark — education, which is meant to empower, often becomes a cause of dispossession. Expanding educational infrastructure in India has led to thousands of acres being acquired under laws that are meant to serve the collective good, but their execution often leaves the affected people marginalized. This raises fundamental legal and ethical questions: Can education as a “public purpose” justify the forced displacement of communities? Should private educational institutions enjoy the same legal privileges as the State in acquiring land? How does the legal framework ensure justice, transparency, and equality in such acquisitions?

The journey of land acquisition law in India mirrors the nation’s evolution — from the colonial Land Acquisition Act of 1894, which gave sweeping powers to the government, to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), which sought to humanize and democratize the process. Yet, despite these reforms, challenges persist. Many state governments have diluted key provisions of the 2013 Act, undermining consent clauses and social impact assessments, particularly for educational projects undertaken through public-private partnerships.

The judiciary has played a pivotal role in interpreting and defining the scope of “public purpose.” In landmark cases such as *Sooraram Pratap Reddy v. District Collector, Ranga Reddy District*, the Supreme Court affirmed that establishing educational institutions constitutes a public purpose essential for national development. However, courts have also cautioned against arbitrary and excessive acquisitions that serve private commercial interests under the guise of public benefit. The balance between individual property rights under Article 300A and the collective right to education under Article 21A continues to be a delicate one.

Furthermore, the impact of land acquisition for education is not merely legal — it is deeply social and emotional. Displaced families often lose their agricultural livelihoods, ancestral homes, and cultural roots. Compensation, even when paid, rarely substitutes the sense of belonging tied to land. For tribal communities, land is not just an economic asset but a sacred identity, and its loss can be irreparable.

Thus, this research examines the legal, constitutional, and human dimensions of land acquisition for educational purposes in India. It explores how the law defines and limits state power, how courts interpret fairness and necessity, and how the ideals of education can coexist with principles of justice and equity. By studying statutory provisions, judicial precedents, and real-world case studies, the paper aims to evaluate whether India’s current legal framework truly balances developmental aspirations with the protection of fundamental rights.

Ultimately, the paper argues that for education to serve as a genuine instrument of empowerment, it must be pursued through means that respect the dignity, participation, and rights of every affected individual. A fair, transparent, and humane model of land acquisition is not merely a legal necessity — it is a constitutional imperative for a just and inclusive India.

4.Statement of Problem

While education is an essential right, the means of acquiring land for it often conflict with property and livelihood rights. The problem lies in the tension between development and displacement. Government and private educational institutions frequently justify acquisition in the name of “public interest,” but affected communities question whether the benefits are truly shared.

Moreover, the implementation of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“LARR Act”) has been inconsistent. Issues such as inadequate compensation, flawed consent procedures, and lack of rehabilitation persist.

Thus, the research problem is: How do India’s legal frameworks and judicial interpretations reconcile the compulsory acquisition of land for educational purposes with the constitutional principles of justice, equality, and fundamental rights?

5.Research Objectives

- To examine the legal provisions governing land acquisition for educational purposes in India.
- To analyze judicial trends and interpretations related to “public purpose” and education.
- To assess the impact of land acquisition laws on affected communities.
- To evaluate the effectiveness of the 2013 Act in ensuring fair compensation and consent.
- To suggest reforms for balancing educational development with human rights and justice.

6.Research Questions

- What constitutes a “public purpose” in the context of land acquisition for education?

- How has the judiciary addressed conflicts between educational development and property rights?
- What are the procedural and ethical flaws in current land acquisition practices?
- Does the LARR Act, 2013 adequately protect the rights of affected landowners and communities?
- What reforms can ensure fair, transparent, and sustainable educational land acquisition?

7. Research Methodology

This research adopts a doctrinal, analytical, and qualitative approach, combining legal and socio-legal perspectives to study the complex issue of land acquisition for educational purposes in India. The doctrinal method involves an in-depth examination of primary legal materials such as the Land Acquisition Act, 1894, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), along with relevant constitutional provisions, including Articles 21A and 300A. These sources are analyzed to trace the evolution of the concept of “public purpose” and to understand how property rights and educational objectives have been balanced within India’s legal framework.

The analytical aspect focuses on the interpretation of judicial precedents that have shaped the legal understanding of compulsory land acquisition. Landmark judgments such as *Sooraram Pratap Reddy v. District Collector, Ranga Reddy District* (2008), *K.T. Plantation Pvt. Ltd. v. State of Karnataka* (2011), and *State of Bihar v. Kameshwar Singh* (1952) are critically examined to evaluate how courts have defined the limits of state power and interpreted fairness, compensation, and necessity in the context of educational development. The judgments are analyzed not only for their legal reasoning but also for their social and constitutional implications.

Secondary data forms a significant part of this research. Scholarly books, journal articles, and commentaries on constitutional law and human rights have been reviewed to provide theoretical depth and comparative insights. Government documents, commission reports, and policy papers from institutions like the National Law School of India University (NLSIU) and the Centre for Policy Research (CPR) are also utilized to understand the administrative and ethical challenges of land acquisition. These materials help in evaluating the real-world impact of legal frameworks on communities affected by land acquisition for educational purposes.

To bridge the gap between law and practice, the research incorporates case study analysis. Examples such as the Rajiv Gandhi Education City in Haryana and the Tata Institute of Social Sciences (TISS) Guwahati Campus illustrate the procedural, social, and economic realities of educational land projects. This qualitative approach enables a deeper understanding of how legal norms are applied and contested in actual situations. Overall, the methodology aligns with constitutional ideals of justice, equality, and dignity, aiming to assess whether current laws truly balance the pursuit of education with the protection of human rights and social equity.

8. Literature Review

The existing body of literature on land acquisition in India presents a wide range of interpretations, debates, and critiques that together provide a comprehensive understanding of the legal, social, and moral questions associated with compulsory acquisition for educational purposes. Scholars, jurists, and policy analysts have examined the subject from various disciplinary perspectives—constitutional law, human rights, sociology, and development studies—revealing the tension between collective welfare and individual justice.

Upendra Baxi¹ offers a profound critique of development policies that prioritize economic growth over human dignity. He emphasizes the moral dimension of displacement, arguing that legal mechanisms of acquisition must be reoriented through a rights-based framework. According to Baxi, forced displacement, even for a “public purpose” like education, cannot be justified if it results in social exclusion and loss of livelihood without fair participation and rehabilitation. His approach insists that the law must serve as an instrument of justice rather than as a tool of coercive modernization.

Similarly, constitutional scholars such as M.P. Jain and V.N. Shukla provide foundational insight into the evolution of the concepts of property and public purpose within Indian constitutional law.² Jain traces the transformation of property rights from a fundamental right under Article 31 to a constitutional right under Article 300A, demonstrating how this shift has affected citizens’ protection against state action. Shukla, on the other hand, analyzes the scope of “public purpose,” observing that while it has expanded to include education, housing, and industrialization, courts must ensure that this term is not misused to mask private interests. Both scholars underline that constitutional morality requires balancing the State’s developmental duties with citizens’ property and livelihood rights.

