

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## SCHEDULES.

### SIXTH SCHEDULE

#### PROVISIONS AS TO FRANCHISE.

#### PART VIII

##### THE CENTRAL PROVINCES AND BERAR.

###### *General requirements as to residence.*

- 1 (1) No person shall be qualified to be included in the electoral roll for a territorial constituency unless, in the case of a rural constituency, he has a place of residence in the constituency, and, in the case of an urban constituency, he has a place of residence in, or within two miles from the boundary of, the constituency.
- (2) For the purposes of this Part of this Schedule a person shall be deemed to have a place of residence in an area if and only if he either—
- (a) has actually dwelt in a house within the area for not less than one hundred and eighty days in the aggregate during the previous financial year; or
  - (b) he has maintained a house within the area for an aggregate period of not less than one hundred and eighty days during that year as a dwelling for himself in charge of his dependants or servants, and has visited that house during that year.

###### *Qualifications dependent upon 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 a territorial constituency if in the previous financial year he either—
- (a) was assessed to income tax; or
  - (b) was, in an urban area in the Province in which a municipal tax based on haisyat is imposed, assessed to such a tax on a haisyat of not less than seventy-five rupees.

###### *Qualifications dependent on property, &c.*

- 3 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of a territorial constituency if he either—
- (a) holds, in the Central Provinces, as a proprietor or thekadar, an estate or mahal the land revenue or kamil jama of which is not less than two rupees; or
  - (b) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right, sir land or khudkasht, or, as a malik makbuza, raiyat or tenant, agricultural land, being sir land, khudkasht or agricultural land, the assessed

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

or assessable land revenue or the rent of which is not less than two rupees;  
or

- (c) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than two rupees; or
- (d) is, in an urban area in the Province, the owner or tenant of a building, the annual rental value of which is not less than six rupees; or
- (e) is a watandar patel or a watandar patwari holding office, or a registered deshmukh or deshbandia or a lambardar.

*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 an examination which qualifies for admission to a course of study for a degree of the Nagpur University, or an examination prescribed as at least equivalent thereto, or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination :

Provided that, in relation to a constituency in Berar, the foregoing provisions of this paragraph shall be deemed to be complied with in relation to any person if he is proved in the prescribed manner to have passed any examination in the State of Hyderabad prescribed as at least equivalent to an examination the passing of which qualifies persons under those provisions.

*Qualification by reason of service in His Majesty's forces and the forces of His Exalted Highness the Nizam of Hyderabad.*

- 5 (1) 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.
- (2) Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency in Berar if he is a retired, pensioned or discharged officer, noncommissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or a retired, pensioned or discharged officer or man of the Hyderabad State Police.

*Additional qualification for women.*

- 6 (1) 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 pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces;
  - (b) if she is proved in the prescribed manner to be literate or to be the holder of a primary school certificate; or
  - (c) if her husband possesses the qualifications requisite for the purposes of this paragraph.
- (2) Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency in Berar if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or an officer or man of the Hyderabad State Police.

- 7 (1) A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—
- (a) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
  - (b) holds, in the Central Provinces, as a proprietor or the kadam, an estate or mahal the land revenue or kamil jama of which is not less than thirty-five rupees; or
  - (c) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right, sir land or khudkasht, or as a malik makbuza, raiyat or tenant, agricultural land, being sir land, khudkasht or agricultural land, the assessed or assessable land revenue or rent of which is not less than thirty-five rupees; or
  - (d) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than thirty-five rupees; or
  - (e) is, in an urban area, the owner or tenant of a building of which the annual rental value is not less than thirty-six rupees; or
  - (f) was, in an urban area in which a municipal tax based on haisiyat is imposed, assessed in the previous financial year to such a tax on a haisiyat of not less than four hundred rupees.
- (2) In relation to any territorial constituency in Berar, a husband shall also be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or a retired, pensioned or discharged officer or man of the Hyderabad State Police.

