

Not for Summary
Note Book

POLITICAL.

Part B.

Deposit.

Proceedings JULY.

Nos. 63.

SUBJECT.

Communications regarding the Council Elections about to be opened by the Prince of Wales.

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LATER REFERENCES.

1
53

From an intercepted letter I learnt
Rasch (Mudras) I appeared he
advocated ~~the~~ ^a plan ~~whereby~~ ^{whereby} ~~that~~
Muhhammadans would take their full
share in the Council elections but
if they did not receive satisfaction as
regards Turkey would refuse to take the
oath or affirm their allegiance when the new
Councils are about to be opened by the
Prince of Wales.

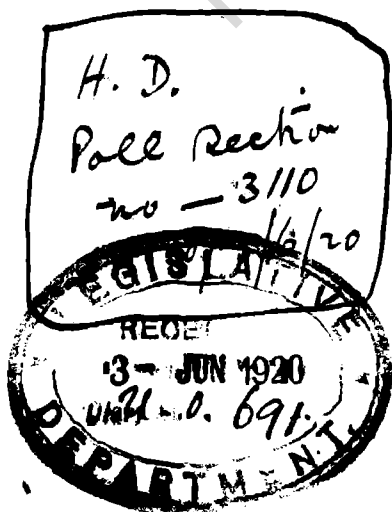
H. E. asked me to find out what is
the legal position if a newly elected
member of the Leg. Council refuses to
take the oath. I presume he would
vacate his seat & a fresh election
would be held.

Please consult Leg. Dept. and also
Law & Reforms Office.

/ H. W. Rasm

3/6/20

Legal Dept No. 3110 of 3/6/20.
Reforms Commr.



(Legis Dept notes)

2

✓
D.O. 691 of 1920

Shp G vide Appendix

Shp M (removed)

The new draft rules provide for the vacation, by an elected member who fails to take the oath within a reasonable time, of his seat, such vacation being followed by a fresh election; and similar provision is made for nominated members (cf. rules 20 & 21 of the latest draft of the Legislative Assembly rules. (All rules have the same provision.)

It was decided in 1909 that obligation to take an oath could be imposed by regulation, (cf. para 2. of the joint rule of the Dept at p. 4 of H. V. Public A. Progs. August 1909 Nos. 331-243. The words there interpreted have not been altered by the amending Act (the Govt. of India Act, 1919.)

W. T. L. W. W. W.
4. 6. 20.

M. S. S. S.
4. 6. 20

A. V. H.
5. 6. 20

Reforms Dept

Submitted

Information May be returned to Home Dept.

LT RMS

7. 6. 20.

872 E

Home Dept - 1/0. P. P. O. S. S. S.
7/16

For information. H. E. may now see vide
Sey's note on p. 1 ante.

M. J.
8.6.20.

W. R. G.
8. vi. 20

OS.

Sec^y

Permd. () have shown today
to H. E.)

H. W. R.
9/6/20

H M
Mar
1926

I send up for the
one paper which you
detected for H. E.

M. J.
microfilm
20.7.20

NATIONAL ARCHIVES OF INDIA

Appendix

Rules for the election and nomination of members to the Legislative Assembly, for the qualification of electors and members, the constitution of Constituencies and the final decision of doubts and disputes as to the validity of elections.

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In exercise of the powers conferred by section 64 (1) and section 129-A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules for the Legislative Assembly :—

1. These rules may be called the **Legis-** Short title.
lative Assembly Electoral Rules.

2. In these rules, unless there is any- Definitions.
thing repugnant in the subject or con-
text,—

- (a) “the Act” means the Govern-
ment of India Act;
- (b) “Commissioners” means Com-
missioners appointed for the pur-
pose of holding an election
inquiry under these rules;
- (c) “corrupt practice” means any
act deemed to be a corrupt prac-
tice under the provisions of
Schedule IV;
- (d) “election agent” means the per-
son appointed under these rules
by a candidate as his agent for
an election;
- (e) “Gazette” means the *Gazette of
India*; and
- (f) “Schedule” means a Schedule to
these rules.

PART I.

COMPOSITION OF LEGISLATIVE ASSEMBLY AND CONSTITUENCIES.

3. The Legislative Assembly shall con- Composition
of Legislative
Assembly.
sist of—

- (1) one hundred and two elected
members, and
- (2) forty one members nominated by
the Governor General, of whom
not more than twenty-six may be
officials, and one shall be a person
nominated as the result of an
election held in Berar.

Elected Members.

4. The elected members shall be Constitu-
encies.
elected by the constituencies specified in
Schedule I, subject to the provisions
of that Schedule in regard to constitu-
encies entitled to elect in rotation, and
the number of members to be elected
by each constituency shall be as stated
therein against that constituency.

PART II.

QUALIFICATIONS OF ELECTED MEMBERS.

5. (i) A person shall not be eligible General dis-
qualifications or
being elected.
for election as a member of the Legisla-
tive Assembly if such person—

- (a) is not a British subject; or
- (b) is a female; or
- (c) is already a member of any legis-
lative body constituted under the
Act; or

- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Legislative Assembly by any constituency in that province :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the

Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

6. (1) A person shall not be eligible for election as a member of the Legislative Assembly to represent—

Special qualifications for election in case of certain constituencies.

- (a) a general constituency in the presidency of Madras or in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the same presidency ; or
- (b) a general constituency in the presidency of Bombay, unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior to, the last day fixed for the nomination of candidates in that constituency ; or
- (c) a general constituency in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of any other general constituency in the same province ; or
- (d) a Muhammadan or non-Muhammadan constituency in the United Provinces of Agra and Oudh, unless his name is registered on the electoral roll of a Muhammadan or non-Muhammadan constituency in that province ; or
- (e) a general constituency in the Punjab or in the Central

Provinces or a European constituency in the United Provinces of Agra and Oudh or a constituency in the province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

- (a) “general constituency” means a non-Muhammadan, Muhammadan, European, non-European, or Sikh constituency; and
- (b) “special constituency” means a Landholders’ or Indian Commerce constituency.

PART III.

THE ELECTORAL ROLL.

General conditions of registration and disqualifications.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

- (a) is not a British subject; or
- (b) is a female; or
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that province :

Provided further that, if a resolution is passed by the Legislative Assembly recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A. of the Indian Penal Code punishable with imprisonment

for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report, or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.*

8. (1) The qualifications of an elector ^{Qualifications of electors.} for a general constituency shall be such qualifications based on—

- (i) community,
- (ii) residence, and
- (iii) (a) ownership or occupation of a building, or
- (b) assessment to or payment of municipal or cantonment rates or taxes or local cesses, or
- (c) assessment to or payment of income-tax, or
- (d) the holding of land, or
- (e) membership of a local body,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in the constituency to which it relates,
- (4) the mode in which and the time within which claims and objections may be preferred,
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
- (6) the manner in which notices of claims or objections shall be published,
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly :

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to
vote.

10. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency ; provided that no person shall vote in more than one general constituency.

PART IV.

ELECTIONS.

11. (1) Any person may be nominated ^{Nomination of candidates.} as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person, who is not disqualified under these rules for the appointment, to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

12. (1) If the number of candidates ^{Procedure at election.} who are duly nominated and who have not withdrawn their candidature before such time as the Governor General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor General shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members, as the case may be.

(4) Votes shall be given by ballot and in general and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate except in the case of the plural-member constituencies in the presidency of Bombay, in which constituencies any elector may accumulate his votes upon one candidate or distribute them amongst the candidates as he pleases:

Provided that in the Bengal (European) constituency the election shall be made according to the principle of proportionate representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the Governor General in Council.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected :

Provided that in the Bengal (European) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette.

Regulations
regarding the
conduct of
elections.

13. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

- (1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations ;
- (2) for the appointment of a Returning Officer for each constituency and for his powers and duties ;
- (3) for the division of general and Landholders' constituencies into polling areas and for the appointment of polling stations for these areas ;
- (4) for the appointment of officers to preside at polling stations, and for the duties of such officers ;
- (5) for the checking of voters by reference to the electoral roll ;
- (6) for the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability ;

- (7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,
- (8) for the scrutiny of votes,
- (9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and
- (10) for the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly:

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

14. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void and the Governor General shall call upon the constituency or constituencies concerned to elect another person or persons.

Election agents and return of expenses.

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

16. (1) Within one month or such longer period as the Governor General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of

his election expenses containing the particulars specified in Schedule III.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Accounts of
agents.

17. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 16 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

PART V.

NOMINATED MEMBERS.

General dis-
qualifications
for
nomination.

18. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Legislative Assembly who—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is already a member of any legislative body constituted under the Act ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Legislative Assembly to represent that province:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

19. (1) A nominated non-official member shall hold office for the duration of the Legislative Assembly to which he is nominated. Term of office of nominated member.

(2) Official members shall hold office for the duration of the Legislative Assembly to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

PART VI.

GENERAL PROVISIONS.

Obligation to take oath.

Taking of oath.

20. Every person who is elected or nominated to be a member of the Legislative Assembly shall before taking his seat make, at a meeting of the Legislative Assembly, an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A. B., having been ^{elected}_{nominated} a member of this Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of seat.

Effect of subsequent disabilities or failure to take oath.

21. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 18, as the case may be, or fails to make the oath or affirmation prescribed by rule 20 within such time as the Governor General considers reasonable, the Governor General shall, by notification in the Gazette, declare his seat to be vacant.

Casual vacancies.

22. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

First constitution of the Legislative Assembly.

Constitution of Legislative Assembly.

23. (1) As soon as conveniently may be after these rules come into force, a Legislative Assembly shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Legislative Assembly before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

General Elections.

24. (1) On the expiration of the duration of a Legislative Assembly or on its dissolution, a general election shall be held in order that a new Legislative Assembly may be constituted. Reconstitution of Legislative Assembly.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Assembly, the Governor General shall make such nominations as may be necessary to complete the Legislative Assembly.

25. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette. Publication of result of general election.

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

26. In this Part and in Schedule IV, Definitions. unless there is anything repugnant in the subject or context,—

(a) “agent” includes an election-agent and any person who is held

84LD -

by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate ;

(b) " candidate " means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election ; and

(c) " returned candidate " means a candidate whose name has been published under these rules as duly elected.

The election
petition.

27. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

Presentation
of the
petition.

28. An election petition may be presented to the Governor General by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (9) of rule 12.

Contents of
the petition.

29. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

Against
whom it may
be presented

30. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected ; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of
security.

31. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

Dismissal
for default.

32. (1) If the provisions of rule 31 are not complied with, the Governor General shall dismiss the petition.

(2) Upon compliance with the provisions of rule 31— ^{Appointment of Commissioners.}

(a) the Governor General shall appoint as Commissioners for the trial of the petition three persons who are, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

33. Every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them. ^{Inquiry by Commissioners.}

34. The inquiry shall be held at such place as the Governor General may appoint: provided that the Commissioners may in their discretion sit for any part of the inquiry at any other place in the province in which the constituency in question is situated, and may depute any one of their number to take evidence at any place in that province. ^{Place of inquiry.}

35. (1) No election petition shall be withdrawn without the leave of the Commissioners. ^{Withdrawal of petition.}

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor General, who shall publish notice thereof in the Gazette; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 31 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or
substitution
on death of
petitioner.

33. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Such abatement shall be reported to the Governor General, who shall publish notice thereof in the Gazette.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 31 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or
substitution
on death of
respondent.

37. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a

petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

38. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election. Reelection when seat claimed.

39. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct. Attendance of Law Officers.

Explanation.—The expression "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such other officer as the Local Government may appoint in this behalf.

40. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners— Grounds for declaring election void.

- (a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in Part I of Schedule IV has been committed, or
- (c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring

or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

- (a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and
- (b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and
- (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

Explanation.—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of
Commissioners
and procedure
thereon.

41. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 40.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor General who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor General shall be final.

Form of
report.

42. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

43. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

Findings as to corrupt practices and persons guilty thereof.

- (a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and
- (b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

PART VIII.

SPECIAL PROVISION.

44. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor General, and his decision shall be final.

Interpretation in case of doubt.

SCHEDULE I.

(See rule 4.)

I (1).—List of Constituencies entitled to representation in every Legislative Assembly.

