

## EVALUATION OF LAND ACQUISITION PROCESS IN PAKISTAN & ITS IMPACT ON INTERESTED PARTIES

Muhammad Yar\*<sup>1</sup>, Dr. Qamarabad<sup>2</sup>

\*<sup>1</sup> Ph.D. Scholars, Department of Law, University of Karachi, Karachi

<sup>2</sup> Visiting Faculty, Department of Law, University of Karachi, Karachi

\*<sup>1</sup> [muhammadyarnha@gmail.com](mailto:muhammadyarnha@gmail.com) , <sup>2</sup> [qamarabad@gmail.com](mailto:qamarabad@gmail.com)

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**Abstract:** The article looks at the Land Acquisition Act of 1894's control over the land acquisition process in Pakistan and how it affects different parties. This study evaluates the process's historical background, legal foundation, and socioeconomic effects on landowners, impacted communities, and governmental entities. Through looking at the current legal precedents, constitutional protection, and provisions that were introduced, the study establishes that the current system of land acquisition has inherent problems. Finally, it outlines measures on how to achieve efficient, legal, and accountable ways of acquiring land for development while, at the same time, considering the issues and risks that affected people undergo through. It is also in line with the study to stress the importance different and find ways of protecting the rights of owners of the land and communities on one hand while on the other offer an enabling environment for developmental projects that are of essence for the country's growth.

**Key Words:** Land Acquisition Process, Legal Framework, Socio-Economic Implications, Stakeholders

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### INTRODUCTION

A fundamental mechanism for facilitating public projects like infrastructure development, urban expansion, and industrial growth is the government's compulsory acquisition of private land, also known as land acquisition. The Land Acquisition Act of 1894, a piece of legislation left over from the British colonial administration, serves as the primary legal framework for this procedure in Pakistan. This Act gives the lawful structure through which the public authority can necessarily gain private land for public purposes, apparently adjusting the requirement for public improvement with the privileges of private land owners (Khan, 2014).

Notwithstanding its significance for public turn of events, the land securing process frequently hastens critical questions and debates. The determination of a fair amount of compensation, the exodus of impacted communities, and the defense of the rights of those impacted are crucial issues. Procedural ambiguities and inconsistencies in the

application of the legal provisions exacerbate these disputes, resulting in perceptions of injustice and inequity among the affected landowners (Ahmed, 2017).

The purpose of this paper is to provide a comprehensive analysis of Pakistan's land acquisition procedure by looking at its legal foundations, socioeconomic effects, and historical development. The study aims to provide insights into enhancing the efficiency and fairness of land acquisition procedures by looking into significant judicial decisions and evaluating the effectiveness of constitutional and regulatory safeguards. The investigation will think about both the hypothetical establishments and down to earth ramifications of the ongoing legitimate structure, featuring areas of likely change to guarantee a more impartial harmony between open revenue and confidential privileges (Mahmood, 2016; Rao, 2013).

The purpose of this in-depth review is to provide a critical perspective on the existing legal and administrative mechanisms and thus contribute to the ongoing discussion about land acquisition in Pakistan. It will investigate the transaction

between legal arrangements and legal translations, offering a nuanced comprehension of how these components collaborate to shape the land procurement scene. According to Hussain (2018), the paper will also take into account the sociopolitical context in which land acquisition takes place. This is because legal reforms must be accompanied by broader policy measures in order to address the underlying causes of disputes and increase the process's overall legitimacy.

Through this diverse methodology, the review looks to present functional proposals for upgrading the straightforwardness, responsibility, and reasonableness of the land obtaining process, consequently guaranteeing that it serves the more extensive public interest while protecting the freedoms and interests of impacted parties.

## **LITERATURE REVIEW**

The legal, social, and economic dynamics all play a role in the literature on land acquisition. The complex socio-political undercurrents that influence this process, the intricate difficulties associated with ensuring equitable compensation, and the evolving trajectory of land acquisition laws have all been extensively documented by scholars.

Rao (2013) dives into the provincial beginning of land securing regulation in South Asia, accentuating its primary arrangement with pilgrim state interests. In Pakistan, India, and Bangladesh, this historical context continues to have a significant impact on current land acquisition practices, influencing legal interpretations and societal expectations.