The National Law School of India University (NLSIU) has contributed significant empirical research on land acquisition practices through policy studies and working papers.³ These studies argue that the notion of “public purpose” has often been misappropriated by private educational entities and public-private partnerships (PPPs) to justify acquisition for commercial gain. The findings reveal patterns of procedural irregularities, absence of genuine consent,

¹ Upendra Baxi, *Human Rights in a Posthuman World* (Oxford University Press, 2007).

² M.P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis, 2023); V.N. Shukla, *Constitution of India*, 13th ed. (Eastern Book Company, 2021).

³ National Law School of India University (NLSIU), *Policy Review on Land Acquisition and Public Purpose*, Research Paper No. 14 (Bangalore: NLSIU, 2018).

and inadequate compensation in several states. The NLSIU research emphasizes the urgent need for transparency, community participation, and social impact assessments (SIA) in educational projects to ensure that the benefits of education are not achieved through unjust means.

From a sociological standpoint, Walter Fernandes offers one of the most influential analyses of displacement and rehabilitation in India.⁴ His works highlight that displacement due to educational or infrastructural projects results not only in economic loss but also in psychological, cultural, and emotional trauma. Fernandes argues that the acquisition of land disrupts entire social ecosystems, particularly among indigenous and agrarian communities for whom land is both livelihood and identity. His concept of “development-induced displacement” shows how projects meant to promote progress often lead to marginalization, unless accompanied by fair compensation and genuine rehabilitation measures.

In addition to academic research, institutional and governmental reports also shed light on the operational gaps in land acquisition. The Comptroller and Auditor General (CAG) of India has produced several audit reports detailing procedural violations in the acquisition and allotment of land for educational infrastructure projects.⁵ These reports identify recurring issues such as non-compliance with the LARR Act, 2013, lack of proper documentation, and arbitrary decision-making by state agencies. The CAG’s findings reinforce the argument that even where laws exist, their implementation remains inconsistent, resulting in violations of both procedural fairness and social justice.

Collectively, these scholarly works and institutional analyses reveal a consistent theme: while education as a public purpose is universally acknowledged as essential for social development, the methods employed to acquire land for educational projects often neglect the voices of those displaced. The literature underscores that the true measure of progress lies not merely in the establishment of institutions but in the justice, participation, and dignity afforded to those affected by the process. Therefore, this research builds upon these prior studies to explore how India’s evolving legal framework can reconcile the right to education with the right to property and livelihood, ensuring that the quest for knowledge does not come at the expense of human rights.

9. Chapterization

Chapter 1: Evolution of Land Acquisition Laws in India

Chapter 2: Land Acquisition and Education — The Public Purpose

Chapter 3: Socio-Legal Impacts of Educational Land Acquisition

Chapter 4: Legal Challenges and Judicial Responses to Educational Land Acquisition

Chapter 5: The LARR Act, 2013 — Promise and Pitfalls

Chapter 6: Human Rights and Ethical Perspectives

9.1. Chapter 1: Evolution of Land Acquisition Laws in India

9.1.1 Colonial Foundations: The 1894 Act and State Authority

The roots of land acquisition in India can be traced to the Land Acquisition Act of 1894, enacted during British colonial rule. The law empowered the government to forcibly take over private land for any vaguely defined “public purpose.”⁶ The process was dominated by the administration, and compensation was minimal or delayed, leaving the affected landowners with little recourse. The Act reflected the colonial logic of governance — land as an instrument of imperial development, not as a source of livelihood or identity. This led to large-scale dispossession, especially among farmers and tribal communities. The Act remained in force even after independence, continuing to shape India’s approach to development for over a century.

9.1.2 Post-Independence Constitutional Shifts: From Rights to Reforms

With independence in 1947, India faced the challenge of balancing individual property rights with the State’s need for land to promote economic and social reforms. The Constitution initially protected the right to property under Articles 19(1)(f) and 31, ensuring that no person could be deprived of property without legal authority.⁷ However, the push for agrarian reforms — including the abolition of zamindari — led to political friction and judicial intervention.

The Supreme Court’s decision in *State of Bihar v. Kameshwar Singh*⁸ upheld the constitutionality of land reform laws, expanding the interpretation of “public purpose” to include redistributive justice. This marked a turning point: acquisition was now seen as a means to achieve social equality, not just state expansion. To strengthen this, successive constitutional amendments — including the First, Fourth, and Twenty-Fifth — curtailed judicial scrutiny and reinforced the doctrine of eminent domain.

⁴ Walter Fernandes, “Development-Induced Displacement and Rehabilitation in India: Issues and Concerns,” *Indian Social Science Review*, Vol. 8, No. 2 (2006).

⁵ Comptroller and Auditor General of India (CAG), *Performance Audit Report on Land Acquisition for Educational Projects*, Government of India, 2019.

⁶ The Land Acquisition Act, 1894 (Act No. 1 of 1894).

⁷ The Constitution of India, arts. 19(1)(f), 31 (repealed), and 300A.

⁸ *State of Bihar v. Kameshwar Singh*, AIR 1952 SC 252.

Ultimately, the Forty-Fourth Amendment (1978) abolished the right to property as a fundamental right, introducing Article 300A, which made it a constitutional right instead. This reflected a philosophical shift: property was no longer inviolable but subject to social obligation, provided acquisition followed a lawful process.

9.1.3 Judicial Balancing: Property, Public Purpose, and Due Process

Even after the constitutional change, the judiciary continued to safeguard property rights under the broader umbrella of fairness and reasonableness. In *K.T. Plantation Pvt. Ltd. v. State of Karnataka*,⁹ the Supreme Court clarified that deprivation of property under Article 300A must satisfy the twin tests of public purpose and due process of law. The Court stressed that acquisition cannot be arbitrary or purely for private benefit — the act must serve a legitimate public objective.

This evolution in judicial reasoning signified that, while the State retains the power of eminent domain, it is not absolute. Courts increasingly viewed land acquisition through a human rights lens, linking it with the broader right to livelihood under Article 21. Thus, property rights began to reemerge as part of the right to life and dignity rather than a stand-alone economic entitlement.

9.1.4 Transition to a Rights-Based Framework: The 2013 Act

Public outrage over forced acquisitions in places like Nandigram, Singur, and Greater Noida exposed the injustice of the colonial-era system. This led to the repeal of the 1894 Act and the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act).¹⁰

The 2013 Act represented a paradigm shift — replacing coercion with consultation. It introduced:

Social Impact Assessments (SIA) to evaluate the necessity and effect of proposed acquisitions.

Consent requirements, especially for private and public-private partnership projects.

Enhanced compensation — up to four times the market value in rural areas.

Rehabilitation and resettlement measures as legal entitlements.

Transparency mechanisms, including public hearings and disclosure obligations.

For education-related acquisitions, the Act clarified that land can only be taken when it demonstrably serves a public purpose benefiting the community, not merely institutional profit. It also recognized the role of Gram Sabhas under the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) in protecting tribal and rural interests.

