




The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 20. CUTTACK, FRIDAY, MAY 14, 1937.

 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps.

LAW AND COMMERCE DEPARTMENT.

NOTIFICATION.

The 10th May 1937.

No. 4261-Com.—The following notification of the Government of India in the Department of Commerce is republished for general information.

By order of the Governor,
C. G. NAIR,
Secretary to Government.

RESOLUTION.

TARIFFS.

New Delhi, 27th March 1937.

No. 127-T. (1)/37.—The amount of protection afforded to the Sugar Industry by the duties imposed by section 2 of the Sugar Industry Protection Act, 1932, will determine on the 31st March 1938, and section 3 of that Act provides that the Governor General in Council shall cause to be made by such persons as he may appoint in this behalf an enquiry to ascertain if the protection of the

Sugar Industry during the period from 31st March 1938 to the 31st March 1946 should be continued to the same extent or to a greater or lesser extent. The Government of India have decided that this enquiry should be undertaken by the Tariff Board and the following terms of reference have been framed for its guidance:—

- (a) The Board is requested to examine the measure of protection now enjoyed by the Sugar Industry and to report whether it is necessary to continue protection to this extent or to a greater or lesser extent;
- (b) In making its recommendations the Tariff Board will take all relevant considerations into account including that stated in part (b) of the Resolution adopted by the Legislative Assembly on the 16th February 1923.

2. Firms and persons interested in the Sugar Industry or industries dependent on the use of sugar who desire that their views should be considered by the Tariff Board should address their representations to the Secretary of the Board.

M. SLADE,

Offg. Joint Secy. to Govt. of India.

OFFICE OF THE ELECTIONS OFFICER.

NOTIFICATIONS.

Puri, the 3rd May 1937.

No. 902-E.O.P.—The following notification, issued by the Government of India in the Legislative Department, is republished for general information.

By order of the Governor,

S. N. MOZUMDAR,

Elections Officer.

[To be substituted for the notification sent with this Department Endorsement no. F.344/36-C. & G., dated 6th April 1937.]

New Delhi, 1st April 1937.

No. F.344/36-C. & G. (II).—In exercise of the powers conferred by sections 64 and 129-A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General in Council, with the sanction of the Secretary of State, is pleased to direct that the following further amendments shall be made in the Legislative Assembly Electoral Rules, namely:—

1. In rule 2, for clause (a) the following clauses shall be substituted, namely:—

“(a) ‘the Act’ means the Government of India Act and includes the provisions thereof set out with amendments in the Ninth Schedule to the new Act;

(aa) ‘the new Act’ means the Government of India Act, 1935;”.

2. For rule 3 the following rule shall be substituted, namely:—

“3. The Legislative Assembly shall consist of—

(1) one hundred and two elected members, and

(2) thirty-nine members nominated by the Governor General of whom twenty-six shall be officials.

3. After rule 4 the following rule shall be inserted, namely:—

“4A. If immediately before the 1st April 1937, the seat of the person nominated under rule 3 as theretofore in force as the result of an election held in Berar is not vacant, nothing in rule 3 or rule 4 shall be deemed to render his seat vacant, and, for the purposes of rules 3, 4 and 26, the person so nominated shall be deemed to be an elected member and to have been elected by the Berar Constituency specified in Schedule I.”

4. In rule 5—

(1) in sub-rule (1)—

(a) clause (b) shall be omitted and clauses (c) to (h) shall be re-lettered (b) to (g);

(b) in the first proviso for the words “Legislative Council” the word “Legislature” shall be substituted;

(c) the second proviso shall be omitted;

(2) in the proviso to sub-rule (2), for the words “and with the previous approval of the Governor General in Council, the local Government of a Province” the word “the Governor General in Council” shall be substituted, and the words “to represent any constituency within that province” shall be omitted:

(3) in sub-rule (3), after the word “rules” the words “or Order in Council” and after the words “the Act” the words “or the new Act” shall be inserted; and

(4) in sub-rule (4)—

(a) for the words “the Act” the words “the Act or the new Act or in respect of a primary election held under the new Act” shall be substituted,

(b) for the words “the rules” the words “any rules or Order in Council” shall be substituted, and

(c) for the words “the date of such election:” the words “the date by which a return was required to be lodged:” shall be substituted.

