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SCHEDULES.

SIXTH SCHEDULE

PROVISIONS AS TO FRANCHISE.

PART II

MADRAS.

General requirement as to residence.

- 1 No person shall be qualified to be included in the electoral roll for a territorial constituency unless he has resided in a house in the constituency for a period of not less than one hundred and twenty days in the previous financial year.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

Qualifications dependent on taxation.

- 2 Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if in the previous financial year he—
- (a) paid tax under the Madras Motor Vehicles Taxation Act, 1931, for the whole of that year; or
 - (b) paid for both the half years of that year to a municipality, local board or cantonment authority in the Province profession tax under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924; or
 - (c) paid for both the half years of that year to a municipality or cantonment authority in the Province property tax under any of the said Acts; or
 - (d) paid for both the half years of that year house tax under the Madras Local Boards Act, 1920; or
 - (e) occupied as sole tenant throughout that year a house in respect of which property tax or house tax has been paid for both the half years of that year under any of the Acts mentioned in this paragraph; or
 - (f) was assessed to income tax.

Qualifications dependent on property, &c.

- 3 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

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- (a) was on the last day of the previous fasli year a registered landholder, inamdar, ryotwari pattadar or occupancy ryot under the Madras Estates Land Act, 1908; or
 - (b) was in and for the previous fasli year assessed to ground rent payable to the Government of the Province; or
 - (c) was throughout the previous fasli year a kanamdar or kuzhikanamdar or the holder of a kudiyruppu or a verumpattamdar having fixity of tenure, each of these terms having the meaning assigned to it in the Malabar Tenancy Act, 1929; or
 - (d) was throughout the previous fasli year a mortgagee with possession or lessee, under a registered instrument, of immovable property in the Province (other than house property) of an annual rent value, in the case of an urban constituency, of not less than one hundred rupees, and, in the case of a rural constituency, of not less than fifty rupees.
- 4 (1) Sub-paragraph (a) of the last preceding paragraph shall not apply in relation to registered joint landholders, registered joint inamdars, registered joint ryotwari pattadars or registered joint occupancy ryots, but in relation to such persons (being persons so registered on the last day of the previous fasli year) the following provisions of this paragraph shall have effect.
- (2) Where the joint holding of any joint landholders or joint holders of a whole-inam village is of an annual rental of one thousand rupees or upwards, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one registered joint holder for every complete five hundred rupees of the annual rental of the joint holding shall be qualified to be included in the electoral roll of the appropriate territorial constituency.
- (3) Where the annual assessment, rent or kist of the joint holding of joint holders of a minor inam, a ryotwari patta or an estate patta is one hundred rupees or upwards, then, subject as aforesaid, one registered joint holder for every complete fifty rupees of the annual assessment, rent or kist shall be qualified to be included in the electoral roll of the appropriate territorial constituency.
- (4) In other cases, one of the registered joint holders shall, subject as aforesaid, be qualified to be included in the electoral roll of the appropriate territorial constituency.
- (5) The registered holders to be included under this paragraph in an electoral roll in respect of a joint holding shall be those nominated in an application in that behalf, signed by a majority of the registered joint holders.

Qualification by reason of guardianship.

- 5 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is on the prescribed date the guardian of a minor who by virtue of the foregoing provisions of this Part of this Schedule would have been entitled to be included in the electoral roll for that constituency if he were of full age and satisfied the requirements of paragraph one of this Part of this Schedule.

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Qualification by reason of literacy.

- 6 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to be literate.

Qualification by reason of service in His Majesty's forces.

- 7 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualifications for women.

- 8 Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

- (a) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer, or soldier of His Majesty's regular military forces; or
- (b) if her husband possesses the qualifications requisite for the purpose of this paragraph.

- 9 A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

- (a) was assessed in the previous financial year to income tax; or
- (b) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (c) occupied for not less than six months in the previous financial year a house in the city of Madras the annual value whereof was not less than sixty rupees, not being a house in any military or police lines; or
- (d) was assessed in the Province in the previous financial year to tax on companies; or
- (e) was assessed in the Province in the previous financial year to an aggregate amount of not less than three rupees in respect of either or both of the following taxes, namely, property tax or profession tax; or
- (f) is registered as a ryotwari pattadar or an inamdar of land the annual rent value whereof is not less than ten rupees; or
- (g) holds under a ryotwari pattadar or an inamdar a registered lease of land the annual rent value whereof is not less than ten rupees; or
- (h) is registered jointly with the proprietor under section fourteen of the Malabar Land Registration Act, 1895, as the occupant of land the annual rent value whereof is not less than ten rupees; or
- (i) is a landholder holding an estate the annual rent value whereof is not less than ten rupees; or
- (j) holds as ryot, or as tenant under a landholder, land the annual rent value whereof is not less than ten rupees.

Application necessary for enrolment in certain cases.

- 10 No person shall, by virtue of sub-paragraph (e) of paragraph two, sub-paragraph (c) or sub-paragraph (d) of paragraph three, paragraph five, paragraph six, or paragraph eight, of this Part of this Schedule, be included in the electoral roll of any territorial

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constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included:

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, as respects women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (6) of paragraph nine of this Part of this Schedule.

General provisions as to joint property, &c.

- 11 (1) Subject to the provisions of this paragraph, property held and payments made jointly by, and assessments made jointly on, more than one person, shall be left out of account for the purposes of this Part of this Schedule.
- (2) Where any such property, payments or assessments would qualify a person if they had been held or made by, or made on, him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one of those persons shall be qualified in respect of the property, payment or assessment and that person shall be—
- (a) if the property is held, or the payments or assessments made, by or on a Hindu joint family, the manager thereof;
 - (b) if the property is held or the payments or assessments made by or on any other joint family, the member thereof authorised in that behalf by the family themselves ;
 - (c) in any other case, the person authorised in that behalf by a majority of the persons by or on whom the property is held or the payments or assessments made.
- (3) Nothing in this paragraph affects paragraph four of this Part of this Schedule, or the provisions of Part I of this Schedule relating to partners in firms assessed to income tax.

Interpretation, &c.

- 12 (1) In this Schedule, in relation to Madras—
- " estate " means an estate as denned in the Madras Estates Land Act, 1908;
- " fasli year " means a year ending on the thirtieth day of June;
- " landholder " means a person owning an estate or part of an estate and includes every person entitled to collect the rent of the whole or pare of an estate by virtue of any transfer from the owner or his predecessor in title or of any order of a competent court, or of any provision of law;
- " rent value " means the value as determined in accordance with the provisions of section seventy-nine of the Madras Local Boards Act, 1920, with reference to the accounts of the previous fasli year or, in any case in which it is not possible so to determine the rent value, such value as appears to the registration officer to be the rent value;
- " tenant " includes all persons who, whether personally or by an agent, occupy a house or land under the owner or landholder or intermediate landholder, whether or not rent is paid to the owner, landholder or intermediate landholder, as the case may be, except that it does not include

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any person occupying a house in military or police lines rent free by virtue of any office, service or employment.

- (2) A person who is paying or is liable to pay the rent of a house shall be deemed to occupy it.