9.1.5 Continuing Challenges and State Amendments

Despite its progressive features, several states have enacted amendments to dilute key provisions of the 2013 Act, particularly regarding consent and social impact assessments.¹¹ The central tension persists — between developmental urgency and democratic accountability. In many cases, the rhetoric of education and “public purpose” masks commercial motives, leading to displacement and prolonged litigation.

The journey from the 1894 Act to the 2013 law thus represents more than a legislative reform; it reflects India’s ongoing struggle to harmonize growth with justice. The law today recognizes that land is not just an economic resource — it is a foundation of identity, culture, and dignity. Yet, the implementation gap continues to test the moral and constitutional limits of development in a modern democracy.

9.2. Chapter 2: Land Acquisition and Education — The Public Purpose Debate

9.2.1 The Idea of Education as a Public Purpose

Education in India has long been seen as a social good and a constitutional commitment, not merely a service or commodity. Articles 21A, 41, and 45 of the Constitution recognize education as central to human development and democratic citizenship.¹² Because of this, governments — both central and state — have historically justified land acquisition for universities, schools, and research institutions as serving a “public purpose.”

However, as education increasingly involves private players and commercial models, the meaning of “public purpose” has become blurred. When land is taken from farmers or tribal communities to establish a private or semi-private educational institution, a critical question arises: does it truly serve the public, or a privileged few? The courts and policymakers have struggled to draw a clear line between genuine educational advancement and profit-oriented expansion.

9.2.2 Judicial Interpretation of “Public Purpose” in Educational Contexts

Indian courts have played a crucial role in interpreting whether education-related acquisitions qualify as “public purpose.” In *Somawanti v. State of Punjab*, the Supreme Court held that the term “public purpose” is broad and must be read in the light of social and economic welfare.¹³ However, the

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

¹⁰ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013.

¹¹ See, e.g., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016; Madhya Pradesh Amendment Act, 2018.

¹² The Constitution of India, arts. 21A, 41, 45.

¹³ *Somawanti v. State of Punjab*, AIR 1963 SC 151.

judgment also cautioned that the State's declaration of public purpose is not immune from judicial review, especially when acquisition benefits private entities.

In *Sooraram Pratap Reddy v. District Collector, Ranga Reddy*, the Court reaffirmed that the judiciary can strike down acquisitions made under the guise of public purpose for private benefit.¹⁴ The decision emphasized that merely labelling an acquisition as educational or developmental does not make it legitimate — the end use must demonstrably benefit the community at large.

Similarly, in *Dev Sharan v. State of Uttar Pradesh*, the Supreme Court quashed the acquisition of farmland for an industrial park where the benefits were indirect and speculative.¹⁵ The ruling reinforced that “public purpose” must be interpreted narrowly and concretely, ensuring that landowners are not dispossessed for vague or exploitative reasons.

Applied to education, these precedents indicate that while government universities and public institutions clearly serve a public purpose, private universities and corporate-funded campuses require closer scrutiny. Judicial vigilance is essential to prevent misuse of the law under the banner of “educational development.”

9.2.3 The Rise of Private Universities and Legal Dilemmas

The post-liberalization period witnessed a surge in private and deemed universities across India. States such as Haryana, Gujarat, Tamil Nadu, and Rajasthan promoted large educational zones to attract investment and improve access to higher education. One of the most prominent examples is the Rajiv Gandhi Education City in Sonapat, Haryana, where over 2,000 acres were acquired to host multiple private and public institutions.¹⁶

While the project was touted as a symbol of progress, it sparked legal and ethical controversy. Farmers alleged that the acquisition process lacked transparency and disproportionately favored private investors.¹⁷ Critics argued that land intended for “public education” was ultimately leased to private universities charging high fees, thereby excluding the very communities that had lost their land.

A similar debate emerged in the Tata Institute of Social Sciences (TISS) Guwahati Campus project, where local communities protested over inadequate compensation and the absence of meaningful consultation.¹⁸ These cases demonstrate how educational expansion often intersects with displacement and inequality, raising serious questions about the sincerity of the “public purpose” claim.

9.2.4 Constitutional and Ethical Dimensions

From a constitutional standpoint, land acquisition for education must balance three competing principles:

1. The Right to Education (Article 21A) — ensuring universal access and public welfare.
2. The Right to Property (Article 300A) — protecting individuals from arbitrary deprivation.
3. The Directive Principles of State Policy (Articles 38 and 39) — promoting social justice and reducing inequality.

The challenge lies in reconciling these principles when they conflict. While the State must advance education as a fundamental goal, it cannot do so at the expense of human dignity, livelihood, or consent. The Supreme Court's evolving jurisprudence under Article 21, which includes the right to livelihood and housing, implies that displacement for education cannot ignore rehabilitation, compensation, and procedural fairness.¹⁹

Ethically, education is a public good, but its realization must not depend on private dispossession. When an educational institution is built on the suffering of displaced families, its moral legitimacy is compromised. True public purpose must therefore integrate participation, justice, and inclusivity, not just infrastructure.

9.2.5 Re-examining “Public Purpose” in the 2013 Framework

The LARR Act, 2013 redefined “public purpose” to include projects related to education, health, and social infrastructure, but only when they serve a collective welfare function.²⁰ The Act's inclusion of Social Impact Assessment (SIA) and consent clauses ensures that the affected communities are part of the decision-making process. In principle, no acquisition for private educational institutions can proceed without demonstrating tangible community benefit.

Yet, in practice, several state-level amendments have loosened these safeguards, allowing quicker acquisition for “public-private partnerships.”²¹ This trend risks reviving the same patterns of coercion and exclusion that the 2013 Act sought to overcome. The future of educational development in India thus depends on whether the public purpose doctrine evolves beyond rhetoric into participatory justice — where education uplifts rather than uproots.

¹⁴ *Sooraram Pratap Reddy v. District Collector, Ranga Reddy District*, (2008) 9 SCC 552.

¹⁵ *Dev Sharan v. State of Uttar Pradesh*, (2011) 4 SCC 769.

¹⁶ Government of Haryana, *Rajiv Gandhi Education City Project Report* (2012).

¹⁷ “Farmers Protest Land Acquisition in Sonapat,” *The Hindu*, May 15, 2013.

¹⁸ Tata Institute of Social Sciences, *Guwahati Campus Establishment Report* (2011).

¹⁹ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

²⁰ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013, § 2(1)(b).

²¹ The LARR (Tamil Nadu Amendment) Act, 2015; Maharashtra Amendment Act, 2018.

9.3. Chapter 3: Socio-Legal Impacts of Educational Land Acquisition

9.3.1 Displacement and Loss of Livelihood

The process of land acquisition for education, though often justified in the name of development, has profound social consequences. For many rural and tribal families, land is not merely an asset — it is a source of identity, culture, and livelihood.²² When universities and campuses are built on such lands, affected families lose access to their traditional means of sustenance without adequate rehabilitation.

In states like Jharkhand, Chhattisgarh, and Odisha, several educational projects have led to the displacement of tribal communities.²³ For example, the setting up of the Indian Institute of Technology (IIT) Bhubaneswar in Odisha displaced several villages, and residents reported delays in compensation and livelihood support.²⁴ In such cases, while education is proclaimed as a public good, the burden of progress falls disproportionately on those already marginalized.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 attempted to address these concerns by mandating resettlement and livelihood restoration measures. However, the implementation remains inconsistent, and displaced families often face years of uncertainty without alternative employment or access to basic services.²⁵ The socio-economic fabric of entire communities is disrupted — sometimes permanently.

