

Relevant Provisions of Land Laws

Comprehensive Overview : Uttar Pradesh Revenue
Code, 2006

Introduction

- The Uttar Pradesh Revenue Code, 2006 consolidates laws on land tenure, revenue, and reforms for streamlined administration.
- Objectives: Simplify land records, regulate ownership rights, and facilitate land transfers like sale, succession, and mutation.
- Protects vulnerable groups (SC/ST) and safeguards public utility lands.
- Promotes transparency, reduces disputes, and ensures sustainable land management.

S.31 Record of Rights/Khatauni

Khatauni is a register of those persons who performs cultivation on land of village or otherwise in occupation.

The Collector shall maintain, in the form and manner prescribed, a record of rights (khatauni) for each village, which shall contain the following particulars, namely-

- the names of all tenure holders with survey numbers or plot numbers
- shares of such persons and the conditions or liabilities
- particulars of all land (other than holdings) belonging to or vested in the State Government
- Central Government, Gram Panchayat or a local authority.

Uttar Pradesh Revenue Code Rules, 2016 Rule 28(4)

- In the determination of share, the following principles shall be observed:-
 - a) If the holding is ancestral, the share of each co tenure holder shall be determined as per the pedigree in accordance with law of succession prescribed in the Code or on the basis of family settlement, if any;
 - b) If the names of the co-tenure holders are recorded on the basis of acquisition or will, the share shall be determined as per the contents contained in the deed concerned;
 - c) If the share has been decided by any competent court the same shall be recorded accordingly.

Mutation

The Tehsildar or Revenue Inspector shall Record all changes in the Khatauni.

Section 33 & 34 of Uttar Pradesh Revenue Code, 2006

Mutation in cases of succession & any kind of land transfer.-

- 1) Every person obtaining possession of any land by succession, or by transfer through sale deed, or will or gift deed shall submit report of such succession to the Tehsildar or Revenue Inspector.
- 2) On receipt of a report or on facts otherwise coming to his knowledge, the Tehsildar or Revenue Inspector shall record such succession in the Khatauni.

Uttar Pradesh Revenue Code Rules, 2016 of Rule 33(3) provides:

While submitting a report for mutation under any kind of transfer of land, the applicant shall also file an affidavit to the effect that the transfer under reference does not contravene the provisions of section 89 of the Code, but where such declaration has been made in the deed, the affidavit under this sub-rule would not be required.

Section 74 of Uttar Pradesh Revenue Code, 2006

Classes of tenures

- There shall be following classes of tenure holders, namely-
 - (a) Bhumidhar with transferable rights.
 - (b) Bhumidhar with non-transferable rights.
 - (c) Asami.
 - (d) Government lessee.

Section 75 of Uttar Pradesh Revenue Code, 2006

Bhumidhar with transferable rights.-

- Every person shall be called bhumidhar with transferable rights who was a bhumidhar with transferable rights immediately before the date of commencement of UP Revenue Code, i.e. 11-02-2016 and
- Every person who became bhumidhar with transferable rights on or after the said date i.e. 11-02- 2016.

Bhumidhar with transferable rights is of superior type of tenure holder. He is superior than Bhumidhar with non-transferable rights and Asami.

His rights are permanent, transferable and heritable.

Section 76 of Uttar Pradesh Revenue Code, 2006

Bhumidhar with non-transferable rights.-

- Every person shall be called a bhumidhar with non-transferable rights who was a bhumidhar with non-transferable rights immediately before the date of commencement of UP Revenue Code,
- Every person who is admitted as a bhumidhar with non-transferable rights on or after the said date by the Bhumi Prabandhak Samiti to any land under or in accordance with the provisions of UP Revenue Code,
- Every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Bhoodan Yajna Act, 1952,

- Every person who is allotted any land under the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960
- Every person who was an asami in possession of land not covered by section 77 of this Code, immediately before the date of the commencement of this Code and had been recorded as such in class-3 of the annual register (khatauni) of 1407 Fasli.
- After the expiry of 5 years from the date of allotment, the bhumidhar with nontransferable rights shall become bhumidhar with transferable rights by virtue of Section 76(3).

