SC’s ruling on Gram Sabha's consent for land acquisition

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Why in News?

Recently, the Supreme Court has mandated Gram Sabha consent for land acquisition in Scheduled Areas, quashing the Odisha government’s acquisition of land for Dalmia Cement Bharat Limited's mining project.

- **Bibol Toppo & Others v. State of Odisha & Others (2026)** – The SC ruled that the land cannot be acquired without prior consent of the Gram Sabha as per Section 41 of the 2013 Act.
- **Case Background –** The acquisition covered agricultural land across Kukuda, Bihabandha, and Lanjiberna villages in Odisha's Sundargarh district—a notified Fifth Schedule (tribal) area.

Key details

- **Verdict –** The Court quashed the acquisition proceedings and related notifications, permitting fresh proceedings in accordance with law.
- **Gram Sabha Consent –** The Gram Sabhas had rejected the acquisition proposal in January 2020, but the State proceeded without obtaining consent.
- **Section 41(3), RFCTLARR Act, 2013 –** Ruled that obtaining prior consent of the concerned Gram Sabha, Panchayat or Autonomous District Council is mandatory before issuing a land acquisition notification in Scheduled Areas, including in cases of urgency.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 *– To ensure fair compensation, transparency, rehabilitation and resettlement of affected families.*

- **80% Consent –** At least 80% of affected families must consent to land acquisition for a private company under Section 2(2)(b).
- **Social Impact Assessment (SIA) –** The Court identified procedural violations, including the absence of a public hearing and compromised independence of the Expert Group.
- **Separation of mining & land laws** – The bench clarified that the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) & the RFCTLARR Act, 2013 operate in distinct spheres.

- Holding a mining lease does not automatically override tribal surface rights or statutory consent rules.

Quick Fact

Scheduled Areas
• **Constitutional Provision –** Article 244(1) and the Fifth Schedule of the Constitution. • **Declaration –** The President declares an area as a Scheduled Area. • **Criteria –** Tribal population predominance, compactness of the area, administrative viability and economic backwardness. • **Administration –** The Governor has special responsibilities, including submitting reports to the President on the administration of Scheduled Areas. • **Tribal Advisory Council (TAC) –** Provides advice on matters concerning the welfare and advancement of Scheduled Tribes. • **States –** Scheduled Areas are notified in Andhra Pradesh, Telangana, Odisha, Jharkhand, Chhattisgarh, Madhya Pradesh, Rajasthan, Gujarat and Maharashtra.

References

1. Supreme Court of India | Bibol Toppo v. State of Odisha (2026)
2. India Code | RFCTLARR Act, 2013

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