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Madras	Madras City	Non-Muhammadan Urban.	The City of Madras as defined in section 3 (9) of the Madras City Municipal Act, 1919, but including Fort St. George.	1
Ditto	Ganjam cum Vizagapatam	Non-Muhammadan Rural.	The Districts of Ganjam and Vizagapatam.	1
Ditto	Godavari cum Kistna ...	Ditto	The Districts of Godavari and Kistna.	1
Ditto	Guntur cum Nellore	Ditto	The Districts of Guntur and Nellore	1
Ditto	Madras ceded districts and Chittoor.	Ditto	The Districts of Anantpur, Bellary, Cuddapah, Kurnool and Chittoor.	1
Ditto	Salem and Coimbatore cum North Arcot.	Ditto	The Districts of Salem, Coimbatore and North Arcot.	1
Ditto	South Arcot cum Chingleput.	Ditto	The Districts of South Arcot and Chingleput.	1
Ditto ...	Tanjore cum Trichinopoly	Ditto	The Districts of Tanjore and Trichinopoly.	1
Ditto	Madura and Ramnad cum Tinnevely.	Ditto	The Districts of Madura, Ramnad and Tinnevely.	1
Ditto ...	West Coast and Nilgiris (Non-Muhammadan).	Ditto	The Districts of the Nilgiris, Malabar, Anjengo and South Kanara.	1
Ditto	North Madras (Muhammadan.)	Muhammadan ...	The Districts of Ganjam, Vizagapatam, Godavari, Kistna, Guntur, Nellore, Anantpur, Bellary, Cuddapah, Kurnool and Chittoor.	1
Ditto ...	South Madras (Muhammadan.)	Ditto	The Districts of Chingleput, Madras, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevely.	1
Ditto	West Coast and Nilgiris (Muhammadan.)	Ditto	The Districts of the Nilgiris, Malabar, Anjengo and South Kanara.	1
Ditto	Madras (European)	European	The Madras Presidency ...	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Madras	Madras Landholders	Landholders	The Madras Presidency	1
Ditto	Madras Indian Commerce	Indian Commerce	Ditto	1
Bombay	Bombay City (Non-Muhammadan).	Non-Muhammadan Urban.	The City of Bombay	2
Ditto	Sind (Non-Muhammadan)	Non-Muhammadan Rural.	The Province of Sind	1
Ditto	Bombay Northern Division (Non-Muhammadan)	Ditto	The Northern Division	1
Ditto	Bombay Central Division (Non-Muhammadan).	Ditto	The Central Division	2
Ditto	Bombay Southern Division (Non-Muhammadan).	Ditto	The Southern Division	1
Ditto	Bombay City (Muhammadan).	Muhammadan Urban.	The City of Bombay ...	1
Ditto	Sind (Muhammadan)	Muhammadan Rural.	The Province of Sind	1*
Ditto	Bombay (European) ...	European ...	The Bombay Presidency, excluding Aden	2
Ditto ...	The Indian Merchants' Chamber and Bureau.	Indian Commerce...	(Non-territorial)	1
Bengal ...	Calcutta (Non-Muhammadan).	Non-Muhammadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899.	1
Ditto	Calcutta Suburbs (Non-Muhammadan).	Ditto	The municipalities and cantonments of the Districts of the 24-Parganas, Hooghly and Howrah.	1

*NOTE.—The Sind (Muhammadan) constituency is entitled to elect a second member for the first, third and succeeding alternate Assemblies under part II of this Schedule.

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	Burdwan Division (Non-Muhammadan).	Non-Muhammadan Rural.	The Burdwan Division excluding the municipalities of the Hooghly and Howrah Districts.	1
Ditto	Presidency Division (Non-Muhammadan).	Ditto	The Presidency Division excluding the municipalities and cantonments of the 24-Parganas District.	1
Ditto	Dacca Division (Non-Muhammadan).	Ditto	The Dacca Division ...	1
Ditto	Chittagong and Rajshahi Divisions (Non-Muhammadan).	Ditto ...	The Chittagong Division excluding the Chittagong Hill Tracts and the Rajshahi Division excluding the District of Darjeeling.	1
Ditto	Calcutta and Suburbs (Muhammadan).	Muhammadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and the municipalities and cantonments of the Districts of the 24-Parganas, Hooghly and Howrah.	1
Ditto ...	Burdwan and Calcutta Presidency Divisions (Muhammadan).	Muhammadan Rural	The Burdwan and Presidency Divisions excluding the municipalities and cantonments of the Districts of the 24-Parganas, Hooghly and Howrah.	1
Bengal ...	Dacca Division (Muhammadan).	Ditto ...	The Dacca Division ...	2
Ditto	Chittagong Division (Muhammadan).	Ditto ...	The Chittagong Division excluding the Chittagong Hill Tracts	1
Ditto	Rajshahi Division (Muhammadan).	Ditto	The Rajshahi Division excluding the District of Darjeeling.	1
Ditto ...	Bengal (European) ...	European	The Bengal Presidency excluding the Chittagong Hill Tracts and the District of Darjeeling.	3

Province	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal ...	Bengal Landholders ...	Landholders ...	The Bengal Presidency excluding the Chittagong Hill Tracts and the District of Darjeeling.	1
United Provinces.	Cities of the United Provinces (Non-Muhammadan).	Non-Muhammadan Urban.	The municipalities and cantonments of Agra, Meerut, Cawnpore, Benares, Allahabad, Bareilly and Lucknow.	1
Ditto	Meerut Division (Non-Muhammadan).	Non-Muhammadan Rural.	The Meerut Division excluding the municipality and cantonment of Meerut.	1
Ditto ...	Agra Division (Non-Muhammadan).	Ditto ...	The Agra Division excluding the municipality and cantonment of Agra.	1
Ditto	Rohilkund and Kumaon Divisions (Non-Muhammadan).	Ditto	The Rohilkund and Kumaon Divisions excluding the municipality and cantonment of Bareilly.	1
Ditto ...	Allahabad and Jhansi Divisions (Non-Muhammadan)	Ditto	The Allahabad Division (excluding the municipalities and cantonments of Allahabad and Cawnpore) and the Jhansi Division.	1
Ditto	Benares and Gorakhpur Divisions (Non-Muhammadan).	Ditto	The Benares and Gorakhpur Divisions excluding the municipality and cantonment of Benares.	1
Ditto ...	Lucknow Division (Non-Muhammadan).	Ditto ...	The Lucknow Division excluding the municipality and cantonment of Lucknow.	1
Ditto ...	Fyzabad Division (Non-Muhammadan).	Ditto	The Fyzabad Division	1
Ditto	Cities of the United Provinces (Muhammadan).	Muhammadan Urban.	The municipalities and cantonments of Agra, Meerut, Cawnpore, Benares, Allahabad, Bareilly and Lucknow.	1