5. In rule 6—

(1) in sub-rule (1) the words “or a constituency in the province of Burma” shall be omitted;

(2) for clause (a) of sub-rule (1) the following shall be substituted, namely:—

“(a) his name is entered on the electoral roll of the constituency or of another constituency of the Legislative Assembly situate in the same province and;”

(3) in clause (b) of sub-rule (1), after the words “Central Provinces” the words “and Berar” shall be inserted.

(4) in sub-rule (2), for the words “or a constituency in the province of Burma or Delhi or Ajmer-Merwara” the words “or the Delhi or the Ajmer-Merwara constituency” shall be substituted.

6. In rule 7—

(1) in sub-rule (1)—

(a) clause (b) shall be omitted and clauses (c) and (d) shall be re-lettered (b) and (c);

(b) in the first proviso for the words "Legislative Council" the word "Legislature" shall be substituted;

(c) the second proviso shall be omitted;

(2) in sub-rule (2), for the words "rules" the words "rules or Order in Council" and for the words "the Act" the words "the Act or the new Act" shall be substituted.

7. In rule 9—

(1) in sub-rule (2)—

(a) for the words "The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province" the following shall be substituted, namely:—

"Subject to the provisions of these rules the Governor General in Council shall make regulations";

(b) for the words beginning with the words "shall apply for the purpose of the holding of elections within that province to the Legislative Assembly" and ending with the words "the province of Ajmer-Merwara" the following shall be substituted, namely:—

"and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as he may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.";

(c) for the proviso the following shall be substituted, namely:—

"Provided that the regulations in regard to the said matters which were in force immediately before the 1st April 1937, shall continue in force but may be revoked, varied or added to by regulations made under this sub-rule:

Provided further that powers conferred and duties imposed on the local Government or its officers by the regulations in force immediately before the said date shall be exercised and discharged by the Governor General in Council or as the case may be by such officers of the Governor General in Council as he may designate in this behalf unless with the consent of the Government of a Province functions in connection with the exercise and discharge of such powers and duties are entrusted to such Government and its officers";

(2) in sub-rule (3), for the words "as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council" the words "as the Governor General in Council may by regulation prescribe" shall be substituted;

(3) after sub-rule (7) the following sub-rule shall be inserted, namely:—

"(8) Nothing in this rule shall affect the operation of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, in respect of the discharge of functions under this rule or under regulations made thereunder."

8. In rule 11—

(1) for the words "the local Government", where they first occur in sub-rule (2) the following shall be substituted, namely:—

"the Governor General in Council or where the Government of a Province consents to the entrustment of the function to itself such Government";

(2) for the words "the local Government" where they occur for the second time in sub-rule (2) and where they occur in sub-rules (6) and (8), the words "the Governor General in Council or the Government of the Province as the case may be" shall be substituted.

9. In rule 13, for the words "the local Government", the words "the Governor General in Council or the Government of the Province as the case may be" shall be substituted.

10. In rule 15—

(1) for the figures "15" the figures and brackets "15(1)" shall be substituted;

(2) for the words "The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province" the following shall be substituted, namely:—

"Subject to the provisions of these rules the Governor General in Council shall make regulations";

(3) the words beginning with the words "shall apply for the purpose of the holding of elections within that province to the Legislative Assembly," and ending with the words "the province of Ajmer-Merwara:" shall be omitted;

(4) for the proviso the following shall be substituted, namely:—

"Provided that the regulations in regard to the said matters which were in force immediately before the 1st April 1937, shall continue in force but may be revoked, varied or added to by regulations made under this sub-rule:

Provided further that powers conferred and duties imposed on the local Government or its officers by the regulations in force immediately before the said date shall be exercised and discharged by the Governor

General in Council or as the case may be by such officers of the Governor General in Council as he may designate in this behalf, unless with the consent of the Government of a Province functions in connection with the exercise and discharge of such powers and duties are entrusted to such Government and its officers";

(5) for the words "In particular the Governor General in Council may" the figure, brackets and words "(2) The Governor General in Council may" shall be substituted.

