

United Provinces Gazette, November 1, 1930
MISCELLANEOUS

October 28, 1930

No. 700/IA-617-1927- In continuation of notification No. 1494/I-317-1927, dated August 22, 1930, it is hereby notified for general information that Governor in Council has made the following rules under sec of the Scheduled District Act (XIV of 1874) to regulate the procedure regarding irrigation channels and watermills in the Kumaon Division.

“These rules shall be called the Kumaon Water Rules, 1930. They will come into force on the date of this notification. They supersede all existing rules on the subject.

A. IRRIGATION CHANNELS

1. Government will raise no objection to the construction of new irrigation channels by any landholder. Such channels must not reduce or otherwise injuriously affect an existing right of user of water belonging to any other party.
2. All dispute arising out of the working or construction of irrigation channels shall be tried exclusively by the revenue court.
3. An appeal shall lie from the order of the Assistant Collector to the Deputy commissioner, if filed within 30 days. An appeal shall lie from the order of the Deputy Commissioner to the Commissioner if filed within 60 days.
4. The District Engineer, the Chairman of the District Board or the divisional Forest Officer may, instead of filing a suit, report to the Assistant Collector regarding construction of any irrigation channel likely to damage a road or other public work under their charge.
5. On receiving such report, the Assistant Collector shall call upon the person complained against to show cause why the said irrigation channel should not be discontinued. If it is proved to the satisfaction of the court that damage is likely to be caused as above, the Assistant Collector may prohibit the construction of the Irrigation Channel, or order its demolition.
6. If an irrigation channel can not be constructed without passing through the measured and assessed land of another person it shall not be competent to the person wishing to construct the said channel to file a suit in the court of the Assistant collector for permission to do so and the court may make an order that the channel be taken over such measured and assessed land as such conditions think just, and may grant reasonable compensation to the owner of the land.
7. The period of limitation in the case of a suit under section 2 shall be one year from the date on which the plaintiff becomes aware of the infringement of his rights.

B. WATERMILLS

1. Any person may apply to the Assistant Collector in charge of a sub-division for permission to construction a watermill.
2. In case there are more applications than one regarding the same site, on the part of a resident and of a non resident of the village preference shall be given to the resident.
3. Every such application shall clearly specify the spot where the mill is to be constructed, and shall mention the other mills in the neighbourhood, with the names of their proprietors, and also whether the proposed mill will to worked during the rains only, or throughout the year.
4. The Assistant Collector shall depute an amin to prepare a map clearly showing the site of the proposed mill, together with any other mill or irrigation channels served by the same stream.
5. The Assistant Collector shall publish a proclamation in the village and in the neighbouring villages, and shall notify individually the owners of neighbouring mills. He will also notify the Chairman, of the District Board, the District Engineer and the Divisional Forest Officer, if necessary.
6. If no objection is made the petition may be granted.
7. If an objection is raised, the objector shall be called upon to pay necessary court fee, and the objection shall be treated as plait in a revenue suit, the decided as such.
8. As appeal will lie within 30 days from the court of the Assistant Collector to that of the Deputy commissioner and within 60 days from the court of the Deputy Commissioner to that of the Commissioner.
9. The deputy commissioner shall assess the mill for the un expired portion of the period during which the assessment of other mills in the force.
10. All mill rents shall be liable to reassessment under the order of government at intervals of not less than 20 years. Provided that all dharm gharats shall remain of rent.
11. Any person holding and paying rent for a watermill, may be notice filed before the Assistant Collector in charge of the sub division, surrender such mill with effect from the 30th of September next following –

Provided that such notice and surrender shall not relieve the persons as giving notice from his liability to pay the rent due for the current year.
12. The revenue derived from watermills will as heretofore belong to the District Board except that from the Sadabart mills.
13. If a mill is found to have been constructed and worked without sanction, the Deputy Commissioner may order it to be stopped or dismantled, or may assess it to rent and allow it to be stopped or dismantled, or may assess it to rents and allow it to continue subject to the payment of a penalty of not more than three years rental”

True copy
Distribution Board
8.8.84

Copy of a letter No. 197/I-666B, dated 7th March 1914, from W. Gaskell, Esq., C.S., Joint Secretary, board of Revenue, U.P., to the Commissioner, Kumaun Division.

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With reference to your letter No. 2033/XXI-70 dated the 24th January 1914, I am directed to say that the Board do not consider it necessary to alter the existing arrangements in Garhwal by which mill rents are collected in two Kist.