*Additional qualification for members of scheduled castes.*

- 8 Subject as aforesaid, a member of a scheduled caste shall also be qualified to be included in the electoral roll for any territorial constituency if he is a kotwar, a jaglia, or a village mahar holding office.

*Application necessary for enrolment in certain cases.*

- 9 No person shall, by virtue of paragraph four of this Part of this Schedule, or by virtue of being a pensioned widow or mother, or of being literate or the holder of a primary school certificate, or of being the wife of an officer, non-commissioned officer, soldier or man of any force, be included in the electoral roll for any territorial 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.

*Interpretation, &c.*

- 10 (1) In this Schedule, in relation to the Central Provinces and Berar—
- " building " means any structure or enclosure, whether used as a human dwelling or otherwise, and includes a part of a building;
  - " estate, " " mahal, " " malik makbuza, " " kamil jama, " " sir land " and " khudkasht " have the meanings respectively assigned to them in section two of the Central Provinces Land Revenue Act, 1917;

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

" estate or mahal " includes a part of an estate or a mahal:

" lambardar " means a lambardar appointed under the provisions of the Central Provinces Land Revenue Act, 1917;

" land revenue " means land revenue as defined in section fifty-six of the Central Provinces Land Revenue Act, 1917, and in section forty-nine of the Berar Land Revenue Code, 1928;

" proprietor " includes an inferior proprietor and a plot proprietor, but does not include a transferee of proprietary rights in possession, or a mortgagee with possession;

" raiyat " means the holder of a survey number as defined in subsection (18) of section two of the Central Provinces Land Revenue Act, 1917, and includes the holder of land recorded in the land records maintained by the Provincial Government as milkiyat sarkar;

" registered deshmukh or deshpandia " means a person, being a deshmukh or deshpandia, whose name is recorded in the registers of political pensions maintained by the Deputy Commissioners in Berar as the holder of a pension or share of a pension;

" rental value, " in relation to immovable property, means the amount for which the property, together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to be let, from year to year;

" tenant, " in relation to agricultural land, means a tenant as defined in subsection (11) of section two of the Central Provinces Tenancy Act, 1920, but does not include a sub-tenant, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment;

" thekadar " includes a gaontia and a protected headman;

" hold " in relation to land or an estate or mahal, means to be recorded in the records maintained under Chapter V of the Central Provinces Land Revenue Act, 1917, or Chapter X of the Berar Land Revenue Code, 1928, or, in the case of the Melghat Taluq of the Amraoti District, in the land records prescribed by the Provincial Government, as the person in possession of the land, estate or mahal;

" urban area " means a municipality, notified area or cantonment, and includes the Government gun carriage factory estate at Jubbulpore and any prescribed railway settlements;

" watandar patel " and " watandar patwari " mean respectively a patel and a patwari appointed under section five of the Berar Patels and Patwaris Law, 1900.

- (2) For the purposes of this Part of this Schedule ante-alienation tenants as defined in section seventy-two of the Berar Land Revenue Code, 1928, and section forty of the Berar Alienated Villages Tenancy Law, 1921, permanent tenants as defined in section forty-seven of the Berar Alienated Villages Tenancy Law, 1921, and tenants of antiquity as defined in section seventy-three of the Berar Land Revenue Code, 1928, shall be deemed to hold agricultural land in other than tenancy right.
- (3) Subject to the provisions of the next succeeding sub-paragraph, the provisions of this Part of this Schedule shall have effect in relation to any persons who are co-sharers in, or in a tenancy or lease of, land or other immovable property as if the respective shares of those persons in the land, property, tenancy or lease were held separately.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) Where property is held or payments are made jointly by the members of a joint family or a tax is assessed jointly on the members of a joint family, the family shall be adopted as the unit for deciding whether 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 themselves.
- (5) Any reference in this Part of this Schedule to a retired, pensioned or discharged officer or man of the Hyderabad State Police shall be deemed not to include a reference to any person who has been dismissed or discharged from the police for disciplinary reasons.