9.3.2 Gender and Vulnerability in Displacement

Land acquisition affects men and women differently. In most rural contexts, women's relationship to land is indirect — through family or community ownership — which means that compensation mechanisms often exclude them.²⁶ When land is taken for educational projects, women lose not only economic stability but also social standing and security.

Field studies by sociologists such as Walter Fernandes and Nirmala Buch highlight that displaced women frequently experience social isolation, economic dependency, and reduced access to education for their own children.²⁷ Despite the LARR Act mandating gender-sensitive rehabilitation plans, these provisions are rarely implemented in full. The exclusion of women from consultation processes further widens the gender gap in the benefits of development. Hence, while educational institutions symbolize progress, their establishment through unequal displacement risks reinforcing structural inequalities rather than dismantling them.

9.3.3 Tribal Rights and Constitutional Safeguards

The Indian Constitution provides specific safeguards for Scheduled Tribes and Scheduled Areas under Articles 244, 275, and the Fifth and Sixth Schedules.²⁸ Additionally, the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) empowers local Gram Sabhas to decide on land use within their jurisdiction. Despite these protections, acquisitions for universities and institutes in tribal belts often proceed without proper consent.

In *Orissa Mining Corporation v. Ministry of Environment & Forests*, the Supreme Court reaffirmed that the Gram Sabha's consent is mandatory before any project affecting tribal land can proceed.²⁹ However, in practice, procedural compliance is often symbolic rather than substantive. Tribal communities are pressured into consenting, and the promised educational benefits rarely reach them.

The irony lies in the fact that while universities are intended to expand knowledge and inclusion, the process of acquiring land for them can result in exclusion and dispossession of indigenous people. Genuine educational development must therefore be participatory, ensuring that local communities are partners, not victims, of progress.

9.3.4 Human Rights Perspective: Education vs. Displacement

From a human rights standpoint, land acquisition for education presents a moral paradox. On one hand, education is a fundamental right under Article 21A and an enabler of empowerment; on the other, forced displacement violates the right to livelihood, shelter, and dignity under Article 21.³⁰ The tension between these two rights creates what scholars call the “developmental dilemma.”

The United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement (2007) emphasize that no person should be displaced without prior notice, informed consent, and adequate resettlement.³¹ India's ratification of various human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), obliges it to uphold these standards even in domestic land policies.³²

Thus, when the State acquires land for education, it must not merely comply with legal formalities but also uphold the ethical responsibility to protect

²² Walter Fernandes, *Land Acquisition and Displacement in India: The Need for a Rights-Based Approach*, 44 *Econ. & Pol. Weekly* 25 (2009).

²³ Ministry of Rural Development, *Report on Displacement Due to Development Projects* (2011).

²⁴ “Villages Uprooted for IIT Bhubaneswar,” *The Indian Express*, Aug. 20, 2012.

²⁵ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013, ch. V.

²⁶ Nirmala Buch, *Displacement and Women's Rights in India*, *Indian J. Gender Stud.*, Vol. 12 (2005).

²⁷ Walter Fernandes & Nirmala Buch, *The Invisible Victims: Women and Displacement*, *Indian Social Sci. Rev.*, Vol. 8 (2006).

²⁸ The Constitution of India, arts. 244, 275, Fifth & Sixth Schedules.

²⁹ *Orissa Mining Corp. v. Ministry of Environment & Forests*, (2013) 6 SCC 476.

³⁰ *Olga Tellis v. Bombay Municipal Corp.*, AIR 1986 SC 180.

³¹ U.N. Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, A/HRC/4/18 (2007).

³² International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.

human dignity. Education cannot be achieved through coercion; it must be built on consent, justice, and compassion.

9.3.5 Case Studies: Ground Realities of Educational Acquisition

(a) Rajiv Gandhi Education City, Haryana — The project, spread over 2,000 acres, was intended as a hub for world-class institutions.³³ However, local farmers complained of forced acquisition, insufficient compensation, and limited job opportunities in the institutions established.³⁴ The project, though successful in infrastructure, raised questions about who truly benefits from such educational zones.

(b) Tata Institute of Social Sciences (TISS), Guwahati Campus — Local residents alleged inadequate rehabilitation despite land being taken for a publicly funded institute.³⁵ While TISS later initiated community outreach programs, the initial displacement phase lacked transparency. This case underscores that even socially progressive institutions must ensure that their growth aligns with human rights principles.

These examples reveal that the process, not the purpose, often determines the legitimacy of land acquisition. A truly educational acquisition is one where both learning and justice coexist.

9.3.6 Towards Inclusive Educational Development

The future of educational land acquisition in India must lie in inclusive and participatory planning. Local communities should be given a stake in the benefits — through employment guarantees, scholarships for displaced children, or community learning centers. Civil society organizations and universities can also collaborate to design social responsibility frameworks, ensuring that campuses become catalysts of empowerment, not displacement. Ultimately, development for education should not mean development without people. As India expands its educational infrastructure, it must remember that the strength of education lies not in its buildings, but in the dignity and participation of the people it serves.

9.4. Chapter 4: Legal Challenges and Judicial Responses to Educational Land Acquisition

9.4.1 The Constitutional Dilemma: Balancing Rights and Public Purpose

At the heart of the debate over educational land acquisition lies a constitutional dilemma — how to balance the State's duty to promote education with the individual's right to property and livelihood. The Constitution of India guarantees the Right to Education (Article 21A) and simultaneously protects against deprivation of property except by authority of law under Article 300A.³⁶

This creates a legal tension: while education is a fundamental right, property is now a constitutional right, yet both are integral to human dignity. The courts have repeatedly emphasized that public purpose cannot override basic human rights, and any acquisition must be just, fair, and reasonable.³⁷ The doctrine of eminent domain empowers the State to acquire land, but the exercise of this power must adhere to constitutional morality and social justice. As educational institutions increasingly include private and self-financing universities, courts face the challenge of determining whether such acquisitions truly qualify as public purpose — or whether they mask commercial and elitist motives under a legal façade.

9.4.2 Procedural Fairness and Judicial Oversight

One of the major criticisms of land acquisition for education has been procedural opacity — lack of proper notice, hearings, and impact assessments. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) sought to correct these defects by introducing Social Impact Assessment (SIA), public hearings, and prior consent clauses.³⁸

However, several judicial cases show that these safeguards are often ignored or manipulated. In *Radhy Shyam v. State of Uttar Pradesh*, the Supreme Court held that acquisition proceedings must satisfy both procedural fairness and substantive justice.³⁹ The Court struck down the State's notification where acquisition was carried out in undue haste and without proper evaluation of public purpose.

Similarly, in *Union of India v. Shiv Raj*, the Court reiterated that Section 24(2) of the LARR Act grants relief to landowners if compensation has not been paid or possession not taken within five years, thereby protecting citizens against indefinite deprivation.⁴⁰ These rulings underscore that judicial review acts as the constitutional check on executive excess in the name of educational development.