2. The revised assessments on the agricultural and commercial mills in the division should be introduced as suggested by you, with effect from the revenue year 1913-14. But should be agricultural prospects be very unfavourable the matter should be reported to the Board for further orders.
3. The Government is being addressed regarding the delegation to you of powers to remit mill rests when necessary and orders will be communicated subsequently.

Kumaun Commissionership.

No. 24/XXI-70, dated Nainital the March 1914.

Copy together with a copy of the letter to which it is a reply, forwarded to the Deputy commissioner Almora, for information and necessary action with reference to his No. 1262/I-1, dated 10th December 1913.

Sd/-
Head Assistant
For P.
Commissioner

Copy of Board's letter No. 192/I-66B, dated the 7th March 1914, to the Government, United Provinces, Revenue Department.

I am directed to invite a reference to the correspondence ending with Government order No. 2182/I-630, dated the 16th February 1913 in which the sanction of the Government as conveyed to the ravine assessment on the agricultural and commercial mills in the Kumaon division and the state as follows.

2. On receipt of the orders of the Government, the local authorities asked if ... effect was to be given to the revised command and pointed out that government course .. be in exaeaient owing to the .. of the season. Further details ...be taken. For , but is the meantime the position be affairs has improved so the revised rents are to be collected unless some unforeseen misfortune occurs.
3. In referring the mention the Commissioner has marked that powers be delegated to him to sanction the revision of rents whenever necessary. These rents do not levied under the provisions of any set and the Government is able to pass such orders in the matter as it planning. The Board are of opinion that the power to sanction remissions might with advantage be delegated to the Commissioner and route recommence such a course for the favourable consideration of the Government.

No. 1717/XV-17 dated

From

The Chairman
District Board,
Almora

To The Deputy Commissioner,
Almora

Sir,

I have the honour to invite your intention to new Mill Rent Rules 1930 and to assess you. Kindly to amend Dep Commissioners order dates 7.11. passed in M. Rent file No. 65 of vilalge Sumohi path Mall's Symen. The Shastri & Rajbar Shahils of M. symira & Ashok respectively may hence forward the asked to transfer mill rents of then marfi villages to District Board from

I have Sd/-

To,

The Commissioner,
Kumaon Division,
Nainital

(Through the Deputy Commissioner, Almora)

Sir,

I respectfully beg to approach you with the hope that you will be pleased to recommend to the Government that the mill rents of Taluqa Askote may be made over to me as part of the rent of my Taluqa.

In 1874, on the advice of Shri Henry Ramsa the then Commissioner Kumaon division, my grand father, the late Rejwar Pushkar Pal Sahil was pleased to pay 96% out of the income of mill rents in sadahrat funds and out of this amount medicines were supplied to the Taluqa for distribution to the people, and the sum was sent up with the government demand. In 1916 a survey was made of the mills and the mills have been regarded as Government and the rents are made over to the District Board by the Government. The supply of the medicines was stopped long ago.

At the time of Becketts settlement it has not been treated like other parganas and a fixed sum is payable by me as revenue. I have been bestowed absolute powers to exercise over the measured and unmeasured land of the Taluqa except that of Khaikais and the Taluqa till 1916 was holding the mill rents since generation only on payment of the fixed sum of revenue.

I therefore pray you to kindly move the government that the mill rents may be given to me as an income of the Taluqa. For this act of kindness I shall ever remain grateful to you.

I remain, sir,

Yours obediently,

Askote
31.VIII.1933

Sdj.B. Bahadur pal
Rajwar Estate

From :

The Deputy Commissioner,
Almora
United Provinces,

To

The Chairman,
District Board,
Almora

No. 507, Date November 30, 1933

Received XVI-9

Subject

Sir,

I have the honour to forward a copy of the Rajwars application for favour of an early report and to request that it may not be delayed from the next meeting of the Board which would no doubt be consulted if any change in the existing practice were ultimately contemplated.

I have the honour to be Sir,

Your most obedient servant,

Sd/-

(For Deputy Commissioner,
Almora
30.XI.1933

Enclosure

Copy

R. No. 2546 dated 4.12.33

Extract from Kumaon Commissioner letter 792 of 21st Aug., 1879 to the Secretary to N.W. Provinces & Audh.