Section 76 of Uttar Pradesh Revenue Code, 2006

Bhumidhari rights not to accrue in certain lands:

- Khaliyan (crop storage area)
- Manure pits
- Pasture land
- Cremation ground
- Land in the bed of a river used for casual or occasional cultivation
- Shifting or unstable cultivation tracts (specified by the State Government)
- Land set apart for taungya plantation
- Grove land entrusted or deemed to be entrusted to a Gram Panchayat or any local authority under Section 59

- Land included in sullage farm or trenching ground entrusted or deemed to be entrusted to a Gram Panchayat or other local authority under Section 59
- Land acquired or held for public purposes or public utility works
- Pond, tank, or lake, or land forming part of an embankment, bandh, or bhita
- Any other land specified by the State Government through notification.

S. 77 Bhumidhari rights not to accrue in certain lands.-

No person shall acquire the rights of a bhumidhar in the

- manure pits,
- pasture land,
- cremation ground,
- land situated in the bed of a river and used for casual or occasional cultivation,
- such tracts of shifting or unstable cultivation which the State Government may by notification specify;
- land declared by the State Government to be intended or set apart for taungya plantation,
- grove land entrusted or deemed to be entrusted to a Gram Panchayat or any other local authority under section 59;

- land included in sullage farm or trenching ground entrusted or deemed to be entrusted to a Gram Panchayat or any other local authority under section 59;
- land acquired or held for a public purpose or a work of public utility; a pond, tank or lake, or forming part of an embankment, bandh or bhita; and any other land which the State Government may, by notification, specify in this behalf.

The State Government may, change the class of such public utility land, and if the class of such public utility land is changed, any other land equivalent to or more than that of public utility land aforesaid, shall be reserved for the same purpose in the same Gram Panchayat or other local authority, as the case may be or State Government may permit the exchange thereof under section 101 of this Code, in the manner prescribed.

Section 80 of Uttar Pradesh Revenue Code, 2006

Use of holding for Industrial, Commercial or Residential purposes.

Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes,

- The Sub Divisional Officer may, suo moto or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being used for the purpose not connected with agriculture or reject the application.
- No such declaration under this section shall be made merely on the ground that the holding or part thereof is surrounded by boundary wall or is “Parti” on the spot.

Provided further that no application for the declaration under this sub section moved by any co-bhumidhar having undivided interest in Bhumidhari land shall be maintainable, unless application is moved by all the co bhumidhars of such bhumidhari land or their interests therein are divided in accordance with provisions of law.

Section 81 of Uttar Pradesh Revenue Code, 2006

Consequences of declaration.

- Where a declaration has been made under section 80 the following consequences shall, in respect of such holding or part to which it relates ensue:
 - a) All restrictions imposed by or under this chapter in respect of transfer of land shall cease to apply to the bhumidhar with transferable rights;
 - b) The land shall, with effect from the commencement of the agricultural year following the date of declaration, be exempted from payment of land revenue;
 - c) The bhumidhar shall, in the matter of devolution be governed by the personal law to which he is subject.

Section 98 of Uttar Pradesh Revenue Code, 2006

Restrictions on transfer by bhumidhars belonging to a scheduled caste.

No bhumidhar belonging to a scheduled caste shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled caste, except with the previous permission of the Collector in writing:

Provided that the permission by the Collector may be granted only when-

- a) The bhumidhar belonging to a scheduled caste has no surviving heir.

- b) The bhumidhar belonging to a scheduled caste has settled or is ordinarily residing in the district other than that in which the land proposed to be transferred is situate or in any other State for the purpose of any service or any trade, occupation, profession or business; or
- c) The Collector is, for the reasons prescribed, satisfied that it is necessary to grant the permission for transfer of land.

Section 99 of Uttar Pradesh Revenue Code, 2006

Restrictions on transfer by bhumidhars of scheduled tribes.

Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled tribe shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled tribe.

Conclusion

Summary of Key Provisions:

- Streamlined processes for land rights and transfers (e.g., Khatauni, mutation).
- Classification of tenure holders ensures clarity in rights and responsibilities.
- Protection of marginalized communities (SC/ST) from land exploitation.

Significance:

- Encourages sustainable land management.
- Enhances transparency and administrative efficiency.

Thank you !