PROTECTING MULTI-CROP LAND: SECTION 10 OF THE RFCTLARR ACT, 2013 AND FOOD SECURITY IN AN AGE OF HIGHWAYS

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ABSTRACT

Fertile farmland is limited. It feeds the nation. But land is also needed for roads and highways. When fertile land is taken for a highway, it is lost for farming forever. This is a threat to food security. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has a special safeguard for such land. It is Section 10. This section says that irrigated multi-cropped land should not be acquired. But the safeguard has a large gap. It does not apply to linear projects like highways and railways. There is also a second gap. Most highways are acquired under the National Highways Act, 1956. That law is kept outside the 2013 Act. So the food-security safeguard does not reach highway projects at all. This paper studies Section 10 in simple terms. It explains what the safeguard promises. It shows the two gaps that let highways escape. It uses the Delhi-Amritsar-Katra Expressway in Punjab as an example. The paper then asks a simple question. Is the safeguard on fertile land working in practice? It concludes that the safeguard is weak where it is needed most.

Keywords: Food security; multi-crop irrigated land; Section 10; RFCTLARR Act, 2013; linear projects; National Highways Act, 1956; Bharatmala.

I. Introduction

Land is a limited resource. Fertile farmland is even more limited. It cannot be created at will. Once fertile land is built over, it is very hard to bring it back to farming. So fertile land must be used with care.

India must feed a very large population. For this, it needs enough farmland. It also needs the water and the soil that make land fertile. If fertile land keeps shrinking, food security is put at risk. Food security means that people have enough safe food at all times.

At the same time, India is building fast. It is building roads, highways, railways and canals. These projects need land. Highways in particular need long strips of land. They cut across fields for many kilometres. Much of this land is farmland. Some of it is the most fertile land in the country.

So there is a clear tension. On one side is the need for highways and growth. On the other side is the need to protect fertile land and food security. The law must strike a balance.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 tried to strike this balance.[1] It placed a special safeguard in the Act. This safeguard is Section 10. It is titled Special Provision to Safeguard Food Security.[2]

This paper studies Section 10 in plain language. Part II explains why farmland and food security matter. Part III sets out what Section 10 promises. Part IV shows the first gap, the exemption for linear projects. Part V shows the second gap, the National Highways Act, 1956. Part VI uses the Delhi-Amritsar-Katra Expressway in Punjab as an example. Part VII asks whether the safeguard is working. Part VIII gives suggestions and a conclusion.

II. Why Farmland and Food Security Matter

Farmland is the base of food production. Irrigated multi-cropped land is the best kind of farmland. Multi-cropped land is land on which more than one crop is grown in a year. Irrigated land has a steady supply of water. Such land gives high yields. It is the most valuable

[1] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

[2] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), s. 10 (special provision to safeguard food security).

land for food security.

This kind of land is limited. It took many years to develop. Canals, tube wells and good soil made it fertile. When such land is taken for a highway, the loss is permanent. The land is covered with concrete. It can never grow crops again.

Parliament has shown deep concern for food security. In the same year as the land law, it also passed the National Food Security Act, 2013.[3] That law gives subsidised food grains to a large part of the population. But food grains must come from somewhere. They come from farmland. So protecting farmland and providing food security are two sides of the same coin.

For these reasons, a law on land acquisition should protect fertile land. It should treat such land as special. The 2013 Act tried to do this through Section 10.

III. Section 10: The Safeguard on Its Face

Section 10 of the 2013 Act is the food-security safeguard. It has four sub-sections. In simple terms, it does four things.

First, it sets a rule. As a rule, no irrigated multi-cropped land shall be acquired under the Act.[4] This is a strong statement. It treats fertile land as protected land.

Second, it allows a narrow exception. Such land may still be acquired. But only under exceptional circumstances. And only as a demonstrable last resort. Even then, the total area taken in a district or State must not cross a limit. This limit is to be fixed by the State Government.[5]

Third, it requires a replacement. Where multi-cropped land is acquired, the State must make up for the loss. It must develop an equal area of culturable wasteland for farming. Or it must deposit an equal amount of money with the Government. That money is to be invested in agriculture for food security.[6]

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[3] The National Food Security Act, 2013, which provides subsidised food grains to a large part of the population.
[4] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), s. 10(1).
[5] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), s. 10(2).
[6] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

Fourth, it sets an outer limit for other farmland. For agricultural land that is not multi-cropped, there is also a cap. The total area taken for all projects in a district or State must not cross a share of the net sown area. Again, this share is to be fixed by the State Government.[7]

On its face, Section 10 looks strong. It protects the best farmland. It allows acquisition only as a last resort. It demands replacement land or money. This is a real advance over the old Land Acquisition Act, 1894, which had no such rule. But the strength of Section 10 is on paper. The real test is whether it protects fertile land in practice. Here two large gaps appear.