8. By the arrangement I propose this __ will be minimised if not prevented altogether at Almora the males & females are kept _____ & the system has hiverto worked well. There can be no doubt of the wevisity of capping, this give & I suggest the govt. of India's be procured for the application of will suits, recently assigned to irrigation works, _____ houses & sanitary appliances to this will work. I would recommend that the whole the will suits of both districts, be treated as fund, equally available for the relief of Garhwal or Kumaon lepers, as the will suits represent small payment of handputs of _____ make by the people for the privilege of their grave ground & cannot be considered item of revenue as govt. has nothing to do the building of these small mills of the money could be more appropriable applied than by assigning it to the viewer before inatitubous that will be required with affect of checking the progress of this dise while they could afford relief to those actual afflicter.
9. Under the native govt. legers more burdant to prevent the spread of the disease, no doubt be _____ has become mutually _____ and the imatures I have _____ is the only flat due remedy I can suggest after having discussed the questions with the respectable natives of the Raguar of assent & Vella Vhar Shastri, have given up their will suits for this most affect tip the govt. of India sanctions my in the re.____ will suits I feel confident I can come arrangement so as to afford great relief at the time much good will be accomplished.

So/ H. Ramsay
Commisioner

Cal. Ramsay's no. 15 of 1.1.1880 to the _____ . The subject of segregating lepers in runner.

I did not intiou appropriating the whole will suit funds which has been the _____ saving the lives of hundreds of people _____ from few, but as I cannot attempt to my own views in re-leprosy against the conclusions of the medical office who discussed the question, _____ not go into in re the will suits fured, which at present most urgently employed.

So/ H. Ramsay

Reference Deputy Commissioner's No. 507/XVI-9 dated 30th November, 1933. I beg to report as below:

1. Please see G.O. No. 529/1-666 B dated 4th December, 1911 flagged 'A' which gives a complete history of the imposition of the water mill rents in Kumaon Division. No where in this G.O. is forthcoming the contribution of the Rajwar Saheb that the mill rents formed part of his revenues till the year 1916. On the other hand a perusal of para 6 of Col. Ram Say, Commissioner Kumaon Division's No. 792 dated 21st August, 1879 would show that the mill rents should be appropriated to irrigation works, rest houses and sanitary appliances (as sanctioned in G.O. No. 2634 A dated 2.9.1878) flag 'B'.
2. The total income from mill rents in this taluka is Rs. 450/- per annum. We maintain a number of schools within this taluka besides two dak bungalows and a vaccinator. The annual expenditure as far as could be ascertained is not less than Rs. 4500/- per annum. The Rajwar Saheb if he succeeds in getting the income from mill rents to his funds instead of to the Board's funds I am afraid will have to meet the cost of education, sanitation, vaccination and public works (road, bridges & dak bungalows).
3. The Board is in correspondence with the Govt. of establishing a hospital at Dharchula which is under this taluka. The dispensary if the proposal matures would cost about 2000/- per annum.
4. The Sirkha dispensary which is being run by Rev. Stainer and is assisted through this Board gives I understand some medical relief to the people of this taluka.

A dak bungalow at Kanalichina in the Rajwar's Taluka is under construction. Another has just been completed at Dharchula. It will thus be seen that the Rajwar Sahib has had so far not to bear any expose for these _____.

No. 2051

From,

Jan. Bahadur Singh Esqr: MA
Chairman
District Board, Almora

To,

The Deputy Commissioner,
Almora,

Dated Almora, the 3rd January, 1934.

Sir,

With reference to your letter No. 307/XVI.9 dated 30th November, 1933 I have the honour to state that a total _____ from mill rents in the Taluka of is Rs. 450/- PA. The district board maintains No. of school within this Taluka besides to Dak Bungalows and a vaccinator, leaving aside the maintenance of roads. The annual recurring expenditure is roughly not less than Rs. 4500/- per annum. _____ The board is in correspondence with the Government for establishing a hospital at Dharchula which is under this Taluka. This would cost about Rs. 2000/- per annum. It may be noted that this dispensary was relief in Almoradrew the most benefit. It was closed own set lately.

The Dispensary is Is assisted through than some medical relief to the at in the and another .. just been therefore is seen that Any expense for these the ... of his Taluka. It is therefore since that he should come for more the government that the or ... income

water courses and the position of mills he had been obliged to prohibit the construction of its mills without permission and that meanly way of .., this effectually was by imposing a small tax on existing mills and an ensuring that the owner of these mills would see that no fresh mills were constructed to interfere with their profits. The Government of India in their letter No. 103 dated the 19th Feb. 1898, expressed the opinion that the tax could not legally be demanded unless the persons no take water for their mills and so not as of right but simply by permission of the Government of which the Commissioner of Kumaun reported that the mills are worked by permission and can be stopped whenever is desirable in consequence of danger to cultivation to do so. Officers are made for permissions to erect mills and sanction is given or refund as appears desirable.

