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HISTORICAL BACKGROUND OF LAND LAWS IN UTTAR PRADESH - A COMPARATIVE STUDY WITH UTTARAKHAND LAND LAWS

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ABSTRACT

In this Article, related to analysis of historical background of land laws in Uttar Pradesh comparative study of Uttarakhand Land Laws. The evolution of land laws Ancient Medieval and modern Period. Hindu And Muslim rights Land and Revenue system. During The Mughal period Raja Todar Mal land revenue system, also known as the Dahsala System Zabti System was introduced by Akbar's finance minister, Raja Todar Mal, in 1580-82 to standardize land revenue collection in the Mughal Empire. After the Mughal empire decline the British Rule start they are introducing new land tenure system such as the Permanent Settlement (Zamindari), Ryotwari, And Mahalwari system. After the independence significant reform abolish intermediary system and ensure equitable distribution of land. The important reformation in modern time the Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950, the new enactment has been implemented in State of Uttar Pradesh Revenue Code 2006. Uttarakhand the part of Uttar Pradesh after the 2000 the separate state of Uttarakhand and make a separate Law land reform act. The state of Uttarakhand, known for its landscapes and mountainous terrain, has a unique land and revenue system that reflects its geographical, historical, and socio- economic conditions. Since its formation in 2000.

Keywords: Permanent Settlement (Zamindari), Royatwari, Mahalwari, Revenue, Uttar Pradesh, Uttarakhand.

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I. INTRODUCTION

The Land law is an important framework that governs the right of holding and use the land. The system of land revenue developed in ancient time and change from time to time. Various important frameworks were introduced to regulate land rights and revenue collection. Such as Hindu and Muslim Rights Land and Revenue System. During the British period, Many rule and regulation impose the British government the important system Permanent Settlement, Rayatwri system and mahalwari system the framework regulation of land law the zamindari system and after the independence make a law abolition of zamindari abolition act. The legal framework of the Land law Uttar Pradesh comparative study with the Uttarakhand land law. Uttar Pradesh Revenue Code,2006 is a code applicable in Uttar Pradesh dealing with the matters related to land revenue, tenures, reforms, etc. This Act consists of 16 chapters, 234 Sections and 4 Schedules. It minimizes the procedural complications prevailing in old laws.

It has repealed the Uttar Pradesh Zamindari Abolition and Land Reform Act 1950, UP Land Revenue Act, 1901 and other 37 enactments which had become obsolete and were too complicated to adhere to or comply as a whole. This new Code provides a fine balance between the conservation of natural heritages and the demand of land for developmental activities. This Act was assented by President of India on 29th of November, 2012 as Act No. 8 of 2012.

The code repealed obsolete legislations, including the Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950, the UP Land Revenue Act, 1901, and 37 other enactments, which were compiled and make a one format Known as Uttara Pradesh Revenue Code 2006. According to this code all the land matter work under this Act.

II. THE HINDU PERIOD

Sovereign was not the Owner of Land.

The Hindu sages and jurists said, and said repeatedly, that the sovereign (i.e., State) was not the proprietor of the soil. He was entitled to a share of the usufruct of the lands in the occupation of his subjects, not because he was the owner, but because a share was payable to him as the price for the protection afforded to life, liberty and property. Narada expressly says that this one-sixth of the produce was the sovereign's fees for the protection of the subjects[3]. Parashara,

[3] *Nārada Smṛti* XVIII-48 in Julius Jolly (tr), *The Institutes of Narada* (Sacred Books of the East, vol 33, Clarendon Press 1889) 221.

the latest of the Smriti-writers agrees in saying, "He (the sovereign) receives taxes and therefore, he should protect his subjects from thieves, robbers and others[4]."

Can a king give away the earth?

Jaimini's *sutra*, which, according to European authorities was composed many centuries before Christ, is that, "Earth cannot be given away as it is common to all[5]." Though there may be occupiers of particular portions of it, none can be the owner of the whole earth. Savara Swami, discussing the question of the King's right says:

"He (the king) cannot make a gift of his kingdom as it is not his, as he is entitled only to a share of the produce by reason of his affording protection to his subjects[6]." To it Sayana adds, "A king's sovereignty lies only in his punishing the wicked and protecting the good[7]." The word भूपति or भूमिपति means the protector of the earth. This was such a well recognized idea that the word 'king' or sovereign is used as synonymous with the expression "षड्भागभाक्," the appropriator of a sixth of the produce. Even so late as the fifteenth century of the Christian era, when the Muslim Government was firmly established in Bengal and Muslim ideas on land-law was well known and well recognised, Srikrishna Tarkalankar in his commentary on the *Dayabhaga* of Jimutavahana says :

"By conquest and other means a king acquiring a kingdom has no other rights over his subjects than that of collecting taxes[8]."