Province.	Name of Constituency.	Class of Constituency	Extent of Constituency.	No. of members.
United Provinces.	Meerut Division (Muhammadan).	Muhammadan Rural	The Meerut Division excluding the municipality and cantonment of Meerut.	1
Ditto	Agra Division (Muhammadan).	Ditto	The Agra Division excluding the municipality and cantonment of Agra.	1
Ditto	Rohilkund and Kumaon Divisions (Muhammadan).	Ditto	The Rohilkund and Kumaon Divisions excluding the municipality and cantonment of Bareilly.	1
Ditto	United Provinces Southern Divisions (Muhammadan).	Ditto	The Allahabad, Jhansi, Benares and Gorakhpur Divisions, excluding the municipalities and cantonments of Allahabad, Cawnpore and Benares	1
Ditto	Lucknow and Fyzabad Divisions (Muhammadan)	Ditto	The Lucknow and Fyzabad Divisions excluding the municipality and cantonment of Lucknow.	1
Ditto	United Provinces (European).	European	The United Provinces of Agra and Oudh.	1
Ditto	United Provinces Landholders.	Landholders ...	Ditto	1
Punjab ...	Ambala Division (Non-Muhammadan).	Non-Muhammadan	The Ambala Division ...	1
Ditto	Jullundur Division (Non-Muhammadan).	Ditto	The Jullundur Division ...	1
Ditto	West Punjab (Non-Muhammadan).	Ditto	The Lahore, Rawal Pindi and Multan Divisions.	1
Ditto ...	East Punjab (Muhammadan).	Muhammadan	The Ambala Division, and the Districts of Kangra, Hoshiarpur, Jullundur and Ludhiana.	1
Ditto	East Central Punjab (Muhammadan).	Ditto	The Districts of Ferozepur, Lahore, Amritsar and Gurdaspur.	1
Ditto	West Central Punjab (Muhammadan).	Ditto	The Districts of Sialkot, Gujranwala, Sheikhupura and Lyallpur.	1
Ditto ...	North Punjab (Muhammadan).	Ditto	The Districts of Gujrat, Jhelum and Rawal Pindi.	1
Ditto ...	North-West Punjab (Muhammadan).	Ditto ...	The Districts of Attock, Mianwali, Shahpur and Jhang.	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No of members.
Punjab	South-West Punjab (Muhammadan).	Muhammadan	The Districts of Multan, Montgomery, Muzaffargarh and Dera Ghazi Khan.	1
Ditto	East Punjab (Sikh)	Sikh	The Ambala and Jullundur Divisions.	1
Ditto	West Punjab (Sikh) ...	Ditto	The Lahore, Rawal Pindi and Multan Divisions.	1
Ditto	Punjab Landholders ...	Landholders	The Province of the Punjab	1
Bihar and Orissa	Tirhut Division (Non-Muhammadan).	Non-Muhammadan	The Tirhut Division	2
Ditto	Orissa Division (Non-Muhammadan).	Ditto	The Orissa Division ...	2
Ditto	Patna cum Shahabad (Non-Muhammadan).	Ditto	The Patna and Shahabad Districts	1
Ditto	Gaya cum Monghyr (Non-Muhammadan).	Ditto	The Gaya and Monghyr Districts	1
Ditto	Bhagalpur, Purnea and the Santhal Parganas (Non-Muhammadan).	Ditto	The Districts of Bhagalpur, Purnea and the Santhal Parganas.	1
Ditto	Chota Nagpur Division (Non-Muhammadan).	Ditto	The Chota Nagpur Division	1
Ditto	Patna and Chota Nagpur cum Orissa (Muhammadan).	Muhammadan	The Patna, Chota Nagpur and Orissa Divisions.	1
Ditto	Bhagalpur Division (Muhammadan).	Ditto ...	The Bhagalpur Division ...	1
Ditto	Tirhut Division (Muhammadan).	Ditto	The Tirhut Division ...	1
Ditto	Bihar and Orissa Landholders.	Landholders ...	The Province of Bihar and Orissa.	1
Central Provinces.	Nagpur Division ...	Non-Muhammadan	The Nagpur Division ...	1
Ditto	Central Provinces Hindi Divisions.	Ditto ...	The Nerbadda, Jabulpore and Chhatisgarh Divisions, excluding the Mandla District (except the Mandla Municipality).	2

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Central Provinces.	Central Provinces (Muhammadan).	Muhammadan	The Central Provinces, excluding the Mandla District (except the Mandla Municipality).	1
Ditto	Central Provinces Landholders.	Landholders ...	Ditto	1
Assam	Assam Valley	Non-Muhammadan	The Districts of the Assam Valley.	1
Ditto ...	Surma Valley <i>cum</i> Shillong	Ditto ...	The District of the Surma Valley and the municipality and cantonment of Shillong.	1
Ditto	Assam (Muhammadan) ...	Muhammadan ...	The Province of Assam	1
Ditto ...	Assam (European)	European	Ditto	1
Burma	Burma (Non-European) ...	Non-European	The Province of Burma	3
Ditto	Burma (European)	European ...	Ditto	1

(2) The following zamindari and jagirdari estates shall be excluded from the area of any constituency in the Central Provinces in which they would otherwise be included, namely :—

- (a) the estates specified in Part VI of the First Schedule to the Scheduled Districts Act, 1874;
- (b) the following zamindari of the Chhattisgarh Division, namely, Kanteli, Chandarpur, Padampur, Malkharoda, Bhatgoan, Bilaigarh-Katgi, Parpori, Khujji, Devri Suarwar, Narra and Kauria; and
- (c) the Sironcha Tahsil of the Chanda District.

II. (1).—List of Constituencies entitled to representation in rotation.

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bombay	Sind (Muhammadan)	Muhammadan Rural	The Province of Sind	1
	Bombay Northern Division (Muhammadan).	Ditto	The Northern Division ...	
Ditto	Bombay Central Division (Muhammadan).	Ditto	The Central Division ...	1
	Bombay Southern Division (Muhammadan).	Ditto	The Southern Division ...	
Ditto	Sind Jagirdars and Zamindars.	Landholders ...	The Province of Sind ...	1
	Gujarat and Deccan Sardars and Inamdars.	Ditto ...	The Bombay Presidency excluding Sind.	
Ditto	The Bombay Millowners' Association.	Indian Commerce	(Non-territorial) ...	1
	The Ahmedabad Millowners' Association.	Ditto	Ditto ...	
Bengal	Bengal National Chamber of Commerce.	Indian Commerce	Ditto ...	1
	Marwari Association	Ditto	Ditto ...	
	Bengal Mahajan Sabha ...	Ditto ...	Ditto	

(2) In a case where two constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the constituency second mentioned shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

(3) In the case where three constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the second mentioned constituency shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and the third mentioned constituency shall elect at the general election to the third Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

SCHEDULE II.

(See rule 8.)

QUALIFICATIONS OF ELECTORS.

PART I.—MADRAS.

1. For the purposes of this Part—

Definitions.

(a) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. For the purpose of determining any claim to a qualification under this Part the entries in the land-revenue accounts and *muchilakas* and in the municipal records shall be conclusive evidence of the facts therein stated. Revenue accounts, etc., to be conclusive evidence.

3. (1) If property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised by a majority of the family or, in the case of a Hindu joint family, either a member so authorised or the manager thereof. Joint families.

(2) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family, but not in both capacities.

4. Save as in this Part expressly provided, no person shall be qualified as an elector in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity. Fiduciary capacity not recognised.

5. For the purposes of this Part the annual rent value of land shall be determined in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules or, if the accounts for that year are not available, with reference to the latest accounts that are available: provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, the Registration Officer shall determine the value for the purposes of this Part upon the best information available. Annual rent value.

General Constituencies.

6. A person shall be qualified as an elector for the Madras City constituency who is neither a Muhammadan nor a European and who resided in the constituency for not less than 120 days in the previous year and who— Madras City Constituency.

(a) was in the previous year assessed to an aggregate amount of not less than Rs. 20 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession tax; or

(b) was in the previous year assessed to income-tax.

7. A person shall be qualified as an elector in any other general constituency who resided in the constituency for not less than 120 days in the previous year and who— Rural Constituencies.