11. In sub-rule (5) of rule 19—

(1) for the words "local official Gazette" the words "Gazette or the local official Gazette as the case may be" shall be substituted;

(2) for the words "as the local Government may prescribe" the following shall be substituted, namely:—

"as the Governor General in Council may prescribe or in default of such prescription as was prescribed in the province concerned immediately before the 1st April, 1937".

12. After rule 21 the following rule shall be inserted, namely:—

"21-A. Nothing in this Part shall affect the operation of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, in respect of the discharge of functions under this Part or under regulations made thereunder."

13. In rule 22—

(1) in sub-rule (1)—

(a) the words "Save as expressly provided in these rules in regard to the nomination of a person elected in Berar," shall be omitted,

(b) clause (b) shall be omitted and clauses (c) to (h) shall be re-lettered (b) to (g),

(c) in the first proviso, for the words "nomination to the Legislative Council" the words "election or nomination to the Legislature" shall be substituted,

(d) the second proviso shall be omitted;

(2) in the proviso to sub-rule (2), for the words "by order in this behalf" the words "by order of the Governor General in Council in this behalf" shall be substituted, and clauses (a) and (b) shall be omitted;

(3) in sub-rule (3), after the word "rules" the words "or Order in Council" and after the words "the Act" the words "or the new Act" shall be inserted; and

(4) in sub-rule (4)—

(a) for the words "this Act" the words "the Act or the new Act" or in respect of a primary election held under the new Act" shall be substituted;

(b) for the words "the rules" the words "any rules or Order in Council" shall be substituted, and

(c) for the words "the date of the election:" the words "the date by which a return was required to be lodged:" shall be substituted.

14. To rule 24 the following proviso shall be added, namely:—

"Provided that if the person elected or nominated is the Ruler of an Indian State or the subject of such Ruler he may make the oath or affirmation in the form appointed in the Fourth Schedule to the new Act for such Ruler or subject as the case may be."

15. In rule 36, in clause (a) of sub-rule (2), after the words "the Act" the words, figures and brackets "or section 220 (3) of the new Act" shall be inserted.

16. In rule 43, for the *Explanation* the following *Explanation* shall be substituted, namely:—

"*Explanation.*—'Advocate General' means the Advocate General for the Federation or, where the Government of a Province consents to the entrustment of his functions to the Advocate General for a Province, the Advocate General for such Province."

17. In sub-rule (2) of rule 44—

(1) for the words "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" the word "but" shall be substituted;

(2) in clause (c), after the words "limited character" the words "or took the form of customary hospitality which did not affect the result of the election" shall be inserted;

(3) the *Explanation* shall be omitted.

18. In Schedule I, in the List of Constituencies entitled to representation in every Legislative Assembly—

(1) in the column headed "Province" for the entry "Central Provinces" the entry "Central Provinces and Berar" shall be substituted;

(2) after the entry relating to the Central Provinces Landholders' Constituency, the following entry shall be inserted, namely:—

"Ditto.	Berar.	Non-Muham- madan.	The Berar Divi- sion excluding the Melghat taluk of the Amraoti Dis- trict.	1 "
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(3) the entries relating to the Burma (Non-European) and the Burma (European) Constituencies shall be omitted.

19. In schedule II—

(1) in Part I, in paragraph 8, for the words "Landholders' constituency of the Legislative Council of the Governor of Madras" the words "Landholders' constituency of the Legislative Assembly constituted under the new Act for the province of Madras" shall be substituted;

(2) in Part II, in paragraph 7, for the words "either European constituency of the Legislative Council of the Governor of Bombay" the words "any European constituency of the Legislative Assembly constituted under the new Act for the province of Bombay or of the Legislative Assembly so constituted for the province of Sind" shall be substituted;

(3) for Part VII the following Part shall be substituted, namely:—

"PART VII.—THE CENTRAL PROVINCES AND BERAR.

1. For the purpose of this Part of this Schedule—

(a) 'previous year' means the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules:

(b) 'urban area means a municipality, notified area, cantonment or railway settle-ment and includes the Government gun-carriage factory estates at Jubbulpore.

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

3. Where any estate or mahal, or a share of an estate or mahal, or agricultural 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 of this Schedule the

requisite qualification exists, and if it does exist the person qualified shall be the manager of the family:

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 of this Occupation Schedule, 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.