The Hindu Revenue System.

The village was the smallest physical unit. The head of the village was known as "gramadhipati" (ग्रामाधिपति) who was entitled to the share of the King. The King's share of the produce was assessed upon the village as a whole and redistributed by the headman among individual cultivators with due regard to their conditions and the quality and area of the land under their occupation. The payment of the land revenue was regarded, as the joint responsibility of the permanent cultivators of the village. The village headman was the most important among the village officials. He was responsible for both the payment of the land revenue and its equitable distribution among the cultivators. The office of headman did not depend upon any single principle, but different elements went to its making. In most cases this office was hereditary. Where the office was elective, the election was subject to the sanction of

[4] *Bṛhat Parāśara Smṛti* (verse quoted as per standard edition).
[5] *Jaimini Sūtra* VI.7.2.
[6] *Śabara Bhāṣya on Jaimini Sūtra* VI.7.2.
[7] *Nyāyadharma Mīmāṃsā* (specific section on King's authority).
[8] Devannabhatta, *Dāyakrama Saṅgraha* (translated by Wynch, 1818).

the State. In fact, his position was similar to that of the Zamindar of later times, with the difference that the Zamindar was appointed directly by the State.

We find substantially two parties primarily interested in the land as far as its produce is concerned. These are the King (or the State) and the cultivator, and there are no independent interests, although we find also a number of officers interested in the crop, whether on the part of the village or of the King[9].

III. THE MUSLIM PERIOD

The principle of Muslim Government was that[10]

"If the Imam conquered a country by force of arms, he was at liberty to divide it among the Muslims or his soldiers or he might leave it in the hands of the original proprietors exacting from them a capitation-tax called the "Jezya" and imposing a tribute upon their lands known as the Khiraj".

The Khiraj was originally levied to non- Muslims only but later on it was imposed upon Muslims also. However, no conquered land was distributed among the Muslims. Small portions might have been given to soldiers as jagirs but these were generally waste lands[11].

One main difference between the Hindu and the Muslim systems appears to lie in the incidence of land revenue. During Hindu period the King's share was 1/6th of the produce, while the *Khiraj* was levied at 1/3rd of the gross produce. Aurangzeb imposed *khiraj* at 1/2nd of the gross produce.

Todar Mal's Settlement during the reign of Akbar is a great landmark in the revenue systems of the country furnishing the basis for all subsequent settlements. Under this system arbitrary taxes were abolished and revenue assessed upon the true capacity of the land. The assessment was based upon an accurate measurement of land by an uniform standard instead of the various local standards that prevailed up to his times and elaborate methods worked out the ascertainment of the average produce of each bigha of land. The Todar Mal's settlement was a raiyatwari settlement, and any rights and interests superior to the cultivators were completely ignored. The headman and other intermediaries were remunerated for their services, or received the hereditary dues in the shape either of percentages on the collections from the ryots or of "Nankar" and held exempt from revenue.

[9] Mr Phillips, *The Tagore Law Lectures (1874–1875)* 39.
[10] Siraj-ul-Wahaj, as quoted in Colonel Galloway, *Laws and Constitution of India* 32.
[11] Mitra, *Tagore Law Lectures* (1895) 23–24.

During the period of anarchy between the decline of the Mughal empire and British conquest there was a tendency for the growth of semi-feudal interests. As the authority of the State weakened, and it failed effectively to protect the life and property of its subjects, the villagers came to look upon more and more powerful official and chieftains for protection. The dependence of the villagers naturally led to encroachment upon their rights. When the British rule was established, these headmen, chiefs, talooqadars, etc. were protected and became practically the owners of those villages and proprietary rights were conferred upon the collectors of revenue to the loss and injury of the tillers of the soil.

IV THE BRITISH PERIOD

All the districts of Uttar Pradesh came in British possession during the period of 1775 to 1857. The old **"Banaras Province"** (the present Varanasi Division) was acquired in 1775 by a treaty with Asaf-ud-Daula, Nawab Wazir of Avadh. In the beginning of the nineteenth century, Britishers had only Varanasi Division and the Allahabad Fort. The so called **"ceded districts"** were acquired from the Nawab Wazir of Avadh in 1801, consisting of Azamgarh, Gorakhpur, Deoria, Maharaj Ganj, Siddharth Nagar, Basti, Allahabad, Fatehpur, Kanpur, Etawah, Mainpuri, Etah, Shahjahanpur, Bareilly, Badaun, Bijnore and Pilibhit. Certain districts called the **"Conquered districts"** were acquired by a treaty from the Marathas in 1803. These were Agra, Ferozabad, Mathura, Bulandshahar, Ghaziabad, Meerut, Muzaffarnagar, Hardwar and Saharanpur, as well as the Bundelkhand districts of Banda and Hamirpur. The districts of Jhansi, Jalaun, and Lalitpur, were acquired by lapse, forfeiture and treaty after 1840. The Province of Avadh was at last annexed in 1856.