(a) is registered as a ryotwari pattadar or as an inamdar of land of which the annual rent value is not less than Rs. 50; or

(b) holds on a registered lease under a ryotwari pattadar or inamdar land of which the annual rent value is not less than Rs. 50; or

(c) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1895, as the occupant of land of which the annual rent value is not less than Rs. 50; or

(d) is a landholder as defined in section 3 (5) of the Madras Estates Land Act, 1908, holding an estate of which the annual rent value is not less than Rs. 50; or

(e) holds as "ryot" as defined in section 3 (15) of the Madras Estates Land Act, 1908, or as tenant under a landholder, land of which the annual rent value is not less than Rs. 50; or

(f) was in the previous year assessed in a municipality included in the constituency to an aggregate amount of not less than Rs. 20 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession tax; or

(g) was in the previous year assessed to income-tax:

Provided that—

(i) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency; and

- (ii) a person shall be qualified as an elector for a Muhammadan or European constituency according as he is a Muhammadan or a European.

Special Constituencies.

The Landholders' Constituency.

8. A person shall be qualified as an elector for the Landholders' constituency if his name is registered on the electoral roll of any Landholders' constituency of the Legislative Council of the Governor of Madras.

The Indian Commerce Constituency.

9. Every Indian and one duly authorised representative of every Indian partnership shall be qualified as an elector on the roll of the Indian Commerce constituency if such person has resided in the presidency for not less than 120 days in the previous year, and if he or the partnership, as the case may be, has been assessed to income-tax in the previous year on an income of not less than Rs. 10,000 derived from business within the meaning of the Indian Income-tax Act, 1918.

Explanation—For the purposes of this paragraph—

- (a) "Indian" includes any person who is not a European, and
- (b) "Indian partnership" means any non-European joint family, or any firm, association or company of which no partner or director is a European.

PART II.—BOMBAY.

1. For the purposes of this Part—

Definitions.

- (a) "a European" means every person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;
- (b) "publication of the electoral roll" means the first publication under these rules of the electoral roll for the time being under preparation;
- (c) "tenant" means a lessee whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession;
- (d) a person is said to hold land when he is lawfully in possession of such land whether such possession is actual or not.

2. Where any property is held or occupied or payment is made or received jointly by the joint families members of a joint family, the family shall be adopted as the unit for deciding whether under the provisions of this Part the requisite qualification exists; and, if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment.

3. No person holding or occupying any property or making or receiving any payment in Trustee, a fiduciary capacity shall be qualified as an elector for any constituency in respect of such property or payment.

4. The average rate of assessment on assessed land in a village or, if there is no such land in the village, the average rate of assessment on assessed land in the nearest village containing such land shall be taken as the rate for calculating the assessable value of unassessed land in such village.

5. For the purpose of deciding any claim to a qualification under this Part, an entry in any revenue record shall be conclusive evidence of the facts stated therein.

Revenue records
conclusive
evidence.

General Constituencies.

6. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan constituency who, on the 1st day of January next preceding the date of publication of the electoral roll, had a place of residence within the constituency or within a contiguous constituency of the same communal description and who—

- (a) in the case of the Sind constituencies, on the 1st day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from Government alienated or unalienated land in such constituency on which, in any one of the five revenue years preceding the publication of the electoral roll, an assessment of not less than Rs. 37-8-0 land revenue in the Upper Sind Frontier district and of not less than Rs. 75 land revenue in any other district has been paid or would have been paid if the land had not been alienated; or
- (b) in the case of any other constituency, on the 1st day of January aforesaid held in his own right or occupied as a tenant in such constituency alienated or unalienated land assessed at, or of the assessable value of, not less than Rs. 37-8-0 land revenue in the Panch Mahals or Ratnagiri districts and not less than Rs. 75 land revenue elsewhere; or
- (c) on the 1st day of January aforesaid was the alienee of the right of Government to the payment of rent or land revenue amounting to Rs. 37-8 in the Panch Mahals or Ratnagiri or Upper Sind Frontier Districts and of Rs. 75 elsewhere, leviable in respect of land so alienated and situate within the constituency, or was a khot or a sharer in a khoti village in the constituency or a share in a bhagdari or narvadari village in the constituency responsible for the payment of Rs. 37-8 land revenue in the Panch Mahals or Ratnagiri Districts and Rs. 75 land revenue elsewhere; or
- (d) was assessed to income-tax in the financial year preceding that in which the publication of the electoral roll takes place:

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and
- (ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

7. A person shall be qualified as an elector for the Bombay (European) constituency whose name is registered on the electoral roll of either European constituency of the Legislative Council of the Governor of Bombay.

Special Constituencies.

The Landholders'
Constituencies.

8. (1) A person shall be qualified as an elector for the Sind Jagirdars and Zamindars constituency who is a Jagirdar of the first or second class in Sind, or a Zamindar who in each of the three revenue years preceding the publication of the electoral roll has paid not less than Rs. 1,000 land revenue on land situated in any district in Sind.

The Indian Com-
merce Constituency.

(2) A person shall be qualified as an elector for the Deccan and Gujarat Sardars and Inamdars constituency whose name is entered in the list for the time being in force under the Resolutions of the Government of Bombay in the Political Department No. 2363, dated the 23rd July 1867 and No. 6265, dated the 21st September 1909, or who on the 1st day of January next preceding the publication of the electoral roll was the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village in the presidency of Bombay excluding Sind and Aden, or was the sole holder on talukdari tenure of such a village.

9. Members of the Indian Merchants Chamber and Bureau and of the Bombay Millowners' Association and of the Ahmedabad Millowners' Association shall be qualified as electors respectively for the constituency comprising the Association of which they are members.

NATIONAL ARCHIVES OF INDIA

PART III.—BENGAL.

1. For the purposes of this Part—

Definitions.

- (a) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;
- (b) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be the manager of the family.

3. A person shall not be qualified as an elector for a general constituency by virtue of any fiduciary property held or payment made as a trustee, administrator, receiver or guardian or in any other capacity.

General Constituencies.

4. A person shall be qualified as an elector for the Calcutta (non-Muhammadan) constituency who is neither a Muhammadan nor a European and who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who during and in respect of the previous year—

- (a) has paid as consolidated rate levied under Chapter XII of the Calcutta Municipal Act, 1899, not less than Rs. 60, or as taxes levied under Chapter XIV of that Act, not less than Rs. 100: provided that, where any payment has been made in respect of the consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment; or
- (b) has paid in his own name and on his own account income-tax on an income of not less than Rs. 5,000.