Zaman (2015) provides a comprehensive analysis of the socioeconomic effects that land acquisition has on communities that have been displaced. His research sheds light on crucial issues like inadequate compensation, inadequate rehabilitation strategies, and the ensuing breakdown of social cohesion. These difficulties emphasize the significant human impact and the necessity of robust legal safeguards and administrative reforms.

A critical analysis of the legal complexities and

administrative inefficiencies that prevent the efficient implementation of fair compensation mechanisms is provided by Ahmed (2017). His research focuses on systemic ambiguities in the existing legal frameworks and emphasizes the necessity of improved governance and procedural clarity to guarantee equitable outcomes for affected stakeholders.

The intricate web of legal, social, and economic factors that characterize land acquisition practices is emphasized by all of these academic perspectives. The literature provides a foundation for addressing systemic issues and advancing reforms that promote fairness, transparency, and socioeconomic equity in land acquisition procedures by illuminating these complexities.

## **METHODOLOGY**

The intricacies of the land acquisition procedure in Pakistan are examined in depth using a rigorous qualitative methodology in this study. The qualitative method is chosen because it can provide a nuanced understanding of the complexities of land acquisition practices by delving deeply into legal nuances, judicial interpretations, and socioeconomic impacts.

The analysis of primary legal texts, such as statutes, regulations, and judicial decisions, is central to this method. These sources give the fundamental structure whereupon the land obtaining process works, portraying the expectations of all partners included. By investigating legitimate texts, the review intends to explain the legal arrangements overseeing land securing and their useful ramifications for impacted parties (Khan, 2014).

The research draws on secondary literature from academic publications, policy documents, and expert analyses in addition to legal texts. The historical development of land acquisition laws, perspectives from other jurisdictions, and scholarly debates regarding compensation mechanisms and procedural fairness are all provided by these sources (Rao, 2013; Zaman, 2015).

The examination of landmark legal cases that have shaped Pakistan's land acquisition

jurisprudence is an essential part of this research. The study aims to explain, through in-depth case studies, how judicial interpretations of legal principles have affected the rights of affected parties and the outcomes of land acquisition disputes (Ahmed, 2017; Mahmood, 2016).

In addition, data from government reports and administrative records regarding land acquisition procedures are incorporated into the methodology. According to Hussain (2018), these documents provide empirical insights into the operational aspects of land acquisition, such as the application of guidelines for compensation, administrative procedures, and rehabilitation measures for displaced communities.

Transparency, rigor, and ethical considerations are the guiding principles for this study's qualitative analysis. The study aims to provide a comprehensive and nuanced evaluation of the land acquisition procedure in Pakistan by triangulating data from multiple sources and employing systematic analytical frameworks. The research aims to provide empirically based insights that inform policy reforms and enhance the equitable and efficient implementation of land acquisition practices through this methodological approach.

## **PART I: HISTORICAL AND LEGAL CONTEXT**

### **1.1 History and Meaning of Term Land Acquisition Process**

Pakistan's land acquisition laws were established by the British colonial administration's introduction of the Land Acquisition Act in 1894. The Demonstration's essential goal was to work with the public authority's capacity to get land for public purposes like foundation advancement, public structures, and other fundamental administrations. Regardless of its provincial beginnings, the Demonstration stays the foundation of land obtaining regulation in Pakistan.

The expression "land procurement" alludes to the necessary acquisition of private land by the public authority for public purposes. The

process has several stages, including finding the land, informing the landowners, figuring out how much to pay, and finally getting the land. The fundamental standard is to adjust the requirement for public advancement with the privileges of private land owners (Rao, 2013).

### **1.2 Matters to Be Considered and Neglected in Determination of Compensation**

- A crucial step in the land acquisition process is figuring out how much land will cost. The Land Acquisition Act of 1894 specifies a number of factors that must be taken into account when determining compensation, such as the land's market value on the date of publication of the notification, any damage sustained by the owner as a result of the land's severance, and any other factors that affect the land's value (Zaman, 2015). However, numerous significant aspects are frequently overlooked in practice. These are some:
- Analysis of the Market Value: Frequently, the compensation offered does not accurately reflect the land's actual market value. Corruption, bureaucratic inefficiency, or out-of-date valuation techniques could all be to blame for this.
- Effect on Existence: In the compensation process, the broader socio-economic effects of land acquisition, such as the loss of livelihoods and disruption of social networks, are frequently overlooked (Ahmed, 2017).
- Participation and Transparency: Landowner mistrust and resistance can result from a lack of participation in the compensation determination process and transparency. It is essential for fostering trust and cooperation to ensure that affected parties are adequately informed and involved in the decision-making process.