All the "ceded and conquered districts" were governed till 1835 by the Bengal Regulations. The Government of India Act, 1833, provided for the establishment of the "Presidency of Agra". A Governor of Agra was actually appointed[12], but the Scheme was abandoned early, and instead of forming a new Presidency, the "North-Western provinces" were separated in 1835 from the rest of Bengal and placed under the Lieutenant-Governor. After annexation the province of Avadh was placed under the Chief Commissioner of Avadh. Thus there were two Provinces; the North-Western Provinces under the administration of Lt. Governor, and the Avadh Province under the administration of Chief Commissioner of Avadh. By the Act of Union, in 1877,

[12] Notification (Political Department) (14 November 1834).

both provinces were united and placed under the one and the same administrator known as the Lieutenant-Governor of North-Western Provinces and Chief Commissioner of Avadh. But both the provinces remained separate. In 1902, both provinces were united in the name of **"United Provinces of Agra and Avadh"**. By the Government of India Act, 1935, the words "Agra and Avadh" were omitted and "United Provinces" were retained. The name of "The United Provinces" was changed into **"The Uttar Pradesh" on January 24, 1950**.

The State of Uttar Pradesh now consists of three old provinces of Avadh, Agra (North-West Provinces) and Banaras. These three old provinces display a wide diversity in the historical development of land laws and the revenue administration, the details of which are discussed below.

1. Permanent Settlement of Banaras.

The province of Banaras (present-day Varanasi Division) was ceded to the East India Company in 1775 by the Nawab Wazir of Avadh, Asaf-ud-Daula. The initial arrangement allowed Raja Chet Singh to remain in charge of land revenue collection in exchange for an annual tribute of Rs. 22 lakhs.

In 1781, Raja Chet Singh was expelled and replaced by Raja Mahip Narain, who was required to pay a much higher annual tribute of Rs. 40 lakhs. This heavy demand, along with other dues imposed on cultivators, led to the mismanagement and ruin of the province.

From 1788 to 1794, Mr. Duncan, the Resident of Banaras, took over the revenue administration and planned to settle the land revenue directly with the cultivators. However, the views of Governor-General Lord Cornwallis regarding the superiority of the English form of land-holding prevailed. Consequently, the provisions of the Permanent Settlement of 1793, which was originally made in Bengal, were extended to the Banaras Province in 1795 by Regulation No. VI.

Based on the image you provided, here is the transcription of the text:

2. The Avadh Taluqdari System.

Avadh was annexed in 1856. The First Independence War broke out in 1857. When this Movement was suppressed, Sir James Outram, the first Chief Commissioner of Avadh recommended to the Government of India on January 5, 1858 that:

"Taluqas should only be given to men who have actively aided us or who, having been inactive, now evince a true willingness to serve us, and are possessed of influence sufficient to make their support of real value."

After the restoration of British authority, the Government decided to confiscate all the land with an exception in favour of loyal *taluqdars*.

In consonance with this intention Lord Canning, the Governor-General made proclamation that with the exception of Digbijaya Singh, Raja of Balarampur, and Kulwant Singh, Raja of Paduha, "the proprietary right in the soil of the Province is confiscated to the British Government, which will dispose of that right in such manner as to it may seem fitting."

Lord Canning's proclamation was followed by circular letter issued by the Chief Commissioner calling upon the *taluqdars* to come to Lucknow to receive grants of proprietary rights.

3. The Settlement of "Ceded and Conquered Districts"

This portion was called by the name of **North-Western Provinces**, being a part of the Presidency of Fort William and was governed by the Bengal Regulation. In 1859 the Rent Recovery Act, (Act No. X of 1859), was passed and applied, which recognized the rights of subordinate tenure-holders. The name of North-Western Provinces was changed into **Agra Province** in 1902. The Agra province included all the portions of our present Uttar Pradesh except old Banaras province and old Avadh Province (i.e., except present Varanasi, Lucknow and Faizabad Divisions). The ceded and conquered districts could not be placed under the permanent settlement. They remained under the temporary settlement.