IV. The First Gap: The Linear Projects Exemption

Section 10 has a proviso. The proviso is short but very important. It says that the provisions of this section shall not apply to projects that are linear in nature. It gives examples. These are railways, highways, major district roads, irrigation canals, power lines and the like.[8]

This proviso is the first gap. A highway is a linear project. So Section 10 does not apply to a highway. This means the food-security safeguard is switched off for highways. The rule against taking multi-cropped land does not bind a highway project. The condition of last resort does not apply. The limit on area does not apply.

The reason for the proviso is easy to see. A highway must run in a more or less straight line. It cannot avoid fertile land by moving to waste land. If it did, it would not be a highway. So the lawmakers chose to exempt linear projects. This choice may be practical. But it has a serious result. It removes the safeguard from the very projects that take the longest strips of farmland.

In short, the safeguard protects fertile land from many projects. But it does not protect it from highways. And highways are among the biggest takers of farmland.

V. The Second Gap: The Fourth Schedule and the National Highways Act, 1956

There is a second gap. It is even wider than the first. It comes from Section 105 of the

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2013 (Act 30 of 2013), s. 10(3).

[7] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), s. 10(4).

[8] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), proviso to s. 10(4).

2013 Act.[9] Section 105 says that the Act shall not apply to certain other laws. These laws are listed in the Fourth Schedule. There are thirteen such laws. One of them is the National Highways Act, 1956.[10]

National highways are acquired under the National Highways Act, 1956. The National Highways Authority of India acquires the land under that law. It does not use the 2013 Act to acquire the land. So the whole of the 2013 Act, including Section 10, does not apply to a national highway.

One point should be added here. The 2013 Act did not leave these thirteen laws fully untouched. It required that their compensation and their rehabilitation and resettlement be brought in line with the 2013 Act. This was done through a later order.[11] So a farmer whose land is taken for a national highway does get the higher compensation of the 2013 Act. But the farmer does not get the safeguards. The food-security rule, the Social Impact Assessment and the consent rule do not apply.

So there are two escape routes for highways. First, even under the 2013 Act, the linear projects proviso switches off Section 10. Second, most highways are not acquired under the 2013 Act at all. They are acquired under the National Highways Act, 1956, which is outside the food-security safeguard. By either route, the safeguard on fertile land does not reach highways.

VI. The Safeguard in Practice: The Punjab Expressway

The gaps can be seen clearly in Punjab. Punjab is one of the most fertile States in India. Most of its land is irrigated. Most of it grows more than one crop, usually wheat and paddy. It is prime multi-cropped land. It is exactly the land that Section 10 was meant to protect.

A large highway now crosses this land. It is the Delhi-Amritsar-Katra Expressway. It is a greenfield expressway. It is being built under the Bharatmala Pariyojana of the Central

[9] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), s. 105(1) read with the Fourth Schedule.

[10] The National Highways Act, 1956 (Act 48 of 1956), one of the thirteen enactments listed in the Fourth Schedule to the 2013 Act. Land for national highways is acquired under ss. 3A to 3J of that Act.

[11] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), s. 105(3); the compensation and rehabilitation and resettlement provisions of the First, Second and Third Schedules were extended to the Fourth Schedule enactments by an order issued under s. 113 of the Act in 2015.

Government. The expressway is about 669 kilometres long. A large part of it, around 295 kilometres, passes through Punjab.[12] The land is acquired by the National Highways Authority of India under the National Highways Act, 1956.

Because the land is taken under the National Highways Act, 1956, Section 10 does not apply. The fertile land of Punjab does not get the food-security safeguard. There is no need to show that fertile land was a last resort. There is no need to develop replacement farmland. The safeguard simply does not enter the picture.