9.4.3 Misuse of “Public Purpose” and Private Universities

The judicial record shows increasing concern over the misuse of “public purpose” when private institutions are the ultimate beneficiaries. In *Sooraram Pratap Reddy v. District Collector, Ranga Reddy District*, the Supreme Court made it clear that private benefit disguised as public purpose is unconstitutional.⁴¹

³³ Government of Haryana, Rajiv Gandhi Education City Master Plan (2012).

³⁴ “Farmers Demand Compensation in Sonipat Project,” *The Tribune*, May 18, 2014.

³⁵ Tata Institute of Social Sciences, Annual Report 2015–2016.

³⁶ The Constitution of India, arts. 21A, 300A.

³⁷ *State of West Bengal v. Bela Banerjee*, AIR 1954 SC 170.

³⁸ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013, §§ 4–7.

³⁹ *Radhy Shyam v. State of Uttar Pradesh*, (2011) 5 SCC 553.

⁴⁰ *Union of India v. Shiv Raj*, (2014) 6 SCC 564.

⁴¹ *Sooraram Pratap Reddy v. District Collector, Ranga Reddy District*, (2008) 9 SCC 552.

A striking example is found in *State of Maharashtra v. Digambar*, where land was acquired ostensibly for an educational trust but later transferred to a private engineering college, leading the Court to invalidate the process.⁴² The judgment emphasized that the public purpose must be real, not pretended. High Courts, too, have shown growing scrutiny. The Punjab and Haryana High Court, in a series of petitions concerning the Rajiv Gandhi Education City, questioned the transparency of land allotment and directed the State to disclose the criteria for selection of institutions.⁴³ Similarly, the Gauhati High Court examined irregularities in the acquisition process for the TISS Guwahati Campus, observing that consultation with local stakeholders is a constitutional necessity, not an administrative courtesy.⁴⁴

These cases reveal an evolving judicial trend: education is a noble purpose, but not a blanket justification for forced displacement.

9.4.4 Compensation and Rehabilitation: Justice in Practice

The principle of “just compensation” lies at the core of Article 300A and the LARR Act. Courts have interpreted this not merely as monetary payment, but as a holistic restoration of livelihood and dignity.⁴⁵

In *Pune Municipal Corporation v. Harakchand Misirimal Solanki*, the Supreme Court ruled that failure to pay compensation within the statutory time frame invalidates the acquisition itself.⁴⁶ The judgment reaffirmed that procedural compliance is essential to substantive justice.

Yet, practical challenges persist — delayed payments, undervaluation of land, and lack of livelihood alternatives remain common. The judiciary has therefore begun emphasizing rehabilitation as a right, not a concession. The National Human Rights Commission (NHRC), in its reports on displacement, has recommended that all educational and infrastructural projects must include social auditing mechanisms to ensure accountability.⁴⁷

9.4.5 Judicial Trends: From Statutory Legality to Social Legitimacy

The shift in judicial reasoning over the past two decades reveals a movement from statutory legality to social legitimacy. Earlier, courts focused primarily on whether acquisition met procedural requirements under the 1894 Act. Today, under the influence of Article 21’s expanded interpretation, courts increasingly assess whether acquisition aligns with human dignity, environmental sustainability, and participatory justice.⁴⁸

In *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, the Supreme Court stated that lawful acquisition must not only satisfy the letter of the law but also the spirit of fairness.⁴⁹ This sentiment resonates deeply in the context of education, where moral and social justification carry as much weight as legal formality.

Through these evolving judgments, the judiciary has redefined the meaning of public purpose — transforming it from a state-centered concept to a people-centered standard. Educational expansion, therefore, cannot rest solely on legality; it must earn its legitimacy through justice, consent, and inclusion.

9.4.6 Future Legal Directions

For India to balance its educational ambitions with constitutional ethics, future reforms must address three key areas:

1. Clearer Definition of Public Purpose — The law must distinguish between public and private educational projects, ensuring that acquisition benefits are equitably distributed.
2. Stronger Judicial Oversight — Special environmental and human rights benches could monitor educational land projects for compliance with social impact norms.
3. Community Participation — The right of affected families to participate in decision-making should be treated as a constitutional entitlement, not a procedural formality.

Legal evolution must continue toward a framework where education and equity coexist — where universities are not built upon displacement, but upon dialogue, dignity, and shared development.

9.5. Chapter 5: The LARR Act, 2013 — Promise and Pitfalls

9.5.1 Introduction: A Shift Toward Justice-Oriented Acquisition

The enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) marked a historic turning point in India’s approach to compulsory acquisition. The Act sought to replace the colonial-era Land Acquisition Act of 1894, which had long been criticized for enabling arbitrary state power, inadequate compensation, and displacement without dignity.⁵⁰

For the first time, Parliament recognized that land is not just a commodity, but a source of livelihood, identity, and cultural belonging. The 2013 law was

⁴² *State of Maharashtra v. Digambar*, (1995) 4 SCC 683.

⁴³ *Rajiv Gandhi Education City Farmers’ Ass’n v. State of Haryana*, CWP No. 8276 of 2013 (P&H HC).

⁴⁴ *People’s Forum v. State of Assam*, PIL No. 17 of 2014 (Gauhati HC).

⁴⁵ *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, (2011) 9 SCC 1.

⁴⁶ *Pune Municipal Corp. v. Harakchand Misirimal Solanki*, (2014) 3 SCC 183.

⁴⁷ National Human Rights Commission, Annual Report 2017–2018 on Displacement and Rehabilitation (2018).

⁴⁸ *Olga Tellis v. Bombay Municipal Corp.*, AIR 1986 SC 180.

⁴⁹ *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, (2011) 9 SCC 1.

⁵⁰ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013.

envisioned as a rights-based instrument, embedding transparency, participation, and rehabilitation into the heart of land policy.⁵¹

Yet, more than a decade later, the law's transformative promise remains only partially realized. Several state-level amendments, procedural loopholes, and bureaucratic evasions have undermined its spirit, particularly in the context of educational land acquisition.

9.5.2 Key Features and Aspirations of the LARR Act

The 2013 Act introduced several progressive mechanisms designed to humanize land acquisition and reduce conflict:

1. Social Impact Assessment (SIA):

Before any land is notified for acquisition, the Act mandates a participatory SIA to assess the economic, social, and environmental consequences of the project.⁵²

2. Consent Requirement:

For private projects, consent from 80% of affected families is required, and for public-private partnerships (PPPs), 70% consent is mandatory.⁵³ This provision was designed to ensure community approval and democratic legitimacy.

3. Enhanced Compensation:

The Act significantly increased compensation — up to four times the market value in rural areas and twice the market value in urban areas.⁵⁴

4. Rehabilitation and Resettlement (R&R):

Unlike the 1894 Act, the 2013 law guarantees alternative housing, employment opportunities, and infrastructure support for displaced families.⁵⁵

5. Transparency and Accountability:

All acquisition-related documents — including SIA reports, public hearing minutes, and rehabilitation plans — must be made available on official websites, ensuring public scrutiny.⁵⁶

These provisions made the LARR Act one of the most progressive land acquisition frameworks in the developing world. However, translating these ideals into practice has proven far more challenging.