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

(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 consti-tuency 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 if he has a place of residence in the constituency, and—

(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 or building in the Nagpur Municipality or in the Jubbulpore Municipality or Cantonment, or in the Amraoti City and Camp Municipalities, than Rs. 240, and

(ii) in the case of a house or building in any other urban area, than Rs. 180:

Provided that, where such house or build-ing 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, in the Central Provinces, a pro-prietor or thekadar of an estate or mahal, or of a share of an estate or mahal, the land revenue or kamiljama of which is not less than Rs. 300, or

(c) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right,

Definitions.

Land records, etc., to be conclusive evi-dence.

Joint fami-lies.

Place of residence.

Muhamma-dan and non-Muhammad-an Constitu-encies.

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, Betul, and Mandla districts, than Rs. 90; or
- (ii) in the case of land in the Bhandara, Balaghat, Nimar, Chhindwara districts, than Rs. 120; or
- (iii) in the case of land in any other district, than Rs. 150; or

(d) holds, in the Constituency, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less—

- (i) in the Yeotmal district, than Rs. 120, and
- (ii) in all other districts, than Rs. 150; or

(e) 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; and for the purposes of clause (d) an anti-izara or anti-jagir tenant shall be deemed to hold agricultural land in other than tenancy right.

Special Constituency.

7. A person shall be qualified as an elector for the Landholders' constituency if he has a place of residence in the constituency and if he either—

- (a) is the holder of a hereditary title recognized 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."

(4) Part IX shall be omitted.

20. In Schedule V—

(1) in Part I, after paragraph 3 the following paragraph shall be inserted, namely:—

"3A. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent."

Removal of voting paper.

(2) in Part II—

(a) for paragraphs 4 and 5 the following paragraph shall be substituted, namely:—

"4. The making of any return of election expenses which is false in any material particular or the making of a declaration verifying any such return."

(b) paragraphs 6 to 8, shall be renumbered 5 to 7, respectively.

G. H. SPENCE,

Secy. to the Govt. of India.

Puri, the 8th May, 1937.

No. 920-E.O.P.—The following notification issued by the Government of India, Legislative Department on the 1st April 1937, is republished for general information.

S. N. MOZUMDAR,

Reforms Officer.

[To be substituted for the notification sent with this Department Endorsement no. F.-344/36-C. & G., dated the 6th April 1937.]

New Delhi, 1st April, 1937.

No. F.-344/36-C. & G. (I)—In exercise of the powers conferred by sections 64 and 129-A of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General in Council, with the sanction of the Secretary of State, is pleased to direct that the following further amendments shall be made in the Council of State Electoral Rules, namely:—

1. In rule 2, for clause (a) the following clauses shall be substituted, namely:—

"(a) 'the Act' means the Government of India Act and includes the provisions thereof set out with amendments in the Ninth Schedule to the new Act;

(aa) 'the new Act' means the Government of India Act, 1935;"

2. For rule 3 the following rule shall be substituted, namely:—

"3. The Council of State shall consist of—

(1) thirty-two elected members, and

(2) twenty-six members nominated by the Governor General of whom not more than twenty may be officials."

2. After rule 4 the following rule shall be inserted, namely:—

"4A. If immediately before the 1st April, 1937, the seat of the person nominated under rule 3 as theretofore in force as the result of an election held in Berar is not vacant, nothing in rule 3 or rule 4 shall be deemed

to render his seat vacant, and, for the purposes of rules 3, 4 and 26, the person so nominated shall be deemed to be an elected member and to have been elected by the Berar Constituency specified in Schedule I."

4. In rule 5—

(1) in sub-rule (1)—

(a) clause (b) shall be omitted and clauses (c) to (h) shall be re-lettered (b) to (g),

(b) in the first proviso, for the words "Legislative Council" the word "Legislature" shall be substituted,

(c) the second proviso shall be omitted;

(2) in the proviso to sub-rule (2), for the words "and with the previous approval of the Governor General in Council, the local Government of a Province" the words "the Governor General in Council" shall be substituted, and the words "to represent any constituency within that province" shall be omitted;

(3) in sub-rule (3), after the word "rules" the words "or Order in Council" and after the words "the Act" the words "or the new Act" shall be inserted; and

(4) in sub-rule (4)—

(a) for the words "the Act" the words "the Act or the new Act or in respect of a primary election held under the new Act" shall be substituted,

(b) for the words "the rules" the words "any rules or Order in Council" shall be substituted, and

(c) for the words "the date of such election:" the words "the date by which a return was required to be lodged:" shall be substituted.

