

## **SIRMUR WATER MILLS (GHARATS) REGULATIONS**

Regulation No. 1 of 2002

WHEREAS it is expedient to amend the rules relating to Water-Mills (Gharats), it is hereby enacted as follows:—

### **CHAPTER I**

1. (a) This regulation may be called the Sirmur Water-Mills (Gharats) Regulation 2002. B.K.  
(b) It extends to the whole of Sirmur State except the following tracts namely:—
  - (i) estates which are the private property of His Highness the Maharaja Sahib Bahadur.
  - (ii) any tract which may be exempted permanently or for some period under orders of the Sirmur Durbar notified in the Sirmur Gazette.  
(c) It shall come into force from the first of Asoj 2002. B.K.  
(d) It supersedes all previous rules, orders and directions relating to water-mills; provided that the Mills (Gharats) which have been constructed or erected under the existing rules under orders of a competent authority, or proceedings which are being conducted or have been completed against persons for infringement of the existing rules, shall be deemed to have been respectively constructed, erected, conducted or completed under this regulation.
2. In this regulation unless there is something repugnant to the subject or context;  
The word "Water-Mills" includes Gharat, and any other kind of Mill worked by water of a river, brook or kuhl (a small water channel).
3. The assessment on water-mills, will be treated as part of the jama of the estate, and will be subject to the usual cesses. Such assessment would be liable to suspension or remission, and alluvion and diluvion the same manner, and under the same authority as the ordinary land revenue.
4. The assessment on a water-mill may be permanently or temporarily remitted by orders of the Sirmur Durbar, but no such assessment shall be permanently terminated unless the water-mill has been dismantled and its gear removed or it has otherwise been satisfactorily ascertained that the mill has permanently become useless or unserviceable.
5. (1) All the existing water-mills, and those to be newly constructed for which necessary applications have been received in accordance with the prescribed rules, will be put to auction for the remaining period of the current settlement on annual basis by the Tehsildars within whose territorial jurisdiction such water mills are situated; and the amount of the highest bid, when approved by the Durbar; shall be the assessment on a water-mill for the remaining term of the settlement;  
(2) (a) (i) In recommending any bid for the approval of the Durbar, the Tehsildar and the Collector will consider if the bid having regard to the proximity of the Gharat to the markets, means of transport, extent of business, natural advantages, and the amount of bids for other Gharats in the vicinity or situated under similar conditions is adequate or not. The average annual income during last five years may also be taken into consideration. Recommendation will be made only in respect of the bids that are considered adequate;  
(ii) In case of two equal bids preference will be given to the bid of the person who has already held or worked the Gharat for over 5 years immediately preceeding the auction bids.  
(b) In case the highest bid for a Gharat is considered inadequate by the Tehsildar or a pool is made by the bidders, the Tehsildar will submit report for orders to the Collector.  
The Collector on receipt of such report, or when he himself considers the amount of any bid recommended by the Tehsildar as inadequate, shall reject the bid and fix annual fees to be realised in respect of the Gharat (bid for which is rejected), for a period not exceeding five years; and will direct the Tehsildar to submit to him the name of a suitable person willing to work the Gharat on payment of the annual fee as prescribed by him. In determining the amount of annual fee the Collector shall be guided by the considerations mentioned in sub-clause 2(a) (i) and (ii).  
(c) On receiving Tehsildar's report recommending the name of a suitable person the Collector shall submit his proposal for the approval of the Durbar.  
The amount of the annual fee approved by the Durbar shall be deemed to be the assessment on the Water-mill for the period for which it is sanctioned.
6. The persons whose bid has been approved by the Durbar or who have been permitted to work Gharats for a specified period in accordance with the provisions of sub-clause (2)(c) of clause 5 will be granted licences by the Collector in the form set out in the Schedule to this regulation. Such licence-holders will be treated as Patta-Dars (Lease holders), and the amount of assessment payable with respect to a water-mill annually together with the rates and cesses chargeable thereon will be held to be the annual Patta (lease) money.

7. The licensees shall be entitled to work the water-mills themselves or through their agents, and to sublet them; and their rights will not be liable to sale or attachment in execution of an order or decree of any court except when such decree or order is for the realisation of the amount due as an arrear of the amount assessed on the water-mill.