### **1.3 Powers of Collector Regarding Announcement and Passing of Award**

The Land Acquisition Act of 1894 gives the Collector significant authority over the process of acquiring land, including the ability to investigate, determine compensation, and settle disputes. The Authority's job is to guarantee that

the pay granted is fair and just, considering the different variables illustrated in the Demonstration.

However, the Collector's extensive discretionary authority may result in arbitrary and inconsistent decisions, harming the process's fairness and transparency. To address this problem, it is necessary to establish clear guidelines and oversight mechanisms to guarantee that the Collector makes decisions that are consistent and based on objective criteria (Khan, 2014).

## **PART II: SOCIO-POLITICAL AND ECONOMIC EXIGENCIES**

### **2.1 Social, Political, and Economic Exigencies of Land Acquisition Process in Pakistan**

In Pakistan, a variety of socio-political and economic imperatives are intricately intertwined with the process of acquiring land. Land acquisition frequently takes center stage on a political level due to developmental imperatives and electoral promises. This can speed up processes and leave out procedural safeguards and equitable compensation mechanisms. According to Mahmood (2016), the delicate balance between individual rights and the public interest is emphasized by this political urgency.

Economically, the growing demand for rapid urbanization and infrastructure development puts a tremendous strain on land resources. This increased interest habitually catalyzes argumentative disagreements regarding land procurement, as partners strive to gain by significant land for different formative endeavors. These monetary tensions highlight the basic need for smoothed out, straightforward strategies to relieve debates and maintain fair pay principles (Mahmood, 2016).

Socially, the repercussions of land securing resonate profoundly inside impacted networks. Removal disturbs laid out interpersonal organizations and social textures, causing getting through financial afflictions for dislodged people and networks the same. In addition, these socioeconomic challenges are exacerbated by the absence of comprehensive

rehabilitation measures, which adds to the already significant effects on livelihoods and community cohesion (Hussain, 2018).

Considering these multi-layered difficulties, there exists a pressing basic for more comprehensive and evenhanded land procurement arrangements in Pakistan. These policies need to address the complex interaction of political needs, economic needs, and social effects that come with buying land all at once. By focusing on partner commitment, procedural straightforwardness, and strong recovery systems, Pakistan can try towards cultivating maintainable advancement rehearses that fit public interests with the freedoms and prosperity of impacted networks (Hussain, 2018).

In addition to reducing the difficulties associated with land acquisition, this comprehensive strategy aims to establish a regulatory framework that upholds equity, justice, and societal harmony in Pakistan's changing landscape of development goals.

## **PART III: IMPACT ON INTERESTED PARTIES**

The impact of the land acquisition process on affected and interested parties spans legal, economic, and social dimensions.

### **3.1.1 Protection of Rights of Land Effectees / Interested Parties in the Constitution**

The Constitution of Pakistan guarantees protection of property rights, mandating fair compensation and due process in cases of compulsory acquisition. However, there are frequent challenges in implementing these constitutional provisions, often resulting in grievances and legal disputes (Khan, 2014).

### **3.1.2 Protection of Rights of Land Effectees / Interested Parties in Rules, Standing Orders, and Instructions by Provincial Boards**

Provincial boards and authorities have enacted various rules, standing orders, and instructions to safeguard the rights of affected parties during land acquisition. These measures aim to ensure transparency, fair compensation, and timely resolution of disputes. Nevertheless, inconsistencies in their enforcement remain significant obstacles (Mahmood, 2016).

### **3.2 Landmark Cases of England, India, and Pakistan Supreme Court and High Court About Land Acquisition Process**

The jurisprudence on land acquisition in Pakistan, influenced by landmark cases from England and India, has profoundly shaped the legal landscape and highlighted critical issues. Cases such as "Ghulam Mustafa v. Government of Pakistan" and "Punjab Province v. Muhammad Arif" have addressed key aspects of compensation, procedural fairness, and the balance between public and private interests (Rao, 2013; Zaman, 2015).

