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## Centre's Power for Land Acquisition for Highway: SC

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### Why in News

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Recently, the **Supreme Court (SC)** has upheld notifications issued under the **National Highways Act, 1956**, for acquisition of land for construction of the **Chennai-Krishnagiri-Salem national highway**.

The verdict came on a batch of appeals filed by the Centre and the National Highways Authority of India (NHAI) and few landowners and others. These **pleas were filed against the Madras High Court's judgement**, holding as “**illegal and bad in law**” the notifications issued.

### Key Points

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- **Chennai-Krishnagiri-Salem National Highway:**
  - It is a **part of the first phase of the 'Bharatmala Pariyojna' project**. **Bharatmala Pariyojna Project** stretches across 24,800 km and has an estimated outlay of Rs. 5.35 lakh crore. It seeks to **improve the efficiency of freight and passenger movement** across the country by bridging critical infrastructure gaps.
  - It is a **277.3-km-long eight-lane greenfield project** which aims to **cut travel time** between the two cities Chennai and Salem by half to about two hours and 15 minutes.

A **greenfield project** is one which is not constrained by prior work. It is **constructed on unused land** where there is no need to remodel or demolish an existing structure.
  - The Project **has faced opposition** from locals, including farmers, over **fears of losing their land**, besides environmentalists, who are **against felling of trees**. It runs through **reserve forest and water bodies**.

- **Supreme Court's Judgement:**

- **Centre's Powers:**

- There is **nothing in the Constitution which constricts the power of Parliament** to make a law for declaring any stretch/section within the State (not being a road or an existing highway) to be a national highway.
- Provisions in the Constitution unambiguously indicate that the **legislative as well as executive power** regarding all matters concerning and connected with a highway to be designated as a national highway, **vests in Parliament**, and the laws to be made by it in that regard.
- The **Central government is free** to construct/build a new national highway keeping in mind the obligations it has to discharge under **Part IV of the Constitution** (Directive Principles of State Policy) for securing a social order and promotion of welfare of the people in the concerned region.

- **Importance of National Highways:**

- National highways are the **arteries of India's economy**. By its very nomenclature, a national highway is to **link the entire country and provide access to all** in every remote corner of the country for interaction and to promote commerce and trade, employment and education, including health related services.

This approach **enhances and furthers the federal structure**.

- The availability of a highway in any part of the State paves way for **sustainable development** and for overall enhancement of **human well-being**.

- **Other Aspects Related to the Project:**

- The **Madras High Court had been wrong to quash the acquisition proceedings** on the ground that **no prior environmental clearance** was taken.
  - The SC said that the **notification is only an expression of interest to acquire the designated land**, and no prior environmental clearance was needed before issuing it.
  - **Prior environmental clearance** under the **Environment (Protection) Act** and Rules of 1986 is **required to be taken before commencement of the "actual construction or building work" of the national highway** by the executing agency (NHAI).
- On complaints about "alterations" in the highway route, the court said **changes to the extent of 15% was permissible in a project of such a macro scale**.

**Unforeseen concerns** like land availability factors related to congestion, reduction of distance, operational efficiency attract such alteration.

- The **major roads** in India are the **national and state highways**. **National Highways (NH)** are built, financed and maintained by the **Central government** whereas **State Highways (SH)** are developed by the **respective States' public works department**.
- **Constitutional Provisions:**
  - Highways declared by or under law made by Parliament to be national highways - **Union List under Seventh Schedule**.
  - **Article 257 (2):** The **executive power of the Union** shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance. Provided that nothing in this clause shall be taken as restricting the **power of Parliament to declare highways or waterways to be national highways or national waterways** or the power of the Union with respect to the highways or waterways so declared.
- The **Ministry of Road Transport and Highways** is primarily responsible for development and maintenance of NHs.
 

The Ministry has taken up detailed review of NHs network with a view to develop the road connectivity to **Border areas**, development of **Coastal roads** including road connectivity for Non-Major ports, improvement in the efficiency of **National Corridors**, development of **Economic Corridors**, Inter Corridors and Feeder Routes along with integration with **Sagarmala**, etc., under **Bharatmala Pariyojana**.
- NHs in the country **are notified under the National Highways Act, 1956**.
- **National Highways Authority of India (NHAI)** was set up by an act of the Parliament, **NHAI Act, 1988**, for the development, maintenance and management of national highways and for matters connected therewith or incidental thereto.
- **Land for development of National Highways** and associated purposes is acquired under **Section 3 of the NHs Act, 1956** and **compensation** is determined in accordance with the First Schedule of the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013**.
- **BhoomiRashi portal** was launched in **2018**, to fully **digitize and automate the entire process of land acquisition**.
- The aim of the **Green Highways (Plantation, Transplantation, Beautification & Maintenance) Policy, 2015** is to **promote greening of Highway corridors** with participation of the community, farmers, private sector, NGOs, and government institutions.

**Source: IE**