5. In rule 6, in clause (c) of sub-rule (1), for the words "or in the province of Burma" the words "and Berar" shall be substituted.

6. In rule 7—

(1) in sub-rule (1)—

(a) clause (b) shall be omitted and clauses (c) and (d) shall be re-lettered (b) and (c),

(b) in the first proviso, for the words "Legislative Council" the word "Legislature" shall be substituted,

(c) the second proviso shall be omitted;

(2) in sub-rule (2), for the word "rules" the words "rules or Order in Council" and for the words "the Act" the words "the Act or the new Act" shall be substituted.

7. In rule 9—

(1) in sub-rule (2)—

(a) for the words "The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province" the following shall be substituted, namely:—

"Subject to the provisions of these rules the Governor General in Council shall make regulations";

(b) for the words "shall apply for the purpose of the holding of elections within that province to the Council of State:" the following shall be substituted, namely:—

"and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as he may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.;"

(c) for the proviso the following shall be substituted, namely:—

"Provided that the regulations in regard to the said matters which were in force immediately before the 1st April 1937, shall continue in force but may be revoked, varied or added to by regulations made under this sub-rule;

Provided further that powers conferred and duties imposed on the local Government or its officers by the regulations in force immediately before the said date shall be exercised and discharged by the Governor General in Council or, as the case may be, by such officers of the Governor General in Council as he may designate in this behalf unless with the consent of the Government of a Province functions in connection with the exercise and discharge of such powers and duties are entrusted to such Government and its officers;"

(2) in sub-rule (3), for the words "as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council" the words "as the Governor General in Council may by regulation prescribe" shall be substituted;

(3) after sub-rule (7) the following sub-rule shall be inserted, namely:—

"(8) Nothing in this rule shall affect the operation of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, in respect of the discharge of functions under this rule or under regulations made thereunder."

8. In rule 11—

(1) for the words "The local Government", where they first occur in sub-rule (2), the following shall be substituted, namely:—

"The Governor General in Council or where the Government of a Province consents to the entrustment of the function to itself such Government";

(2) for the words "the local Government", where they occur for the second time in sub-rule (2) and where they occur in sub-rules (6) and (8), the words "the Governor General in Council or the Government of the Province as the case may be" shall be substituted.

9. In rule 13, for the words "the local Government" the words "the Governor General in Council or the Government of the Province as the case may be" shall be substituted.

10. In rule 15—

(1) for the figures "15" the figures and brackets "15(1)" shall be substituted;

(2) for the words "The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province" the following shall be substituted, namely:—

"Subject to the provisions of these rules the Governor General in Council shall make regulations";

(3) the words "shall apply for the purpose of the holding of elections within that province to the Council of State:" shall be omitted;

(4) for the proviso the following shall be substituted, namely:—

"Provided that the regulations in regard to the said matters which were in force immediately before the 1st April, 1937, shall continue in force but may be revoked, varied or added to by regulations made under this sub-rule;

Provided further that powers conferred and duties imposed on the local Government or its officers by the regulations in force immediately before the said date shall be exercised and discharged by the Governor General in Council or as the case may be by such officers of the Governor General in Council as he may designate in this behalf, unless with the consent of the Government of a Province functions in connection with the exercise and discharge of such powers and duties are entrusted to such Government and its officers";

(5) for the words "In particular the Governor General in Council may" the figure, brackets and words "(2) The Governor General in Council may" shall be substituted.

11. In sub-rule (5) of rule 19.—

(1) for the words "local official Gazette the words "Gazette or the local official Gazette as the case may be" shall be substituted;

(2) for the words "as the local Government may prescribe" the following shall be substituted, namely:—

"as the Governor General in Council may prescribe or in default of such prescription as was prescribed in the province concerned immediately before the 1st April, 1937";

12. After rule 21 the following rule shall be inserted, namely:—

"21A. Nothing in this Part shall affect the operation of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, in respect of the discharge of functions under this Part or under regulations made thereunder."

