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## SCHEDULES.

### SIXTH SCHEDULE

#### PROVISIONS AS TO FRANCHISE.

#### PART IX

##### ASSAM.

##### *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 a place of residence in the constituency, and a person shall be deemed to have a place of residence in a constituency if he ordinarily lives in the constituency or has his family dwelling place in the constituency and occasionally occupies it:

Provided that in relation to the European constituency the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Assam but is absent from Assam on leave from his employment.

##### *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 either—
- (a) was assessed to income tax; or
  - (b) was in the constituency assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than two rupees or, in the Sylhet municipality, of not less than one rupee eight annas, or to a tax of not less than one rupee in a Small Town, or, in the district of Sylhet, the district of Cachar or the district of Goalpara, to a tax of not less than eight annas under the Village Chaukidari Act, 1870.

##### *Qualifications dependent on property.*

- 3 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if, in the constituency, he either—
- (a) is the owner of land the land revenue on which has been assessed or is assessable at not less than seven rupees eight annas per annum; or
  - (b) is liable to pay a local rate of not less than eight annas per annum; or
  - (c) throughout the previous financial or previous Bengali year held from a landlord land in any of the following districts, that is to say, Lakhimpur, Sibsagar, Darrang, Nowgong or Kamrup, or in the Garo Hills, and paid to

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the landlord rent to the value of not less than seven rupees eight annas in respect of that land :

Provided that for the purposes of this paragraph land situate, and local rates levied, in the districts of Sylhet, Cachar and Goalpara shall be left out of account.

*Educational qualification.*

- 4 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 have passed the middle school leaving certificate examination or any other examination prescribed as at least equivalent thereto.

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

- 5 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 or the Assam Rifles.

*Additional qualification for women.*

- 6 Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces or the Assam Rifles, or if she is proved in the prescribed manner to be literate, or if her husband possesses the qualifications requisite for the purposes of this paragraph.
- 7 A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he—
- (a) is a retired, pensioned or discharged officer, noncommissioned officer or soldier of His Majesty's regular military forces or the Assam Rifles; or
  - (b) was in the previous financial year assessed to income tax; or
  - (c) was in the previous financial year assessed in the constituency in respect of municipal or cantonment rates or taxes—
    - (i) in the Nowgong municipality, to not less than two rupees; or
    - (ii) in the Sylhet municipality, to not less than one rupee eight annas; or
    - (iii) elsewhere in the Province, to not less than three rupees; or
  - (d) was in the constituency assessed in the previous financial year to a tax of not less than one rupee in a Small Town; or
  - (e) was in the constituency assessed in the previous financial year in the district of Sylhet, the district of Cachar or the district of Goalpara to a tax of not less than one rupee under the Village Chaukidari Act, 1870; or
  - (f) elsewhere than in the said districts, is the owner of land in the constituency, the land revenue on which has been assessed or is assessable at not less than fifteen rupees per annum; or
  - (g) is liable to pay a local rate in the constituency of not less than one rupee per annum.

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*Application necessary for enrolment in certain cases.*

- 8 No person shall, by virtue of paragraph six of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by her, or, if it is so prescribed, on her behalf, that she 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, in relation to women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (a) of paragraph seven of this Part of this Schedule.

*Special provisions as to seat reserved for women.*

- 9 The following provisions shall have effect in relation to any constituency specially formed for the election of persons to fill the seat reserved for women—
- (a) no man shall be included in the electoral roll for the constituency, or be entitled to vote at any election therein;
  - (b) if and so long as the constituency comprises any part of Shillong, any reference in this Part of this Schedule to "the constituency" shall be construed as including a reference to so much of the areas under the jurisdiction of the Shillong municipal Board and the Shillong cantonment authority as is not part of British India, and any reference to municipal or cantonment rates or taxes shall be construed as including a reference to any such rates or taxes assessed by or paid to that board or that authority in the exercise of any jurisdiction exercised by them in relation to areas outside British India.

*Special provisions as to backward areas and backward tribes.*

- 10 No person who is entitled to vote in the election of a person to fill any of the seats to be filled by representatives of backward areas or backward tribes, or is entitled to be included in the electoral roll for any constituency formed for the purpose of filling any such seat, shall be included in the electoral roll for any territorial constituency in the Province, other than any constituency specially formed for the election of persons to fill the seat reserved for women.

*Interpretation, &c.*

- 11 (1) In this Schedule, in relation to Assam—
- " Small Town " means a notified area constituted under Chapter XII of the Assam Municipal Act I of 1923;
  - " Bengali year " means a year ending on the last day of the Bengali month of Chaitra;
  - " local rate " means the local rate assessed under the Assam Local Rates Regulation, 1879;
  - " landlord " means a person under whom another person holds land immediately, but does not include the Government;
  - " rent " includes rent in kind or partly in kind.
- (2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for

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deciding whether the necessary 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 themselves:

Provided that any other member of any such family shall also be qualified if the proportion of the joint property, payment or assessment which corresponds with his share therein would be sufficient for him to be qualified if he held it separately.