5. A person shall be qualified as an elector for any other general constituency who has a place of residence in the constituency and who during and in respect of the previous year, or, as the case may be, during and in respect of the Bengali year next preceding that in which the electoral roll for the time being under preparation is first published under these rules, has paid—

- (a) as consolidated rate levied under Chapter XII of the Calcutta Municipal Act, 1899, not less than Rs. 60, or as taxes levied under Chapter XIV of that Act, not less than Rs. 100: provided that where any payment has been made in respect of consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment, or,
- (b) in the municipality of Howrah or of Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 10, or, in any other municipality or cantonment, municipal or cantonment taxes or fees of not less than Rs. 5, or
- (c) road and public works cesses under the Cess Act, 1880, of not less than Rs. 5, or
- (d) chaukidari tax under the Village-Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 5, or
- (e) in his own name and on his own account income-tax on an income of not less than Rs. 5,000:

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and
- (ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

6. A person shall be qualified as an elector for the Bengal (European) constituency who is a European and has a place of residence in the constituency and who during and in respect of the previous year has paid on his own account and in his own name income-tax on an income of not less than Rs. 12,000.

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Special Constituencies.

**The
Landholders'
Constituency.**

7. A person shall be qualified as an elector for the Bengal Landholders' constituency who has a place of residence in the constituency and who during the previous year—

- (a) in the Burdwan Division or the Presidency Division held in his own right, as a proprietor, one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 6,000, or road and public works cesses amounting to not less than Rs. 1,500, or
- (b) in the Dacca or the Rajshahi or the Chittagong Division held in his own right, as a proprietor, one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land revenue amounting to not less than Rs. 4,000, or road and public works cesses amounting to not less than Rs. 1,000.

**Determination of
qualifications.**

8. In determining the qualification of a landholder as an elector—

- (a) only such estates and shares of estates, and only such permanent tenures and shares of permanent tenures, as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account ;
- (b) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account ;
- (c) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right and not in a fiduciary capacity shall be taken into account ;
- (d) only land revenue or road and public works cesses payable in respect of his own personal share shall be taken into account ;
- (e) if the amount of land revenue or road and public works cesses paid by a landholder in respect of any share of an estate or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

Explanation.—A *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

**The Indian
Commerce
Constituencies.**

9. Members of the Bengal National Chamber of Commerce and of the Marwari Association and of the Bengal Mahajan Sabha shall be qualified as electors respectively for the constituency comprising the Chamber, Association or Sabha of which they are members.

Explanation.—For the purposes of this paragraph "member" includes any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member.

PART IV.—THE UNITED PROVINCES.

1. For the purposes of this Part—

Definitions;

- (a) "a European" means every person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile ;
- (b) "municipal record" means a record prepared under the provisions of the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, or the Cantonments Act, 1910 ;
- (c) "municipal tax" means a tax imposed under the provisions of the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, or the Cantonments Act, 1910 ;
- (d) "owner" does not include a mortgagee, a trustee, or a lessee ;
- (e) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules ;
- (f) "urban area" means a municipality or notified area as defined in the United Provinces Municipalities Act, 1916, or a town area as defined in the United Provinces Town Areas Act, 1914, or a cantonment as defined in the Cantonments Act, 1910.

2. (1) Where property is held or payments are made jointly by the members of a joint family or joint tenancy, the family or tenancy shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof or the member nominated in that behalf by a majority of the family, and in other cases the member nominated in that behalf by the family or tenancy concerned.

(2) No person shall be qualified as an elector as a representative of more than one joint tenancy.

(3) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or joint tenancy, but not in both capacities.

3. Any person who occupies a house, other than a house in any military or police lines, by virtue of any office, service, or employment shall, if the house is not inhabited by the person in whose service or employment he is, be deemed to occupy the house as a tenant. Occupation of house.

4. For the purpose of determining any claim to a qualification under this Part, the entries contained in land revenue and municipal records shall be conclusive evidence of the facts stated therein. Land revenue and municipal records conclusive evidence.

General Constituencies.

5. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan urban constituency who is not a European and who— Non-Muhammadan and Muhammadan urban Constituencies.

(1) has a place of residence in the constituency or within two miles of the boundary thereof, and—

- (a) is, in any place in the area aforesaid in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum, or
- (b) was, in any area in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs. 1,000 per annum, or
- (c) is, in any area in the constituency in which neither a house or building tax nor a municipal tax based on income is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum, or
- (d) has within the constituency any of the qualifications based on the holding of land hereinafter prescribed for an elector of a rural constituency ; or

(2) has a place of residence in the constituency and was in the previous year assessed to income-tax :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector for a [non-Muhammadan] constituency.

Non-Muham-
madan and
Muhammadan
rural Con-
stituencies.

6. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan rural constituency who is not a European and who has a place of residence in the constituency and—

- (a) is, in an urban area included in the constituency in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum ; or
- (b) was, in an urban area included in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs. 1,000 per annum ; or
- (c) is, in an urban area included in the constituency where neither a house or building tax nor a municipal tax based on income, is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum ; or
- (d) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs. 150 per annum is payable ; or
- (e) is the owner of land in the constituency free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs. 150 per annum ; or
- (f) being a resident in the hill pattis of Kumaun—
 - (i) is liable to pay land revenue or rent amounting to not less than Rs. 25 per annum, or
 - (ii) is the owner of land in the hill pattis free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the hill pattis, amounts to not less than Rs. 25 per annum, or
 - (iii) is the owner of a fee-simple estate ; or
- (g) being in the constituency a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1901, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, is liable to pay rent as such of not less than Rs. 150 per annum ; or
- (h) (i) being in the constituency a tenant as defined in the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, other than a sub-tenant, holds land as such in respect of which rent of not less than Rs. 150 per annum or its equivalent in kind is payable, or
 - (ii) in areas in the United Provinces in which the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, is not in force, holds land as a tenant in respect of which rent of not less than Rs. 150 per annum or its equivalent in kind is payable ; or
- (i) was in the previous year assessed to income-tax :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency.

The European
Constituency.

7. A person shall be qualified as an elector for the United Provinces (European) constituency who is a European and has a place of residence in the United Provinces of Agra and Oudh and has any of the qualifications prescribed in clauses (d), (e), (f), (g), (h) and (i) of paragraph 6 of this Part for an elector of a non-Muhammadan or Muhammadan rural constituency.

Special Constituency.

The Land-
holders'
Constituency.

8. A person shall be qualified as an elector for the United Provinces Landholders' constituency who has a place of residence in the constituency and—

- (a) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs. 5,000 per annum is payable ; or
- (b) is the owner of land in the constituency free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs. 5,000 per annum :

Provided that, in determining the eligibility of a landholder as an elector, only land revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

PART V.—PUNJAB.

1. For the purposes of this Part—

Definitions.

- (a) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year;
- (b) "date of publication of the electoral roll" means the date on which the electoral roll for the time being under preparation is first published under these rules;
- (c) "land revenue" means land revenue as defined in section 3 (6) of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on lands subject to river action, the average amount of such land revenue paid during the three years preceding the date of publication of the electoral roll;
- (d) "owner" does not include a mortgagee;
- (e) "the land records" means an attested record of rights or an attested annual record of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter.