13. In rule 22—

(1) in sub-rule (1)—

(a) the words "Save as expressly provided in these rules in regard to the nomination of a person elected in Berar," shall be omitted,

(b) clause (b) shall be omitted and clauses (c) to (h) shall be re-lettered (b) to (g),

(c) in the first proviso, for the words "nomination to the Legislative Council" the words "election or nomination to the Legislature" shall be substituted,

(d) the second proviso shall be omitted;

(2) in the proviso to sub-rule (2), for the words "by order in this behalf" the words "by order of the Governor General in Council in this behalf" shall be substituted, and clauses (a) and (b) shall be omitted;

(3) in sub-rule (3), after the words "rules" the words "or Order in Council" and after the words "the Act" the words "or the new Act" shall be inserted; and

(4) in sub-rule (4)—

(a) for the words "this Act" the words "the Act or the new Act or in respect of a primary election held under the new Act" shall be substituted;

(b) for the words "the rules" the words "any rules or Order in Council" shall be substituted, and

(c) for the words "the date of the election:" the words "the date by which a return was required to be lodged;" shall be substituted;

14. To rule 24 the following proviso shall be added, namely:—

“Provided that if the person elected or nominated is the Ruler of an Indian State or the subject of such Ruler he may make the oath or affirmation in the form appointed in the Fourth Schedule to the new Act for such Ruler or subject as the case may be.”

15. In rule 36, in clause (a) of sub-rule (2) after the words “the Act” the words, figures and brackets “or section 220 (3) of the new Act” shall be inserted.

16. In rule 43, for the *Explanation* the following *Explanation* shall be substituted, namely:—

“*Explanation.*—‘Advocate General’ means the Advocate General for the Federation or where the Government of a Province consents to the entrustment of his functions to the Advocate General for a Province, the Advocate General for such Province.”

17. In sub-rule (2) of rule 44—

(1) for the words “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” the word “but” shall be substituted;

(2) in clause (c) after the words “limited character” the words “or took the form of customary hospitality which did not affect the result of the election” shall be inserted;

(3) the *Explanation* shall be omitted.

18. In Schedule I, in the List of Constituencies entitled to representation in every Council of State—

(1) in the column headed “Province” for the entry “Central Provinces” the entry “Central Provinces and Berar” shall be substituted;

(2) for the entries relating to the Burma and Burma Chamber of Commerce Constituencies, the following entry shall be substituted, namely:—

“Ditto	Berar	General	The Berar Division excluding the Melghat taluq of the Amraoti District.	1”
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19. In Schedule II—

(1) in Part I—

(a) for clause (e) of paragraph 9 the following clause shall be substituted, namely:—

“(e) is or has been a non-official member of either chamber of the Indian Legislature or of the Provincial Legislature constituted for Madras under the new Act or has been a non-official member of the Indian Legislative Council as constituted under the Government

of India Act, 1915, or any Act repealed thereby, or of the Madras Legislative Council as constituted by the Act; or”;

(b) in clause (h) of paragraph 9 the words “or is a member of the Council of the University of Rangoon” shall be omitted;

(2) in Part II—

(a) for clause (f) of paragraph 2 the following clause shall be substituted, namely:—

“(f) is or has been a non-official member of either chamber of the Indian Legislature or of the Provincial Legislature constituted for Bombay under the new Act or of the Legislative Assembly so constituted for Sind, or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the Bombay Legislative Council as constituted by the Act; or”;

(b) in clause (h) of paragraph 2, the words “or is a member of the Council of the University of Rangoon” shall be omitted;

(3) in Part III—

(a) for clause (c) of paragraph 4 the following clause shall be substituted, namely:—

“(c) is or has been a non-official member of either chamber of the Indian Legislature or of the Provincial Legislature constituted for Bengal under the new Act or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the Bengal Legislative Council as constituted by the Act; or”;

(b) in clause (e) of paragraph 4, the words “or is a member of the Council of the University of Rangoon” shall be omitted.