## CHAPTER II

### PROCEDURE TO REGULATE THE CONSTRUCTION OF NEW MILLS

8. Any person wishing to start a new mill must apply in writing to the Tehsildar, on one rupee stamp (court fees,) for permission to do so. The Tehsildar will then order the Patwari to prepare Shajra and Khasra who shall do so within a month and as soon as these papers are received, the Tehsildar will record statement of the applicant and issue a notice to all concerned to file their objection within sixty days from the date of notice.

The notice will be issued in duplicate, one copy to be posted in a conspicuous place in the village in which the site of the proposed mill is situated; the second copy will be placed on the file with a report of service.

9. After preparation of Shajra and Khasra and expiry of the period of notice, the Tehsildar will completely satisfy himself, by personal enquiry on the spot, as to whether the construction of the proposed mill is not in any way detrimental to the interests of the existing mill owners or the irrigation of land.

Even if no objection has been put in, the Tehsildar will satisfy himself that the water of the Kuhl out of which the channel to work the mill has been taken out, again rejoins it and does not go away elsewhere.

If it appears that the proposed construction of the mill will be harmful so far as irrigation of land is concerned, the working of the mill may be allowed for a period other than the one when water is required for irrigation purposes.

10. Any person intending to put in his objection will do so in writing on one rupee stamp (court fees) within sixty days from the date of notice.

11. If the Tehsildar is satisfied that existing rights are not interfered with, and if no objection has been filed within the specified period, or objections filed have been rejected after due enquiry, the Tehsildar will issue orders permitting the applicant to construct the proposed mill. If the proposed mill has not been constructed or started within one year of the date of granting permission, the same will be deemed as cancelled.

12. If the existing site of a mill has become unsuitable owing to flood or diversion of the course of a river or Nallah, or some other cause, the Tehsildar will, on formal application received, pass such orders as he deems fit. For change of site two files will have to be prepared, viz., one for relinquishment of the old site and the other, for construction of the new mill.

13. If the Tehsildar finds that the proposed mill would be harmful to irrigation or existing water-mills or is otherwise objectionable, he will reject the application. Doubtful cases may be referred to the Collector for orders.

14. As soon as a Patwari comes to know at Girdawari or otherwise that a new mill has been constructed or the site of the existing mill has been changed, without permission, he shall at once submit a report to the Tehsildar.

15. It shall also be the duty of the Lambardar to report to the Tehsildar of the construction or starting of a new water-mill (gharat) by any person or changing by a licensee of the site of an existing gharat within his jurisdiction without obtaining the previous sanction of the Tehsildar.

16. (a) Any person, who is proved to have constructed, or changed the existing site of a mill without proper permission shall be liable under the orders of the Collector to a fine not exceeding Rs. 10/- in each case, in addition to the revenue assessed on the mill which shall be realised from the date of construction. Failing payment of the fine and the revenue the mill may, if the Collector deems it proper, be dismantled.

(b) The fine not exceeding Rs. 10/- imposed on a mill which has been ordered to be dismantled, shall be recurring and recoverable monthly until the mill continues to exist.

17. When a mill has been permitted to be constructed subject to certain conditions and it has been found that those conditions have not been adhered to, the Collector may inflict a fine not exceeding Rs. 10/- on the person committing such infringement and may also, if he thinks fit, order that the mill be stopped.

18. A register (in form 'C') of all mills situated in Tehsils will be maintained by the Wasil Baqi Nawis of each Tehsil, and no files relating to such mills shall be consigned to Record Room without obtaining the certificate of the Wasil Baqi Nawis to the effect that AMADDARAMAD has been made in his register.

19. In cases water-mills are situated on land not owned by the State, the owners of such land shall be given at the time of auction, option to work the Gharats on their agreeing to pay the amount of the highest bid. If they decide to avail of this right of pre-emption they will be treated as the highest bidders within the meaning of clause 5

In case they refuse to pre-empt they shall be entitled to receive from the license-holders such rent for the use and occupation of the land as may be determined by the Tehsildar.