2. For the purposes of this Part, a person may be presumed to reside in a constituency if he has for the four years preceding the date of publication of the electoral roll continuously owned a family dwelling-house, or a share in a family dwelling-house, in the constituency, and that house has not during the twelve months preceding such date been let on rent either in whole or in part.

*Explanation:—*A person shall be deemed to have owned a house or share in a house for any period during which such house or share was owned by any person through whom he derives title by inheritance.

3. For the purpose of determining a claim to a qualification under this Part any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein.

Presumption as to title.
Land-records, etc., to be conclusive evidence.

4. Where two or more persons are co-sharers in land assessed to land revenue or in other immoveable property or in a tenancy or lease of land assessed to land revenue or in the receipt of assigned land revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, property, tenancy, lease or assignment were held separately.

*Explanation:—*For the purposes of this paragraph the share of any such person who is under twenty-one years of age shall be deemed to be the share of his father or, if his father is dead, of his eldest brother, provided that his father or eldest brother, as the case may be, is a co-sharer with him in the property.

General Constituencies.

5. A person shall be qualified as an elector for a general constituency who resides in the constituency and who—

Non-Muhammadan, Muhammadan, and Sikh Constituencies.

- (a) has owned in the constituency for the twelve months preceding the date of the publication of the electoral roll immoveable property, not being land assessed to land revenue but including any building erected on such land, of the value of not less than Rs. 15,000 or of an annual rental value of not less than Rs. 336: provided that a person shall be deemed to have owned such property for any period during which it was owned by any person through whom he derives title by inheritance; or
- (b) is the owner of land in the constituency assessed to land revenue of not less than Rs. 100 per annum; or
- (c) is an assignee of land revenue amounting to not less than Rs. 100 per annum; or
- (d) is a tenant or lessee, under the terms of a lease for a period of not less than three years, of Crown land in the constituency for which rent of not less than Rs. 100 per annum is payable: provided that, when the amount payable is assessed from harvest to harvest, the annual rent payable by such person shall be deemed to be the annual average amount payable by him in the three years preceding the date of publication of the electoral roll; or
- (e) was during the financial year preceding the date of publication of the electoral roll assessed to income-tax on an income of not less than Rs. 5,000:

Provided that—

- (i) no person shall be qualified as an elector for a Muhammadan constituency who is not a Muhammadan or for a Sikh constituency who is not a Sikh, and
- (ii) no Muhammadan or Sikh shall be qualified as an elector for a non-Muhammadan constituency.

Special Constituency

6. A person shall be qualified as an elector for the Landholders' constituency who resides in the Punjab and who is—

The Landholders' Constituency.

- (i) the owner of land assessed to land revenue of not less than Rs. 1,000 per annum; or
- (b) an assignee of land revenue amounting to not less than Rs. 1,000 per annum.

PART VI.—BIHAR AND ORISSA.

1. For the purposes of this Part—

Definition.

'previous year' means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be in the case of a Hindu joint family the manager thereof and in other cases the member authorised in that behalf by the family concerned.

3. A person shall be deemed to have a place of residence within the limits of a constituency if he—

- (a) ordinarily lives within those limits, or
- (b) has his family dwelling-house within those limits and occasionally occupies it, or
- (c) maintains within those limits a dwelling-house ready for occupation in charge of resident servants and occasionally occupies it.

Explanation.—A person may be resident within the limits of more than one constituency at the same time.

General Constituencies.

4. A person shall be qualified as an elector for a general constituency who has a place of residence in the constituency, and—

Non-Muhammadan and Muhammadan Constituencies.

- (a) holds an estate or estates or a portion of an estate or portions of estates for which a separate account or accounts (including a residuary account) has or have been opened, for which land, whether revenue paying or revenue free or rent free land, an aggregate amount of not less,—
 - (i) in the case of land in the Patna Division, than Rs. 30, or
 - (ii) in the case of land in the Bhagalpore and Tirhut Divisions, than Rs. 24, or
 - (iii) in the case of land in the Orissa and Chota Nagpur Divisions, than Rs. 12, is payable direct to the treasury as local cess; or
- (b) holds a tenure or tenures which is or are valued for the purpose of local cess at an aggregate amount of not less,—
 - (i) in the case of tenures in the Patna Division, than Rs. 400 per annum, or
 - (ii) in the case of tenures in the Chota Nagpur Division, than Rs. 300 per annum, or
 - (iii) in the case of tenures in the Bhagalpore Division, than Rs. 200 per annum, or
 - (iv) in the case of tenures in the Tirhut Division, than Rs. 150 per annum, or
 - (v) in the case of tenures in the Orissa Division, than Rs. 100 per annum; or
- (c) holds land as a raiyat and is liable to pay an annual aggregate rent or local cess amounting respectively—
 - (i) to Rs. 160 and Rs. 5 in the Patna Division, or
 - (ii) to Rs. 96 and Rs. 3 in the Tirhut Division, or
 - (iii) to Rs. 64 and Rs. 2 in the Orissa Division, or
 - (iv) to Rs. 40 and Rs. 1-4-0 in the Chota Nagpur Division, or
 - (v) to Rs. 144 and Rs. 4-8-0 in the Bhagalpore and Monghyr districts, or
 - (vi) to Rs. 96 and Rs. 3 in the Purnea and Santhal Parganas districts; or
- (d) was in the previous year assessed to income-tax on an income of not less than Rs. 3,840; or
- (e) was in the previous year assessed to an aggregate amount of not less than Rs. 15 in respect of any municipal or cantonment rates or taxes :

Provided that—

- (i) no person who is not a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency.

Special Constituency.

The Landholders'
Constituency.

5. A person shall be qualified as an elector for the Landholders' constituency who has a place of residence in the province of Bihar and Orissa and is liable to pay annually land revenue or local cess to an aggregate amount of not less than Rs. 10,000 and Rs. 2,500, respectively.

Determination of
qualification.

6. In determining any claim to a qualification for a Landholders' constituency—

- (a) only such estates or shares of estates as are held by a person as proprietor in his own right and not in a fiduciary capacity and are registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates are situated in one or more divisions, shall be taken into account; and
- (b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share, and his decision shall be final.

NATIONAL ARCHIVES OF INDIA

PART VII.—THE CENTRAL PROVINCES.

1. For the purposes of this Part—

Definitions.

- (a) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules ;
- (b) "urban area" means a municipality, notified area, cantonment or railway settlement and includes the Government gun-carriage factory estate at Jubbulpore.

2. For the purpose of determining any claim to a qualification under this Part, any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein. Land records, etc., to be conclusive evidence.

3. Where an estate or mahal, or a share of an estate or mahal, or land is held, or where income-tax is paid, jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the manager of the family shall be qualified as an elector : Joint families

Provided that the entry on an electoral roll of a person in his capacity as the manager of a joint family shall not disqualify him as an elector in his individual capacity.