The human side of this can be seen in the many farmer protests. Farmers across several districts of Punjab have protested against the acquisition. The districts affected include Patiala, Sangrur, Ludhiana, Malerkotla, Jalandhar, Kapurthala, Gurdaspur, Amritsar and Tarn Taran. Farmers have blocked roads with tractors. They have refused to hand over possession. Many have said that their fertile land is being taken at a low rate.[13] Their main demands have been about compensation. But behind the compensation issue lies a deeper loss. Prime farmland is being turned into a highway for good.

There is also a concern about land records. To fix compensation, land is placed in categories. Fertile irrigated land is worth more. There have been concerns that fertile land is sometimes recorded in a lower category. A parliamentary committee has noted such concerns of land classification in the context of the Bharatmala project.[14] If fertile land is recorded as ordinary land, two things happen. The farmer gets less money. And the true loss of fertile land is hidden from the record.

VII. Is the Safeguard Working? An Assessment

Now the central question can be answered. Is the safeguard on fertile land working in practice? The honest answer is that it is weak where it is needed most. Section 10 looks strong

[12] "Delhi-Katra expressway's Amritsar leg not only NHAI project hit by land acquisition hurdles in Punjab. There's 15 more", The Print, available at: https://theprint.in (last visited on Aug. 20, 2026). The figures for the length of the expressway and the stretch passing through Punjab are taken from press reports and may be verified from the records of the National Highways Authority of India.

[13] See, for instance, "Punjab farmers protest forceful land acquisition for Delhi-Katra Expressway", Land Conflict Watch, available at: https://www.landconflictwatch.org (last visited on Aug. 20, 2026); and reports in The Tribune on farmer protests in the districts of Patiala, Sangrur, Ludhiana, Amritsar, Tarn Taran and Gurdaspur.

[14] See the observations relating to land classification in the context of the Bharatmala Pariyojana in the report of the Department-related Parliamentary Standing Committee on Rural Development and Panchayati Raj on the working of the 2013 Act (Lok Sabha Secretariat). The exact report number and date may be verified.

on paper. But it has three problems in practice.

The first problem is the linear projects exemption. Highways are the largest takers of long strips of farmland. Yet Section 10 does not apply to them. So the safeguard misses its biggest target.

The second problem is the National Highways Act, 1956. Most national highways are acquired under this law, not under the 2013 Act. So the safeguard does not even come into play for them.

The third problem is weak implementation of the parts that do apply. The limits on area are left to the State Government to notify. If a State does not notify any limit, the cap has no real effect. It appears that many States have not fixed such limits, though this should be checked State by State. The duty to develop replacement farmland is also hard to track. There is little public data on how often replacement land is actually developed.

Taken together, these problems mean that the safeguard does little to protect fertile land from highways. It may protect such land from some factories or townships. But for the projects that consume the most farmland, the safeguard is largely absent.

It is fair to note the other side. Highways bring real benefits. They improve trade, travel and tourism. A highway cannot easily avoid fertile land. So some loss of farmland may be unavoidable. The point is not that highways should stop. The point is that the loss of fertile land should be counted, limited and made up for. At present, it is often none of these three.

VIII. Suggestions and Conclusion

A few suggestions may help to make the safeguard real.

First, the linear projects exemption should be reviewed. Highways need not be fully exempt. They could be placed under a lighter duty. For example, for every unit of fertile land taken, an equal unit of waste land could be developed for farming. This duty could apply even to highways.

Second, the gap created by the National Highways Act, 1956 should be closed for food security. The food-security duty could be extended to highway acquisition, in the same way that the higher compensation was already extended.

Third, every State should notify the limits under Section 10. Without these limits, the cap is empty. The Central Government could set a model limit for the States to follow.

Fourth, land records should be checked before acquisition. Fertile irrigated land should be recorded truly. This protects both the compensation of the farmer and the record of farmland loss.

Fifth, there should be public data. The area of fertile land taken for each project should be published. So should the area of replacement farmland developed. Data brings accountability.

To conclude, Section 10 of the 2013 Act carries a fine promise. It promises to protect the best farmland for the sake of food security. But the promise is not kept where it matters most. The linear projects exemption and the National Highways Act, 1956 together let highways escape the safeguard. The Delhi-Amritsar-Katra Expressway in Punjab shows this in real life. Prime multi-cropped land is being taken with the food-security safeguard switched off. A safeguard that does not reach the largest takers of farmland cannot be called effective. If food security is to be truly protected, the safeguard must reach the highways too. Until then, Section 10 will remain strong on paper and weak on the ground.