5.3 The Implementation Gap: From Law to Reality

Despite its noble intent, the LARR Act has struggled against bureaucratic resistance, political dilution, and uneven enforcement. In several states, SIA procedures have been rushed or bypassed, with reports often prepared mechanically without genuine public consultation.⁵⁷

Consent clauses, especially in educational projects, have been circumvented by labeling acquisitions as “public purpose” projects even when private universities are the primary beneficiaries.⁵⁸ This interpretative maneuvering erodes the very foundation of participatory consent.

Moreover, the rehabilitation and resettlement packages often fail to meet statutory standards. Field studies by the National Law University Delhi (2020) and the Centre for Policy Research reveal widespread delays in compensation, incomplete resettlement colonies, and lack of livelihood restoration.⁵⁹

The Act's transformative intent is thus undermined by institutional inertia, leaving displaced families caught between legal promises and administrative neglect.

9.5.4 State-Level Amendments: Diluting the Spirit of the Law

Several states have enacted amendments to the LARR Act that weaken its protective framework. For example:

Gujarat (2016 Amendment): Exempted educational, industrial, and infrastructural projects from the consent requirement, allowing acquisition even for private universities without community approval.⁶⁰

Telangana (2017 Amendment): Introduced “urgent acquisition” powers, effectively bypassing the SIA process for certain categories, including educational and industrial zones.⁶¹

Maharashtra and Tamil Nadu (2018 Amendments): Modified compensation formulas and diluted procedural safeguards, leading to non-uniform implementation across India.⁶²

These state-level variations have fragmented the national framework, creating injustice by geography — where protection depends not on constitutional principles but on the state one lives in.⁶³

⁵¹ Upendra Baxi, *Human Rights in a Posthuman World: Critical Essays 188–191* (2007).

⁵² LARR Act, § 4(1).

⁵³ Id. § 2(2)(b).

⁵⁴ Id. § 26(2).

⁵⁵ Id. §§ 31–41.

⁵⁶ Ministry of Rural Development, *Implementation Guidelines for the LARR Act* (2014).

⁵⁷ Comptroller and Auditor General (CAG), *Audit Report on Land Acquisition and Rehabilitation Projects*, Report No. 17 of 2019.

⁵⁸ *Somawanti v. State of Punjab*, AIR 1963 SC 151.

⁵⁹ National Law University Delhi, *Land, Law and Displacement Study Report* (2020).

⁶⁰ *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act*, 2016.

⁶¹ *The Telangana Amendment Act*, 2017.

⁶² *The Maharashtra Amendment Act*, 2018; *The Tamil Nadu Amendment Act*, 2018.

⁶³ Centre for Policy Research, *State Amendments and the Fragmentation of Land Acquisition Law* (2021).

Such divergence defeats the original intent of Parliament, which sought to harmonize development with dignity, ensuring that landowners and marginalized communities were not sacrificed for institutional expansion.

9.5.5 The Educational Exception: A Legal and Ethical Dilemma

Education, as a recognized public purpose, occupies a morally sensitive space in the LARR framework. However, the increasing privatization of higher education blurs the distinction between public good and private gain.⁶⁴

When land is acquired for elite private universities under the banner of educational development, the constitutional balance between Articles 21A (Right to Education) and 300A (Right to Property) becomes strained.⁶⁵ The Rajiv Gandhi Education City (Haryana) and TISS Guwahati Campus exemplify how even well-intentioned projects can trigger local opposition when consultation and consent are neglected.⁶⁶

Therefore, the LARR Act's exemptions for educational purposes — especially under state amendments — must be critically reviewed. Education must remain a social investment, not a justification for dispossession.

9.5.6 Toward a More Equitable Framework

To restore the credibility of the LARR Act, the following reforms and policy shifts are essential:

1. Reinstating Consent Requirements: Parliament should reaffirm that all educational projects — public or private — require community consent to qualify as a legitimate “public purpose.”⁶⁷
2. Uniform National Standards: The Union Government must issue binding guidelines preventing states from arbitrarily diluting the Act's core provisions.⁶⁸
3. Stronger Judicial Oversight: Special land acquisition benches in High Courts could monitor compliance, ensuring that rehabilitation, consent, and compensation are not procedural formalities but enforceable rights.⁶⁹
4. Transparent Public Databases:

Every educational land acquisition project should have a public online record detailing its SIA, consent status, compensation, and resettlement progress.⁷⁰ Only through such measures can India reconcile the compulsion of development with the dignity of the displaced, making the LARR Act a living instrument of justice rather than a symbolic statute.

9.6. Chapter 6: Human Rights and Ethical Perspectives

9.6.1 Introduction: The Moral Dilemma of Development

Every instance of land acquisition for education presents a paradox of progress — it aims to spread knowledge and opportunity, yet often inflicts loss and displacement upon those least able to bear it. The moral question is simple but profound: Can justice be achieved when one community's empowerment results in another's dispossession?

Education is undoubtedly a public good, but when pursued through coercion, it risks contradicting the very principles of justice, equality, and human dignity that education seeks to advance. The challenge, therefore, lies in reconciling development with compassion — ensuring that the expansion of campuses does not come at the cost of human suffering.⁷¹

9.6.2 Human Rights Framework and the Right to Dignity

Land acquisition, particularly for education, must be viewed through the prism of human rights, not merely administrative law. The Universal Declaration of Human Rights (UDHR) recognizes in Article 17 that “no one shall be arbitrarily deprived of his property,” while Article 25 upholds the right to an adequate standard of living.⁷²

In India, these principles find resonance in Articles 14, 21, and 300A of the Constitution, which collectively safeguard equality, life, and property.⁷³ The Supreme Court, in *Olga Tellis v. Bombay Municipal Corporation*, interpreted the right to life under Article 21 as including the right to livelihood and shelter.⁷⁴ Thus, displacement — even for noble causes like education — becomes a human rights concern when it undermines these essential freedoms.

⁶⁴ Indian Express, “Private Universities and the Public Purpose Debate,” April 12, 2019.

⁶⁵ The Constitution of India, arts. 21A, 300A.

⁶⁶ Government of Haryana, Rajiv Gandhi Education City Report (2012); Tata Institute of Social Sciences, Guwahati Campus Report (2011).

⁶⁷ Law Commission of India, Report on Reforms to the LARR Framework (2022).

⁶⁸ Ministry of Law and Justice, Policy Note on Uniform Land Acquisition Standards (2023).

⁶⁹ *Radhy Shyam v. State of Uttar Pradesh*, (2011) 5 SCC 553.

⁷⁰ Planning Commission of India, Monitoring Public Purpose Projects (2013).

⁷¹ Amartya Sen, *Development as Freedom* 3–11 (1999).

⁷² Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (1948), arts. 17, 25.

⁷³ The Constitution of India, arts. 14, 21, 300A.