V. UTTRA PREDESH COMPRATIVE ANALISYS WITH UTTRAKHAND LAND LAWS

The land laws of Uttar Pradesh and Uttarakhand covered under Uttar Pradesh Land Law after 2000. Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950 UPZALR Act. While Uttar Pradesh has since consolidated its law into Uttar Pradesh Revenue Code, 2006, and Uttarakhand has made important state- specific amendments, the foundational principle remain similar.

1. CLASSES TENURE HOLDERS

UTTAR PRADESH

Before coming into operation of U.P. Revenue Code, 2006 in the State, U.P.Z.A. & Land Reforms Act, 1950 (Act No. 1 of 1950) was enforced within the State w.e.f. 1st July, 1950. The State Government had been pleased to enforce the **U.P. Revenue Code, 2006 w.e.f. 11th February, 2016** (repealing the above noted Act along with 38 other old Acts) received the assent of President on 29th November, 2012 (published in U.P. Gazette (Extra) Part I dated

12th December, 2012 (U.P. Act No. 8 of 2012) and at present 4 classes of tenure-holders are existing under **Section 74** of the Code, which are as under :

A. Bhumidhar with transferable rights (Section 75);
B. Bhumidhar with non-transferable rights (Section 76);
C. Asami (Section 78);
D. Government lessee (Sections 147 to 152 of Chapter X).

2. RESTRICTIONS ON LAND PURCHASE AND TRANSFR

UTTAR PRADESH

According to Section 88, of Uttar Pradesh Revenue Code 2006, the rule are straightforward:

1. Can Transfer: A Bhumidhar with transferable rights is the only classes of landlord who can freely sell, gift, or otherwise transfer their land.
2. Cannot Transfer: A Bhumidhar with non-transferable rights, an Asami (a type of tenant) and Government lessee are explicitly forbidden from transferring their interest in a holding.

According to Section 89, of Uttar Pradesh Revenue Code 2006, Restrictions of transfer by Bhumidhar:

No person shall have the right to acquire by purchase or gift any holding or part thereof from a Bhumidhar with transferable rights, where the transferee shall, as a result of such acquisition, become entitled to land which together with land, if any, held by such transferee and where the transferee is a natural person, also together with land, if any, held by his family shall exceed 5.0586 hectares in Uttar Pradesh.

The State Government or an officer authorized for this purpose under this Act may approve an acquisition or purchase done or proposed to be done, in excess of the limits specified in sub-section (2), if such acquisition or purchase is in favour of a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution:

I. Up to 50 acres (~20.23 hectares): The District Collector.
II. 50 to 100 acres (~20.23 to 40.46 hectares): The Divisional Commissioner.
III. Over 100 acres (~40.46 hectares): The State Government.

According to Section 90, of Uttar Pradesh Revenue Code 2006, Persons other than Indian nationals not to acquire land:

Notwithstanding anything contained in this Code or in any other law for the time being in force, no person, other than an Indian citizen, shall have the right to acquire any land, by sale or gift, or in any other manner involving transfer of possession in his favour, without prior permission in writing from the State Government[13].

UTTRAKHAND

The Uttarakhand recent more restrictive approach to land purchase by outsiders, driven by its unique demographic and ecological concerns.

How the Laws Evolved

Uttarakhand's land laws for outsiders have never been static — they've been shaped by changing governments, public sentiment, and the need to balance development with preservation.

Here's a timeline of major amendments from 2003 to 2025[14].

Year	Government / Context	Key Change	What It Meant for Outsiders
2003	ND Tiwari Govt	**First restriction introduced** — outsiders could buy a maximum of **500 m²** (about 5,380 sq ft) of land for residential use.	This was the first official step to limit large-scale land acquisition by non-residents. You could still buy easily, but only up to a certain size.
2007	BC Khanduri Govt	Limit **reduced to 250 m²** (about 2,690 sq ft).	This made it harder for outsiders to buy large plots. Many buyers had to split purchases or settle for smaller holdings.
2017–2018	Trivendra Singh Rawat Govt	**All size limits removed** for outsiders buying land for purposes like tourism, industry, or	Outsiders could now buy big chunks of land if they claimed a business purpose. This led to a sharp rise in purchases — and growing public concern.

[13] The Uttar Pradesh Revenue Code, 2006 (U.P. Act No 8 of 2012).
[14] *Uttarakhand Land Laws for Outsiders* (kumaonplanner.com, 12 August 2025) accessed 10 September 2025.

