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## SCHEDULES.

### SIXTH SCHEDULE

#### PROVISIONS AS TO FRANCHISE.

#### PART V

##### THE UNITED PROVINCES.

###### *General requirement as to residence.*

- 1 (1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he is resident in the constituency.
- (2) For the purposes of this Part of this Schedule a person shall be deemed to be resident in any area if he ordinarily lives in that area or maintains a dwelling-house therein ready for occupation in which he occasionally dwells.

###### *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 he—
- (a) was assessed during the previous financial year to income tax; or
  - (b) was, in an area wholly or partly within the constituency in which a municipal tax is in force, assessed in the previous financial year to municipal tax on an income of not less than one hundred and fifty rupees per annum.

###### *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 he is the owner or tenant of a house or building in the constituency the rental value whereof is not less than twenty-four rupees per annum.
- 4 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—
- (a) owns land in the constituency on which land revenue of not less than five rupees per annum is payable; or
  - (b) owns land in the constituency free of land revenue, if the land revenue nominally assessed on the land for determining the amount of rates payable in respect of the land, either alone or together with any land revenue payable by him as owner of other land in the constituency, amounts to not less than five rupees per annum; or

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- (c) is a tenant of land in the constituency in respect of which rent of not less than ten rupees per annum, or rent in kind equivalent to not less than ten rupees per annum, is payable; or
- (d) is an under-proprietor in Oudh of land in the constituency in respect of which under-proprietary rent of not less than five rupees per annum is payable; or
- (e) in the case of a constituency comprising any part of the Hill Pattis of Kumaun, is resident in those Hill Pattis and, in the constituency, either is owner of a fee simple estate in those Hill Pattis, or is assessed to the payment of land revenue or cesses of any amount in those Hill Pattis, or is a Khaikar.

*Educational qualification.*

- 5 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 upper primary examination, or an examination which is prescribed as the equivalent thereof.

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

- 6 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.

*Special provision as to Shilpkars in the Hill Pattis of Kumaun.*

- 7 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency comprising any part of the Hill Pattis of Kumaun if he is a Shilpkar resident in a village in those Hill Pattis and is in the prescribed manner selected and designated as their representative by the Shilpkar families of that village.

*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 she is proved in the prescribed manner to be literate; or
  - (c) if her husband possesses the qualifications requisite for the purposes of this paragraph.
- 9 In relation to any territorial constituency, a husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—
- (a) he is the owner or tenant of a house or building in the constituency, the rental value whereof is not less than thirty-six rupees per annum; or
  - (b) was, in an area in which no house or building tax is in force, assessed in the previous year in the constituency to municipal tax on an income of not less than two hundred rupees per annum; or

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- (c) owns land in the constituency in respect of which land revenue amounting to not less than twenty-five rupees per annum is payable; or
- (d) owns land in the constituency free of land revenue, if the land revenue nominally assessed on the land for determining the amount of rates payable in respect thereof, 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 twenty-five rupees per annum; or
- (e) is resident in the Hill Pattis of Kumaun and, in the constituency, either owns a fee simple estate situate in those Hill Pattis or is assessed to the payment of land revenue or cesses of any amount in those Hill Pattis, or is a Khaikar; or
- (f) is, in the constituency, a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1926, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, and is liable as such to rent of not less than twenty-five rupees per annum; or
- (g) holds in the constituency as a tenant, land in respect of which a rent of not less than fifty rupees per annum or a rent in kind equivalent to not less than fifty rupees per annum is payable; or
- (h) was assessed in the previous financial year to income tax; or
- (i) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Application necessary for enrolment in certain cases.*

- 10 (1) No person shall by virtue of paragraph five or sub-paragraph (a) or sub-paragraph (b) of paragraph eight of this Part of this Schedule, or by virtue of her husband being a retired, pensioned or discharged officer, non-commissioned officer or soldier, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by, or if it is so prescribed, on behalf of, that person, that that person should be so included.
- (2) On the preparation of the original electoral roll for any rural constituency or on any revision of the electoral roll for a rural constituency within three years from the commencement of Part III of this Act, no person shall by virtue of her husband possessing any of the other qualifications requisite for the purposes of the said paragraph eight be included in the electoral roll 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.

*Interpretation, &c.*

- 11 (1) In this Schedule, in relation to the United Provinces—
- " owner " does not include a mortgagee or a lessee, and " own " shall be construed accordingly;
  - " tenant " as respects any land in a rural area means a tenant as denned in the Agra Tenancy Act, 1926, or the Oudh Rent Act, 1886, as the ease may be, and does not include a sub-tenant, and as respects any house or building means a person who occupies it on payment of rent, or in the case of a house, not situate in military or police lines, a person who occupies it rent free by virtue of any office, service or employment;
  - " under-proprietor " means an under-proprietor as defined in the Oudh Rent Act, 1886;

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" Khaikar " means a person recorded as such in the records of rights of land in the Hill Patis of Kumaun;

" building " means a building as denned in the United Provinces Municipalities Act, 1916;

" rental value " means the value of a house or building based on the amount of annual rent;

" municipal tax " and " house or building tax, " mean the taxes respectively known by those names imposed under the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, and the Cantonments Act, 1924;

" urban area " means a municipality or notified area as defined in subsection (9) of section two, and subsection (2) of section three hundred and thirty-seven of the United Provinces Municipalities Act, 1916, or a town area as denned in the United Provinces Town Areas Act, 1914, or a cantonment;

" rural area " means an area which is not an urban area.

- (2) Where property is held or payments are made jointly by, or assessments are made jointly on, 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 of this Schedule the requisite qualification exists, and if it does exist, the person qualified shall be, in the case of a joint Hindu family, the manager thereof or, if there is no manager, the member nominated in that behalf by the majority of the family, and in other cases the member nominated in that behalf by the family or tenancy concerned.