

U. P. S.C. & S.Ts. Welfare Association

Vs

State of U.P. and others

Writ Petn. (C) No. 1495 of 1986 with Writ Petn. (C) Nos. 1762 of 1986 and 755 of 1986

(M.N. Venkatachaliah, N.M. Kasliwal JJ)

28.08.1990

ORDER

1. The petitioners in these writ petitions claim to be those engaged by Government in connection with a particular scheme of afforestation then obtaining in the erstwhile United Provinces known as the "Taungya System". This system appears to have had its own peculiar features and incidents. In the first "Taungya Conference" held in the year 1933, the system and its features were referred to thus:

"To a trained Forest Officer, no definition or description of taungya is necessary. These 'Proceedings of the First Taungya Conference' in the United Provinces will, however, be read by others besides Forest Officers and it will, therefore, be useful to explain at the start what taungya means. A taungya plantation is a plantation in which forest trees are raised in combination with temporary cultivation of field crops. All forest plantations initially require soil working, weeding and tending to be successful. In departmental plantations, the labour costs for this essential work is paid in cash and may amount to Rs. 30 to Rs. 100 per acre of successful plantation. In taungya plantations the labour is not paid in cash but is paid by the produce from the field crops (wheat, mustard, rice, arhar, etc.) raised in the plantations between the lines of the tree species. During the first few years of a forest plantation the tree species occupy a comparatively small proportion of the total area, and for these few years the taungya principle utilizes the soil on the rest of the area, in growing valuable food, crops instead of valueless weeds, and difference in value is shared by the Department and by the cultivators. The necessary weeding and tending of the tree seedlings is carried out by the taungya cultivators simultaneously with the tending of their own crops. After a few years as the tree seedlings grow up and monopolize more space, the cultivators abandon the area and repeat the process in adjoining forest areas. The principle of taungya thus has a double advantage. The Forest Department benefit by obtaining better plantations at a greatly reduce or even-negligible cost. The cultivators benefit by supplementing their meagre holdings. The addition of 5,000 or 10,000 acres of cultivation to the total arable area of the Province may from the provincial point of view be almost negligible but experience has definitely shown that taungya can be a very valuable factor locally in improving the lot of the poorest and most needy cultivators who usually come for taungya work, and who usually obtain finer crops from virgin forest soil than from their village cultivation."

2. Petitioners claim to be, and to represent also the other, Taungya settlers spread over parts of the Shivalik Ranges of Uttar Pradesh. They allege that they are being forcibly evicted from certain homestead and cultivable lands granted to them for their settlement pursuant to the eviction notices dated 30-8-1986 issued to them. Though Taungya settlers are spread over a number of villages, the present action initiated by the impugned notices pertain to the settlers in four villages namely, Bhagwatpur, Haripur (also known as Hazara), Rasoolpur and Teera. The grievance is that they are being uprooted from their traditional moorings and habitation otherwise than in accordance with law by unauthorised, arbitrary and highhanded executive action. They refer to, and assail the legality of, the notices of eviction dated 30-8-1986 issued by the Divisional Forest Officer Shivalik Forest Division Dehradun in this behalf. Petitioners refer to the representative and typical notice at Annexure 'A' to W.P. 1762/ 86 and aver that similar notices are issued to the various taungya settlers.

3. The scope of the controversy in these petitions is substantially narrowed down in view of the submission of Sri Yogeswar Prasad for the State of U.P. that the eviction notices which were confined to the taungya settlers in the aforesaid four villages within the boundary of the proposed "Rajaji National Park" would not be given effect to and that Government would take appropriate steps permissible under law to resume possession. Sri Yogeswar Prasad also submitted that many of the taungya settlers in these villages and some of the other villages had in course of time migrated to other settlements pursuant to facilities and amenities provided to them by the Government. We are here not concerned with Taungya settlers in other villages. The question is whether taungya settlers in the aforesaid four villages lying within the area of the "Rajaji National Park" are liable to be evicted in the manner proposed.

In view of this limited scope of the proceedings in these cases, the controversy sought to be raised in W.P.755/87 does not fall for determination. The grievances of the petitioners in W.P. 755 of 1986 do not require to be enquired into as Government does not now propose to take steps for their eviction as those areas do not fall within the contours of the "Rajaji National Park". In this view of the matter, the controversy raised in W.P.755/ 87 by the petitioners therein who claim to be taungya settlers of areas other than the areas required for the park and against whom, even according to Government, no immediate steps for eviction are in contemplation, need not be gone into. Indeed there appears to be no present or subsisting cause of action for them to bestir themselves in this batch of cases. With these observations W.P.755 of 1987 is dismissed.

4. So far as claims of the petitioners in the other writ-petitions who claim to be in taungya the villages of Bhagwatpur, Haripur, Rasoolpur and Teera are concerned, in view of the present stand of the Government that the eviction notice dated 30-8-1986 would not be given effect to and that those notices may be quashed with liberty reserved to the State to take such action for eviction and consequent resumption of possession. in manner recognised by law consistent with the rights and obligations of the parties, all that seems necessary is to quash those notices. We accordingly, quash the notices issued to the taungya settlers in the said four villages. Government, however, shall be at liberty to take such action for resumption of possession as may be open to it at law as it is stated that the land is required for purposes and as part of the "Rajaji National Park".

However, there is a further aspect in regard to the settlers of Bhagwatpur. It is asserted by State of U.P. that these settlers have a long time ago moved away and resettled themselves elsewhere in the area made available to them by the Government. Government also asserts that monetary reliefs had also been afforded to them long years ago and these persons should not be allowed to reargue their alleged rights taking shelter behind the other petitioners. Sri Yogeswar Prasad invites us to say that

though the eviction notices are quashed that by itself should not operate to revive any of the alleged rights and claims of the taungya settlers who had so moved away from Bhagwatpur a long time ago. On the material placed before us, it is not possible to decide this controversy which is one of fact required to be resolved on evidence. Suffice it to say that in the cases of those taungya settlers who had accepted the facilities offered by the Government and had in fact moved away from their settlements the quashing of the notices dated 30-8-1986 shall not be understood to enure to their benefit to revive any claims or rights which had been given up by them earlier in the manner alleged by the Government.

5. With these observations, the writ-petitions are disposed of. No costs.

Order accordingly.

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