Year	Government / Context	Key Change	What It Meant for Outsiders
		housing, subject to District Magistrate (DM) approval.	
2021–2022	Public protests + Committees formed	State set up panels (e.g., Subhash Kumar Committee) to recommend stronger protections.	No immediate legal change, but it signaled a shift back toward restrictions.
Feb 2025	Pushkar Singh Dhami Govt	**“Bhu-Kanoon” amendment passed:** – Outsiders **banned from buying agricultural/horticultural land** in 11 districts (all except Haridwar & Udham Singh Nagar). – 250 m² residential limit restored. – Only **one-time purchase** allowed. – DM’s discretionary power removed. – Affidavit & online monitoring system introduced. – Violations can lead to land being taken over by the government.	This is the strictest version of the law since state formation. Outsiders now have very limited options — mostly small residential plots, and agricultural land is off-limits in most districts.

UTTARAKHAND BHU KANOON[15]

What's in new Bhu Kanoon in Uttarakhand?

- Except for Haridwar and Udham Singh Nagar, individuals from outside the state will not be able to purchase land for agriculture and horticulture in the remaining 11 districts.
- Apart from municipal areas, individuals from other states will be allowed to buy up to 250 square meters of land once in their lifetime for residential purposes. For this, they will now be required to submit a mandatory affidavit.
- The rules for purchasing land for industrial purposes will remain unchanged.
- In Haridwar and Udham Singh Nagar, permission to buy agricultural and horticultural land will not be granted at the district magistrate level. Instead, approval will be required from the state government.
- The 12.5-acre land ceiling has been removed in 11 districts. However, in Haridwar and Udham Singh Nagar, before purchasing 12.5 acres of land, the concerned department must issue a requirement certificate for the intended purpose. Only then will approval be granted at the government level.
- The buyer will have to submit an affidavit to the registrar stating that the purchased land will not be used for any purpose other than the specified one. In case of violation of land laws, the land will be vested in the government.
- The land purchase process will be monitored through an online portal. All district magistrates will regularly send reports related to land purchases to the Revenue Council and the state government.
- Within municipal limits, land use will be permitted only as per the designated land-use regulations.

Other Important Land-Related Laws in Uttarakhand

Even if you meet the Bhu-Kanoon[16] requirements, there are other state and central laws that can affect land purchases in Uttarakhand. These are equally important for outsiders to understand before finalizing any deal.

1. Zamindari Abolition and Land Reforms Act (UP, 1950 as applicable to Uttarakhand)

- This is the base law governing ownership rights, tenancy, and land transfers.

[15] *Uttarakhand Bhu Kanoon - Land Laws in Uttarakhand Updates* (eUttaranchal.com, 6 months ago) accessed 14 September 2025.

[16] Uttarakhand Bhu-Kanoon (eUttaranchal, 25 February 2025) accessed 10 September 2025.

- Many provisions still apply in Uttarakhand because the state inherited this law from Uttar Pradesh.

2. Ceiling on Land Holdings Act

- Limits the maximum land any person can own.
- Applies to both locals and outsiders, but outsiders are already heavily restricted under Bhu-Kanoon.

3. Forest Conservation Act, 1980

- You **cannot buy land recorded as forest land** (reserved or protected) for private use.
- Even if the seller says “it’s private forest,” it may still be under forest records — so always verify.

4. Eco-Sensitive Zone (ESZ) Rules

- Land near wildlife sanctuaries, national parks, or protected forests often has **construction restrictions**.
- Outsiders must get special permissions for building in ESZ areas.

5. Land Conversion Rules (Agricultural to Residential/Commercial)

- If you buy agricultural land in a permitted district (Haridwar/US Nagar), you must apply for **land use conversion** before building.
- Conversion requires government approval and a fee.

6. Registration Act, 1908 & Stamp Duty

- All land transactions must be registered at the sub-registrar office.
- Outsiders pay the same stamp duty as locals, but rates vary by district and land type.

VI. CONCLUSION

The Land Law cover under the Local Law according to state. There is a Uttar Pradesh Land Law cover Uttarakhand Land Law after the since 2000. The Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950, the new enactment has been implemented in State of U.P. by the Legislature known as “Uttar Pradesh Revenue Code 2006” notifying the Notification dated 11th February, 2016. At present the major changes have been incorporated substituting the new provisions in various sections and repealed the existing laws of the Code w.e.f. 10.3.2019 by the State Legislature. This Code is much clear and significant which satisfying Land Revenue System. Uttarakhand Bhu-Kanoon refers to the Land Laws and regulation governing Land tenure, Land acquisition, Land ownership, and Land use. It is a important framework according to Land law both the State some of the similarities and some of the Variation of the Land Law.

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