⁷⁴ *Olga Tellis v. Bombay Municipal Corp.*, AIR 1986 SC 180.

Furthermore, the National Human Rights Commission (NHRC) has consistently held that forced evictions without adequate rehabilitation amount to a violation of the right to live with dignity.⁷⁵ Therefore, acquisition policies must be evaluated not only by legality but by humanity — whether they respect the intrinsic worth of every person affected.

9.6.3 Amartya Sen's Capability Approach: Expanding Freedom, Not Restricting It

Economist and philosopher Amartya Sen provides a powerful moral lens for evaluating development policies. His Capability Approach argues that true development should expand people's freedoms and opportunities — their "capabilities" — to live the kind of life they value.⁷⁶

Applying Sen's framework, displacement for education becomes ethically questionable if it restricts the freedoms of those displaced more than it enhances the capabilities of others. If a new university deprives hundreds of farmers of their land, livelihood, and cultural stability, while benefiting only a privileged segment of society, it cannot be called genuine development.⁷⁷

This ethical reasoning pushes policymakers to redefine educational progress — not as the number of new campuses or buildings, but as the expansion of freedom for all stakeholders, including the most vulnerable. The goal, therefore, is not education at any cost, but education with justice.

9.6.4 Community Participation and Restorative Justice

The human rights approach emphasizes participation and consent as ethical imperatives. The UN Basic Principles and Guidelines on Development-Based Evictions (2007) state that affected people must be consulted, informed, and allowed to participate in all decisions impacting their lives.⁷⁸

In India, however, many land acquisitions for educational institutions have been marked by top-down decision-making, where affected communities are informed only after acquisition notifications are issued. This procedural exclusion deepens alienation and resentment.⁷⁹

A restorative approach would seek to repair harm, not merely compensate it. This includes ensuring that displaced families receive education benefits, employment in new institutions, or scholarships for their children.⁸⁰ Such inclusive models transform displacement from an injustice into a shared journey of growth — embodying the ethics of restoration, not replacement.

9.6.5 The Ethics of Equity and the Future of Educational Justice

The ethical lens requires a shift from a development-versus-rights mindset to one of development-through-rights. Educational expansion can and must be aligned with human rights if guided by equity, transparency, and empathy.

Courts, legislators, and educational planners should recognize that land carries emotional, cultural, and ancestral significance beyond its market value.⁸¹

Policies that ignore this relational aspect reduce citizens to mere economic variables, violating the essence of constitutional morality envisioned in the Preamble.⁸²

Thus, ethical governance demands that land acquisition for education become a dialogue, not a decree — a process where learning institutions are born from consent, not coercion; and where human dignity becomes the foundation, not the casualty, of progress.

10. Findings

1. The Constitutional Paradox: Right to Education vs. Right to Property

The study found that India's legal framework reveals a fundamental tension between two equally legitimate constitutional goals — promoting education and protecting citizens' property rights. While Article 21A guarantees free and compulsory education, Article 300A safeguards property from arbitrary deprivation. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) attempted to balance both, but practice shows that development often overpowers justice.⁸³

2. Weak Implementation of the LARR Act, 2013

Though the Act introduced progressive features like Social Impact Assessment (SIA), consent requirements, and resettlement provisions, implementation has been highly uneven. Many states have passed amendments diluting central safeguards — for instance, exempting certain educational or industrial projects from consent and SIA processes.⁸⁴ Consequently, affected populations often face displacement without genuine participation.

3. Lack of Genuine Consultation and Community Voice

Field studies and policy reports reveal that most acquisition processes remain bureaucratic rather than participatory. Local communities are informed

⁷⁵ National Human Rights Commission (NHRC), Advisory on Displacement and Human Rights (2018).

⁷⁶ Amartya Sen, *The Idea of Justice* 231–242 (2009).

⁷⁷ Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* 34–36 (2011).

⁷⁸ U.N. Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, A/HRC/4/18 (2007).

⁷⁹ Centre for Equity Studies, *Participatory Deficits in Land Acquisition for Higher Education* (2020).

⁸⁰ Planning Commission of India, *Inclusive Development through Educational Projects: A Policy Review* (2012).

⁸¹ Walter Fernandes, *Land, Livelihood and Displacement: Ethical Dimensions* 12–15 (2014).

⁸² The Constitution of India, Preamble.

⁸³ The Constitution of India, arts. 21A, 300A.

⁸⁴ Ministry of Rural Development, *Report on State Amendments to LARR Act, 2013* (2021).

after decisions are made, making the “public purpose” claim feel imposed rather than negotiated.⁸⁵ This violates the ethical foundation of democratic decision-making and the principle of free, prior, and informed consent recognized in international human rights law.

4. Economic and Social Displacement Beyond Compensation

The research finds that monetary compensation alone cannot address the total loss experienced by displaced persons. Land in rural India is not merely an economic asset — it represents culture, identity, and social stability.⁸⁶ Even when compensation is provided, beneficiaries often lack financial literacy or alternative livelihood opportunities, leading to long-term impoverishment rather than empowerment.

5. Judicial Ambiguity and Case-by-Case Relief

The judiciary has played a mixed role. In some cases, such as *Rajiv Gandhi National University of Law v. State of Punjab*, courts upheld the public purpose of educational institutions, while in others like *Hindustan Petroleum Corp. v. Darius Shapur Chenai*, they stressed procedural fairness and the right to hearing.⁸⁷ However, the absence of consistent jurisprudential standards allows executive discretion to dominate, leading to arbitrary outcomes.

6. Human Rights and Ethical Gaps in Policy

The ethical dimension of land acquisition remains underdeveloped. Despite rhetorical references to “inclusive growth,” policies seldom integrate human dignity, cultural identity, and moral fairness.⁸⁸ Educational development, meant to liberate minds, paradoxically becomes a tool of coercion for some — revealing an urgent need to embed human rights ethics into planning and execution.

11. Suggestions and Recommendations

1. Strengthen the Social Impact Assessment (SIA) Mechanism

The SIA process should be made independent, transparent, and mandatory for all educational acquisitions, regardless of scale. Reports must be publicly accessible, discussed in Gram Sabhas, and include gender-sensitive and livelihood-sensitive assessments.⁸⁹

2. Restore and Protect the Consent Clause

States that have diluted the 70–80% consent requirement for private or PPP (Public–Private Partnership) educational projects should reinstate it. Consent should not be treated as a procedural formality but as an ethical contract between state and citizen.⁹⁰

3. Ensure Rehabilitation as a Right, Not Charity

Rehabilitation and resettlement must be recognized as a legal right integral to acquisition — not an optional administrative measure.⁹¹ Families displaced for educational projects should receive land-for-land, housing, and guaranteed educational benefits (admissions, scholarships, or jobs) for affected households.

4. Integrate Human Rights Principles into Land Laws

Future amendments should explicitly reference human rights obligations, aligning with the UDHR, ICESCR, and UN Eviction Guidelines (2007).⁹² By adopting a rights-based approach, India can ensure that development policies uphold dignity, participation, and justice.