(4) in Part IV—

(a) for clause (d) of paragraph 3 the following clause shall be substituted, namely:—

“(d) is or has been a non-official member of either chamber of the Indian Legislature or of the Provincial Legislature constituted for the United Provinces under the new Act or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the United Provinces Legislative Council as constituted by the Act; or”

(b) in clause (f) of paragraph 3, the words “or is a member of the Council of the University of Rangoon” shall be omitted;

(5) in Part V—

(a) for clause (d) of paragraph 5 the following clause shall be substituted, namely:—

“(d) is or has been a non-official member of either chamber of the Indian Legislature, or of the Legislative Assembly constituted for the Punjab by the new Act, or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the Punjab Legislative Council constituted by the Act; or;”

(b) in clause (g) of paragraph 5, the words “or is a member of the Council of the University of Rangoon” shall be omitted;

(6) in Part VI—

(a) for clause (d) of paragraph 4 the following clause shall be substituted, namely:—

“(d) is or has been a non-official member of either chamber of the Indian Legislature or of the Provincial Legislature, constituted for Bihar by or under the new Act, or of the Legislative Assembly so constituted for Orissa, or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the Bihar and Orissa Legislative Council as constituted by the Act; or”;

(b) in clause (f) of paragraph 4, the words “or is a member of the Council of the University of Rangoon” shall be omitted,

(7) for Part VII the following Part shall be substituted, namely:—

“PART VII.—THE CENTRAL PROVINCES AND BERAR.

1. For the purposes of this Part of this Schedule, a person
Place of residence. shall be deemed to have a place of residence in the constituency if he either—

(a) ordinarily lives in the constituency, or

(b) has his family dwelling house in the constituency and occasionally occupies it, or

(c) maintains in the constituency a dwelling house ready for occupation in charge of servants and occasionally occupies it.

2. Where any estate or mahal, or a share
Joint Families. of an estate or mahal or agricultural 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 of this Schedule the requisite qualification exists, and if it does exist, the person qualified shall be the manager of the family:

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.

3. A person shall be qualified as an elector for a constituency if he has a place of residence in the constituency and if he either—

(a) holds, in the Central Provinces, in proprietary right land the land revenue or kamiljama of which is not less than Rs. 3,000; or

(b) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than Rs. 1,000; or

(c) was in the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be, for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 20,000; or

(d) is or has been a non-official member of either chamber of the Indian Legislature, or of the Legislative Assembly constituted for the Central Provinces and Berar by the new Act, or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the Central Provinces Legislative Council constituted by the Act; or

(e) is or has been a non-official president of a Municipal Committee established under the Central Provinces Municipal Act, 1903 or under the Central Provinces Municipalities Act, 1922, or under the Central Provinces Municipalities Act, 1922, as applied to Berar, or has been the non-official chairman of a Municipal Committee established under the Berar Municipal Law, 1886, or is or has been the non-official chairman of a district council established under the Central Provinces Local Self-Government Act, 1883, or, under the Central Provinces Local Self-Government Act, 1920, or under the Central Provinces Local Self-Government Act, 1920, as applied to Berar, or has been the non-official vice-chairman of a district board established under the Berar Rural Boards Law, 1885, or

(f) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India; or

(g) is recognized by the Government as the holder of the title of Shamsul Ulma or of the title of Mahamohopadhyaya.”;

(8) in Part VIII—

(a) for clause (c) of paragraph 2 the following clause shall be substituted, namely:—

“(c) is or has been a non-official member of either chamber of the Indian Legislature or of the Provincial

Legislature constituted for Assam under the new Act, or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or of the Assam Legislative Council as constituted by the Act; or”;

(b) in clause (e) of paragraph 2 the words “or is a member of the Council of the University of Rangoon” shall be omitted;

(9) Part IX shall be omitted.

20. In Schedule V—

(1) in Part I, after paragraph 3 the following paragraph shall be inserted namely:—

“3A. The removal of a voting paper from the polling station during polling hours by any person

Removal of voting paper.

with the connivance of a candidate or his agent.”

(2) in Part II—

(a) for paragraphs 4 and 5 the following paragraph shall be substituted, namely:—

“4. The making of any return of election expenses which is false in any material particular or the making of a declaration verifying any such return.”;

(b) paragraphs 6 to 8 shall be renumbered 5 to 7, respectively.

G. H. SPENCE,

Secy. to the Govt. of India.