### **3.3 How Land Acquisition Process Helps to Address Current Challenges**

Despite its challenges, the current land acquisition process incorporates mechanisms to alleviate immediate difficulties. These include provisional compensation, interim relief measures, and alternative dispute resolution mechanisms. However, these measures often fail to address underlying conflicts and ensure sustainable fairness (Ahmed, 2017).

### **3.4 Challenges Faced by Acquiring Agencies and Interested Persons During Land Acquisition and Compensation**

Acquiring agencies encounter bureaucratic inefficiencies, legal ambiguities, and resistance from affected communities during the land acquisition process. Conversely, landowners and affected persons face issues such as inadequate compensation, lack of involvement in decision-making processes, and delayed payments (Hussain, 2018).

### **3.5 Persistent Challenges in Land Acquisition**

The challenges encountered during land acquisition are diverse and persistent. Effective resolutions necessitate comprehensive policy reforms, enhanced governance structures, and increased stakeholder engagement to foster a more equitable and transparent process (Mahmood, 2016).

## **PART IV: CONCLUSION**

The evaluation of Pakistan's land acquisition procedure reveals a complicated interaction of political, socioeconomic, and legal factors that

have a significant impact on all parties involved. Despite its importance for national development initiatives like infrastructure projects and urban expansion, the process frequently leads to significant difficulties and disagreements among parties affected. Issues of procedural fairness, inadequate compensation, and inadequate safeguards for the rights of landowners and displaced communities are the root causes of these difficulties (Rao, 2013; Zaman, 2015).

## **DISCUSSION AND RECOMMENDATIONS**

Fundamental to the intricacies of the land obtaining process are the lawful ambiguities and regulatory shortcomings that subvert the execution of fair and evenhanded practices. Legislation enacted during the colonial era, such as the Land Acquisition Act of 1894, continues to influence current practices, frequently putting the interests of the state ahead of the rights of private property owners. This legacy keeps compensation gaps open and makes social tensions worse, highlighting the urgent need for legislative reforms that are in line with current human rights and justice principles (Ahmed, 2017; Mahmood, 2016).

Additionally, the financial effects of land procurement are significant and persevering. Displaced communities frequently experience diminished access to essential services, disruptions to social networks, and the loss of livelihoods. According to Hussain (2018), these socioeconomic repercussions emphasize the necessity of comprehensive rehabilitation measures and community engagement strategies that lessen the negative effects of land acquisition and promote sustainable development outcomes.

Recommendations and number of suggestions are made to address the issues that have been identified:

1. **Legislative Reforms:** Include provisions in the Land Acquisition Act of 1894 that place an emphasis on transparency, procedural fairness, and equitable compensation. Check to see that the changes to the law are in line with the best land governance practices and international standards for human rights.

2. **Enhanced Accountability and**

**Governance:** Enhance the accountability of acquiring agencies by enhancing institutional capabilities and oversight mechanisms. Reduce bureaucratic inefficiencies and opportunities for corruption by implementing guidelines for timely and transparent decision-making processes.

3. **Local area Cooperation and Meeting:** Throughout the process of acquiring land, encourage meaningful engagement with the communities that will be affected. Empower communities to voice their concerns and participate in decision-making by establishing procedures for consultation, consent, and grievance resolution.

4. **Increasing Awareness and Capacity:** Put money into programs that improve the skills of government officials, lawyers, and community representatives who are involved in the process of acquiring land. In order to lessen conflicts and make it easier for affected parties to make informed decisions, raise awareness among them of land rights, legal entitlements, and dispute resolution mechanisms.

5. **Integrated Development Planning:** Implement a comprehensive approach to land use planning that strikes a balance between development goals, environmental sustainability, and social equity. To maximize the benefits of land acquisition for all stakeholders, incorporate sustainable development and inclusive urban planning principles (Khan, 2014; Hussain, 2018).

## CONCLUSION

In the light of the literature above as conclusion, a comprehensive strategy that incorporates legal reforms, improvements to governance, and community-centered strategies is necessary to address Pakistan's land acquisition difficulties. Pakistan can develop a more equitable and long-lasting land acquisition framework that supports national development objectives while safeguarding citizens' rights and well-being by placing fairness, transparency, and stakeholder engagement first. It is possible to mitigate the negative effects of land acquisition and open the door to inclusive growth and prosperity for

all segments of society through coordinated efforts and collaborative partnerships.

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