20. No rights will accrue to the mill owners by mere lapse of time.

### CHAPTER III

#### Record of Water-mills

21. In the Patwar papers, all mills in Tehsils as described under Chapter (II) will be shown as follows.-

- (a) Each mill will be shown by the Patwari under a separate Field No. in the KHASRA GIRDAWARI, and in column 'for changes' he will note at every harvest whether the mill is in working order or not; changes in the ownership or tenancy of the mill will also be shown as usual in this column.
- (b) Mills of which the site does not change, will be entered in their proper place according to locality; those, of which the situation is variable, such as those in the beds of large rivers, will be shown in the papers of the adjoining estates regardless of temporary changes of situation; each such mill will have a separate Field No. and entries regarding all such mills will be made in one place at the end of the KHASRA GIRDAWARI.

22. Similarly, all mills will be shown in the JAMABANDI of the village in which they are situated. If the mill owner is also a land-holder or an occupancy tenant, his status in respect of the Gharat (Water-Mills) in the JAMABANDI should be the same as he enjoys in respect of the land concerned. In case the person who has constructed a mill possesses no land in his capacity as land-holder or occupancy tenant, the entry of the mill will be made separately in the "KASHT" column of the KHEWAT concerned. In the former case the land and the mill revenue should be shown separately as under:-

Land revenue demand.....	] .....	Total demand.
Mill revenue demand.....		

### CHAPTER IV GENERAL RULES

23. A list of gharats Tehsil-wise will be drawn up.

24. The Revenue Officers will take out with them while in camps a duplicate list of the gharats in the Tehsil and will check the list while touring. The list will be kept in the Tehsil in duplicate so that one copy may be available for Tehsildar and other for the Naib-Tehsildar. A separate account of the income from the gharat fees will be kept.

25. If any person or persons run a gharat for a certain period and then wipe it off and remove all its traces in order to prevent state fees to be levied thereon, such person or persons will be liable to a fine which may extend to five times the amount assessed on it on conviction by any Magistrate of the 2nd Class.

26. The arrears of assessment due from the gharat owners will be recoverable as if they were arrears of Land revenue.

27. A consolidated list of the gharats in the whole of the State shall be compiled and submitted to the Durbar for sanction. Any additions or alterations in the list shall likewise be reported to the Durbar.

28. At the time of next settlement, while determining assessment on water-mills, the assessing officers will consider inter alia the following points :-

- (a) Situation of the water-mill with reference to markets;
- (b) Regularity of supply of grain for milling;
- (c) Sufficiency or otherwise of the water supply;
- (d) Number of months during the year, the water-mill is expected to work;
- (e) Output of flour as shown by actual measurement;

AND

(f) Dimensions and height of the mill sluice, and other circumstances bearing on the profits to be expected.

Reghubir Singh  
Secretary Sirmur Durbar.

# SCHEDULE

1. FORM 'A'
2. FORM 'B'
3. FORM 'C'

Statement of the Gharat Contract situated in Village.....Tehsil.....Sirmur State,  
as required by Sirmur State Gharat rules of 2002 Chapter II.

Name of the applicant	Name of gharat and serial No. of the list.	Name of the village with Hadbast.	No. Khasra of land in which this gharat is situated	Name of the stream from which it continues with name of the month in which the gharat works.	Name of the previous contract or & the amount of the contract.	The pre-sent amount of the contract.	Detail of the security	Tehsil-dars report.	Recommendation of the Collector.	Remarks
1	2	3	4	5	6	7	8	9	10	11

## FORM "B"

पट्टा नं.

ठेका घराट  
जिला रियासत सिरमौर नाहन बाकी

अज पेशगाह साहिब क्लक्टर बहादुर  
सर्वत 200

1	2	3	4	5	6	7	8	9	10	11	12
नं. शुमार किस्तबन्दी तहसील	नाम तह- सील	नाम मौजा मय नं. हैदबस्ता	नं.ससरा मय नाम घराट	नाम ठेकेदार घराट	नाम व पता जामन	तादाव जरे ठेका सालाना	मियाद ठेका	शरायत किस किस माहमे रुपया वासिल होगा माह	क्या शाह पिसाई आरह गन्धम ठेके- दार को लेना चाहिए	कैफियत	
								पोह	सावन	मक्की मन गन्धम मन 2 Seers per maund in kind	