The local Government supported this view in their letter to the Government of India, No. 1659 (a). Of 1878 dated the 13th June and pointed out that as the right of the Government to take the small tax was not questioned but is admitted by to people doubts as to the legality of what has become an established costumes are not necessary.

The tax was sanctioned by the Government of India in their letter No. 414, dated the 8th July, 1875, from the department of Revenue, Agriculture and Commercial which has approved ofAppropriation of the improvements. It was at first sanction for 10 years of due extended in 1899 for further period of four years. Ultimately made, of 1898 - vide G.O. No.5000/K-543, dated the 3rd December ... the receipt ... seven in the commissioner Local miscellaneous .. being credited to district

3. When prepared the Tax Mr. ... anticipated that a as soon as its Commissioner or Commissioner of letters are forward herewith – are of when increase in the tax may reasonably be compared.

As shown above the tax is had conveyed by the provision of any Act but is simply ... charges by Government for the monopolizing use of the water power of his It has new been continuously levied for over 30 years and in the of the Board what ever .. may have reasonably been fault as to its Tegulity when first imposed can no longer have any force. Adverse customary rights could not now be set up with any prospect of success.

The board are in agreement with the local officers that an enhancement of mill rents may now be fairly made and do not- anticipate any legal difficulties in the execution or these projects which are therefore submitted for the approval of Government. On receipt of sanction the Board will arrange the method of re-assessment in consultation with the local office and will more specially be seen that excessive. Enhancements are no imposed. The proposals when finally agreed on will be submitted for the sanction of Government.

True Copy

Copy of G.O. No. 945/I-630, dated 4th April 1914, Revenue Department, U.P., to the Board of Revenue, U.P.

In reply to your letter No. 192/I-666B, dated the 7th March 1914, I am directed to say that as recommended by the Board, the Lieutenant Governor is pleased to delegate to the Commissioner, Kumaun Division, the power to sanction remission of mill rents whenever necessary.

Copy of B.C. No. 323/I-666B
Dated 9th April 1914

Copy, with copy of Board's address to Government, Bo. 192/I-666B, dated 7th March 1914, forwarded to the Commissioner of the Kumaun Division, for information, with reference to paragraph 3 of Board's order No. 193/I-666b, dated the 7th ultime.

Kumaun Commissionership.

No. /XXI-70, dated Naini Tal the 15th April 1914

Copies forwarded to the Deputy Commissioner Almora, for information, in continuation of this office No. 3031/XXI-70, dated 17th March 1914.

Head Assistant
For P. Gyndham, C.S.
Offg. Commissioner

Copy of a letter No. 529/1-166B, dated 4th December 1911, from A.W. Pin... Esq. C.S., Joint Secretary to the Board of Revenue, U.P., to the Chief Secretary to Government, U.P. Revenue Department.

I am directed to submit for the orders of Government the followings proposals for the revision of the rents charged on water mills in the Kumaun Division.

2. These rents were first introduced by Mr. Beckett in his settlement of the Garhwal District (vide paragraph 21 of his report on the settlement) and .. subsequently extended to the rest of Kumaun. Mr. Beckett proposed that they should be shown as sayar and justified their imposition on the ground that water mills were very profitable and were usually the property of private individuals who monopolized the water.

General Ram Say in paragraph 67 of his review of this report points out that such rents could not properly be included in land Revenue and suggested that the amounts thus realized should be credited to local funds so as to be used for the benefit of the people who contributed them.

The constructor of such a mill was he considered in practice the assertion of a monopoly right in water and the imposition of a tax was necessary both to prevent disputes and also to ascertain how many mills existed. The Board of Revenue accepted the view of General Ram Say that rights in mills should be recognized by the exaction of small rents which would both prevent disputes and protect the weak against their powerful neighbours. The imposition of tax was accordingly recommended to the government of India by this Government but the latter in their letter No. 748 dated the 12th October 1877, from the Department of Revenue, Agriculture and Commerce requested to be reformed to be informs under what law or rule the tax was levied and now long had been imposed. The Commissioner of Kumaon in his letter No. 4 dated the 16th January 1878 (which was forwarded to the Government with the Board's letter No. 26/1, dated the 21st January... explained that in consequence of perpetual disputes.