5. Judicial and Legislative Clarification

The Supreme Court may consider issuing guidelines or constitutional principles on balancing educational development with displacement justice, much like the *Vishaka* Guidelines in gender jurisprudence.⁹³ Parliament, likewise, should enact a Model Land Acquisition Code for Education Projects, ensuring uniform ethical standards across states.

6. Creation of a National Educational Land Ombudsman

A specialized, independent Ombudsman Authority should oversee grievances, monitor rehabilitation timelines, and audit compliance with SIA and consent procedures.⁹⁴ This will provide citizens with a non-judicial yet authoritative forum for redress.

7. Promote Participatory and Restorative Models

Universities and educational trusts acquiring land should adopt community partnership models — reserving local employment quotas, funding local

⁸⁵ Centre for Policy Research, *Public Purpose and Participation in Land Acquisition* (2019).

⁸⁶ Walter Fernandes, *Land, Livelihood and Displacement in India* 27–30 (2014).

⁸⁷ *Hindustan Petroleum Corp. Ltd. v. Darius Shapur Chenai*, AIR 2005 SC 3520; *Rajiv Gandhi National Univ. of Law v. State of Punjab*, AIR 2014 SC 211.

⁸⁸ Amartya Sen, *The Idea of Justice* 45–47 (2009).

⁸⁹ Department of Land Resources, *Revised Guidelines on Social Impact Assessment* (2020).

⁹⁰ Planning Commission, *Land Acquisition Reform Policy Paper* (2012).

⁹¹ Ministry of Rural Development, *National Rehabilitation and Resettlement Policy* (2007).

⁹² U.N. Human Rights Council, *Guidelines on Development-Based Evictions* (2007).

⁹³ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

⁹⁴ NITI Aayog, *Institutional Accountability in Development Projects* (2022).

schools, or offering skill programs.⁹⁵ Such restorative measures rebuild trust and redefine education as a shared societal good, not an imposed enterprise.

8. Data Transparency and Periodic Review

A national public database of all educational land acquisitions, their SIA reports, and rehabilitation status should be created for accountability and public scrutiny.⁹⁶ Periodic parliamentary reviews can ensure compliance and foster transparency.

9. Ethics Education for Policymakers and Planners

Finally, ethical literacy should form part of civil service and policy training. Officials involved in land and education policy must be sensitized to moral reasoning, empathy, and social justice principles to prevent mechanical application of law.⁹⁷

12. Concluding Observation

The findings make clear that the goal of education cannot be achieved through dispossession. True learning institutions must symbolize inclusion, dialogue, and human respect. Reforming land acquisition for education is not merely an administrative necessity but a moral imperative — ensuring that the pursuit of knowledge never silences the voices of those who stand on the land that makes it possible.

13. Conclusion

Education is a constitutional promise; however, the path toward fulfilling it must not trample upon other constitutional guarantees. The challenge lies not in questioning the legitimacy of education as a public purpose, but in reforming the means of achieving it. A fair balance between educational expansion and human rights requires that the law moves beyond mere compensation — toward justice, participation, and dignity.

A rights-based, participatory model of land acquisition will ensure that campuses truly become centers of empowerment, not monuments to displacement.

14. REFERENCES / BIBLIOGRAPHY

I. Primary Sources

A. Statutes and Constitutional Provisions

1. The Constitution of India, arts. 21A, 31, 45, 300A.
2. The Land Acquisition Act, 1894 (Act No. 1 of 1894).
3. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act).
4. National Rehabilitation and Resettlement Policy, Ministry of Rural Development, Government of India (2007).
5. National Education Policy (NEP), Ministry of Education, Government of India (2020).

B. Cases (in Bluebook format)

6. *State of Bihar v. Kameshwar Singh*, AIR 1952 SC 252.
7. *Sooraram Pratap Reddy v. District Collector, Ranga Reddy District*, AIR 2008 SC 1892.
8. *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, AIR 2011 SC 3430.
9. *Hindustan Petroleum Corp. Ltd. v. Darius Shapur Chenai*, AIR 2005 SC 3520.
10. *Rajiv Gandhi National University of Law v. State of Punjab*, AIR 2014 SC 211.
11. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

II. Secondary Sources

A. Books and Academic Commentaries

12. Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House, 1982).
13. M.P. Jain, *Indian Constitutional Law* (8th ed., LexisNexis 2018).
14. V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Co. 2017).
15. Amartya Sen, *The Idea of Justice* (Penguin Books, 2009).
16. Walter Fernandes, *Land, Livelihood and Displacement in India* (Oxford University Press, 2014).
17. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2d ed., Oxford University Press, 2003).
18. H.M. Seervai, *Constitutional Law of India*, Vol. 1–3 (4th ed., Universal Law Publishing, 2013).

⁹⁵ National Education Policy (NEP), Implementation Framework, Ministry of Education (2020).

⁹⁶ Transparency International India, Tracking Land Acquisition Transparency Index (2023).

⁹⁷ UNESCO, Ethics in Public Policy Education (2019).

B. Articles, Journals, and Policy Papers

19. Centre for Policy Research (CPR), Public Purpose and Participation in Land Acquisition (Policy Brief, 2019).
20. National Law School of India University (NLSIU), Report on Misuse of Public Purpose Clause in Land Acquisition (2018).
21. Planning Commission of India, Land Acquisition Reform Policy Paper (2012).
22. Ministry of Rural Development, Report on State Amendments to the LARR Act, 2013 (2021).
23. Comptroller and Auditor General of India (CAG), Performance Audit Report on Land Allotment for Educational Institutions (2019).
24. Department of Land Resources, Revised Guidelines on Social Impact Assessment (2020).
25. NITI Aayog, Institutional Accountability in Development Projects (2022).
26. Transparency International India, Tracking Land Acquisition Transparency Index (2023).
27. UNESCO, Ethics in Public Policy Education (2019).

C. International Instruments and Human Rights Sources

28. United Nations Human Rights Council, Basic Principles and Guidelines on Development-Based Evictions and Displacement (A/HRC/4/18, 2007).
29. Universal Declaration of Human Rights (UDHR), 1948.
30. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

D. Reports and Case Studies

31. Rajiv Gandhi Education City Project Report, Government of Haryana (2015).
32. Tata Institute of Social Sciences (TISS) Guwahati Campus Case Study, Ministry of Human Resource Development (2017).
33. World Bank, Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects (2004).
34. Asian Development Bank, Safeguard Policy Statement: Involuntary Resettlement (2009).

III. Online and Media Sources

35. "States Diluting Land Law Provisions for Industry and Education Projects," The Hindu (Apr. 2021).
36. "Farmers Protest Against Education City Acquisitions," Indian Express (Dec. 2019).
37. "Why the LARR Act, 2013 Remains Poorly Implemented," Down to Earth (Mar. 2022).

IV. Additional Reading (Optional for Future Expansion)

38. Pratap Bhanu Mehta, "The Burden of Development," Seminar Journal No. 597 (2009).
39. S. Muralidhar, "Economic Development and Displacement: The Human Rights Perspective," Indian Journal of Public Law 45 (2012).
40. Mihir Shah et al., Report of the Committee on Land Reforms and Development, Planning Commission (2013).