4. For the purposes of this Part a person who occupies a house or building other than a house or building in any military or police lines, or part of such a house or building, by virtue of any office, service or employment, shall, if the house or building is not inhabited by the person in whose service or employ he is, be deemed to occupy the house or building as a tenant. Occupation of building.

5. A person shall be deemed to have a place of residence in a constituency if he— Residences.

- (i) has actually dwelt in a house, or part of a house, within the constituency for an aggregate period of not less than 180 days during the calendar year preceding that in which the electoral roll for the time being under preparation is first published under these rules ; or
- (ii) has maintained within the constituency for an aggregate period of not less than 180 days during that year a house, or part of a house as a dwelling for himself in charge of his dependants or servants, and has visited such house during that year.

General Constituencies.

6. A person shall be qualified as an elector for a general constituency who has a place of residence in the constituency and— Muhammadan and non-Muhammadan Constituencies.

- (a) owns or occupies as a tenant within an urban area in the constituency a house or building, or part of a house or building, the annual rental value of which is not less—

- (i) in the case of a house in the Nagpur Municipality or in the Jubbulpore Municipality or Cantonment, than Rs. 240, and
- (ii) in the case of a house in any other urban area, than Rs. 180 :

provided that, where such house or building or part is held by two or more persons in shares, no person shall be qualified in respect of a share the annual rental value of which is less than Rs. 240 or Rs. 180, as the case may be ; or

- (b) is a proprietor or thekadar of an estate or mahal, or of a share of an estate or mahal, the land revenue or kamil-jama of which is not less than Rs. 300 ; or

- (c) holds, as a proprietor or thekadar in proprietary right, sir land or khudkasht or, as a malik-makbuza, raiyat or tenant, agricultural land, the assessed or assessable revenue or rent of which is not less—

- (i) in the case of land in the Raipur, Bilaspur, Drug, Chanda and Betul districts, than Rs. 90 ; or
- (ii) in the case of land in the Bhandara, Balaghat, Narmar, Chhindwara and Seoni districts, than Rs. 120 ; or
- (iii) in the case of land in any other district than Rs. 150 ; or

- (d) was in the previous year assessed to income-tax :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for the Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency.

Explanation.—For the purposes of clause (c) “tenant” shall not include a sub-tenant or ordinary tenant of sir land.

Special Constituency.

The
Landholders’
Constituency.

7. A person shall be qualified as an elector for the Landholders’ constituency who has a place of residence in the constituency and who—

- (a) is the holder of a hereditary title recognised by Government and holds agricultural land in proprietary right ; or
- (b) is the owner of an estate as defined in section 2 (3) of the Central Provinces Land Revenue Act, 1917 ; or
- (c) holds land in proprietary right the land revenue or kamil-jama of which is not less than Rs. 5,000.

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PART VIII.—ASSAM.

1. For the purposes of this Part—

- (a) “a European” means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile; Definitions.
- (b) “previous year” means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family concerned. Joint families.

3. A person shall be qualified as an elector for any constituency who has during the previous year resided within the constituency and who— Qualifications of electors.

- (a) was in the previous year assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than Rs. 20; or
- (b) was in the previous year assessed to a tax of not less than Rs. 10 in a union under Chapter III of the Bengal Municipal Act, 1876; or
- (c) was in the previous year assessed to a chaukidari tax of not less than Rs. 2 under the Village-Chaukidari Act, 1870, in the Sylhet, Cachar or Goalpara district; or
- (d) in any district other than those mentioned in clause (c)—
- (i) owns land the land revenue upon which has been assessed or is assessable at not less than Rs. 45 per annum; or
- (ii) is liable to pay a local rate of not less than Rs. 3 per annum; or
- (e) was in the previous year assessed to income-tax on an income of not less than Rs. 3,600:

Provided that—

- (i) no person shall be qualified as an elector for the Muhammadan constituency, who is not a Muhammadan, or for the European constituency who is not a European, and
- (ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

PART IX.—BURMA.

QUALIFICATIONS OF ELECTORS FOR CONSTITUENCIES IN BURMA.

1 For the purposes of this Part—

Definitions.

- (a) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile ;
- (b) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. A person shall be qualified as an elector for the Burma (non-European) constituency who is not a European and who has a place of residence in Burma and is—

The Burma
(non-European)
Constituency.

- (a) an elected member of the Rangoon Municipal Committee or of any municipal or town committee constituted under the Burma Municipal Act, 1898, or
- (b) a member of any Circle Board in Burma.

3. A person shall be qualified as an elector for the Burma (European) constituency who is a European resident in Burma and was in the previous year assessed to income-tax.

The Burma
(European)
Constituency.

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SCHEDULE III.

(See rule 16.)

Return of election expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown :—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature ;
- (b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger ;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers ;
- (d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling ;
- (e) the cost whether paid or incurred of—
 - (i) printing,
 - (ii) advertising,
 - (iii) stationery,
 - (iv) postage,
 - (v) telegrams, and
 - (vi) rooms hired either for public meetings or as committee rooms ;
- (f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 16 shall be as follows :—

Affidavit.

I, _____, being the appointed election agent for _____, a candidate for election in the _____ constituency (or I, _____, being a candidate for election in the _____ constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, _____'s candidature.
my candidature

(Sd.)

*Election agent or Candidate.**Solemnly affirmed before me.**(Magistrate.)*

SCHEDULE IV.

(See rules 5, 7, 18, 29, 40 and 43.)

The following shall be deemed to be corrupt practices for the purposes of these rules :—

PART I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

- (a) a person to stand or not to stand as, or to withdraw from being, a candidate, or
- (b) an elector to vote or refrain from voting at an election,

or as a reward to—

- (a) a person for having so stood or not stood or for having withdrawn his candidature, or
- (b) an elector for having voted or refrained from voting.

Explanation.—For the purpose of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bond fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

2. (1) The voluntary interference or attempted interference by a candidate or his agent or any other person with the connivance of the candidate or his agent with the free exercise of the right of any person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

(2) A threat of injury to any person or to any person in whom that person is interested or the inducement or attempted inducement of any person to believe that he or any person in whom he is interested will become or will be rendered the object of Divine displeasure or of spiritual censure shall be deemed to be interference within the meaning of this paragraph :

Provided that a declaration of public policy or promise of public action shall not be deemed to be interference.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the

connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication
of false state-
ments.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to pre-
judice such candidate's election.

PART II.

Acts under
Part I.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Bribery.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(a) by a person to stand or not to stand as, or to withdraw from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for
conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and
use of public
conveyances

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of ^{Incurring expense without authority.} expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

7. The hiring, using or letting, as a ^{Hiring of liquor shops.} committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

8. The issuing of any circular, placard ^{Issue of circulars, etc., without printer's and publisher's name printed thereon.} or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.