

safeguards i.e. in cases where Public Private Partnership projects are involved the Act requires consent of atleast 70% and where acquisition is taking place for private companies to work for public interest , the Act requires consent of not less than 80%. This includes consent to compensation. This is meant to ensure that no forcible acquisition takes place. However, the provision with respect to consent has been criticised on the ground that it is nowhere mentioned in the Act that any such consent is required in case of an entirely government owned

public purposes but limited the value of compensation to the extent of the market value of the land as was on Dec. 31, 1945. The Supreme Court held that the ceiling of compensation value on to a particular date as opposed to the market value of the land at the time of acquisition was arbitrary and violated of the spirit of the constitution. As a result, the First Amendment Act inserted two new articles, Article 31A and 31B. The Article 31A broadly stated that, no law which provided acquisition for the state shall be deemed to be void on the ground, that it is inconsistent with or takes away any of the rights conferred by the part III of the Constitution. The validity of this amendment was challenged by zamindars in Shankari Prasad Deo vs. Union of India. But, the challenge failed and the Court upheld the validity of the Act. Later, the Fourth Amendment Act was enacted in 1954, which sought to bring clarity as to the interpretation of Article 31A and 31B by declaring that the courts should not deal with the question of adequacy of compensation and further, it laid down as to what is meant by "compulsory acquisition of property (referring to State acquisition only)" [16].

Even after this Amendment, it was held by the judiciary that a law depriving a person of his property could be judicially examined as to its reasonableness [17]. The Seventeenth Amendment Act, 1964 further made a special provision regarding compensation of land acquired from small farmers, which should not be less than market

for a better case to be made in for that. Therefore, to avoid any change in the law stated and declared by the Keshavananda Bharti judgment.

- 13 State of Bihar vs Maharajadhiraja Sir Kameshwar, 1952.SCR 889
- 14 Sir Kameshwar Singh (Darbhanga) v The Province of Bihar AIR 1950

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