
**Rules for the election and nomination of members to the
Legislative Assembly, for the qualification of electors
and members, the constitution of Constituencies and
the final decision of doubts and disputes as to the
validity of elections.**

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TABLE OF CONTENTS.

PRELIMINARY.					RULE.
Short title and Commencement	1
Definitions	2
PART I.					
COMPOSITION OF LEGISLATIVE ASSEMBLY AND CONSTITUENCIES.					
Composition of Legislative Assembly	...	...	...	...	3
Constituencies	...	...	...	...	4
PART II.					
QUALIFICATIONS OF ELECTED MEMBERS.					
General disqualifications for being elected	...	...	...	...	5
Special qualifications for election in case of certain constituencies	...	...	...	...	6
PART III.					
THE ELECTORAL ROLL.					
General conditions of registration and disqualifications	...	...	...	...	7
Qualifications of electors	...	...	...	...	8
Electoral roll	...	...	...	...	9
Right to vote	...	...	...	...	10
PART IV.					
ELECTIONS.					
Nomination of candidates	...	...	...	...	11
Deposit on nomination	...	...	...	...	12
Death of candidate before poll	...	..	...	...	13
Procedure at election	...	...	...	...	14
Regulations regarding the conduct of elections	...	...	...	...	15
Multiple elections	...	...	...	...	16
ELECTION AGENTS AND RETURN OF EXPENSES.					
Disqualification for being election agent	...	...	...	...	17
Revocation of appointment of election agent	...	...	...	...	18
Return of election expenses	...	...	...	...	19
Power to fix maximum scale of expenditure and to regulate employment for pay	...	...	...	...	20
Accounts of agents	..	...	...	...	21
PART V.					
NOMINATED MEMBERS.					
General disqualifications for nomination	..	..	...	...	22
Terms of office of nominated member	...	...	...	...	23

PART VI.

GENERAL PROVISIONS.

Obligation to take oath.

	RULE.
Taking of oath	24

Vacation of seat.

Effect of subsequent disabilities or failure to take oath ...	25
Casual vacancies	26

General elections.

Reconstitution of Legislative Assembly	27
Publication of result of general election	28
Powers of Governor General in Council in case of difficulty	29

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

Definitions	30
The election petition	31
Presentation of the petition	32
Contents of petition	33
Against whom it may be presented	34
Deposit of security	35
Dismissal for default and appointment of Commissioners	36
Inquiry by Commissioners	37
Place of inquiry	38
Withdrawal of petition	39
Abatement or substitution on death of petitioner	40
Abatement or substitution on death of respondent	41
Recrimination when seat claimed	42
Attendance of Law Officers	43
Grounds for declaring election void	44
Report of Commissioners and procedure thereon	45
Form of report	46
Findings as to corrupt practices and persons guilty thereof	47

PART VIII.

SPECIAL PROVISIONS.

Interpretation in case of doubt	48
--	----

TABLE OF CONTENTS,

	Page
PRELIMINARY.	
Short title and Commencement	1
Definitions	2
PART I.	
COMPOSITION OF COUNCIL AND CONSTITUENCIES.	
Composition of Legislative Council	3
Constituencies	...
PART II.	
QUALIFICATIONS OF ELECTED MEMBERS.	
General disqualifications for being elected	5
Special qualifications for election in case of certain constituencies	6
PART III.	
THE ELECTORAL ROLL.	
General conditions of registration and disqualifications	7
Qualifications of electors	8
Electoral roll	9
Right to vote	10
PART IV.	
ELECTIONS.	
Nomination of candidates	11
Deposit on nomination	12
Death of candidate before poll	13
Procedure at election	14
Government to make regulations regarding the conduct of elections	15
Multiple elections	16
ELECTION AGENTS AND RETURN OF EXPENSES.	
Disqualification for being election agent	17
Revocation of appointment of election agent	18
Return of election expenses	19
Power to fix maximum scale of expenditure and to regulate employment for pay	20
Accounts of agents	21
PART V.	
NOMINATED MEMBERS.	
General disqualifications for nomination	22
Terms of office of nominated member	23

PART VI.

GENERAL PROVISIONS.

Obligation to take oath.

	RULÉ.
Taking of oath	24
<i>Vacation of seat.</i>	
Effect of subsequent disabilities or failure to take oath	25
Casual vacancies	26
<i>General elections.</i>	
Reconstitution of Council	27
Publication of result of general election	28
Power of local Government in case of difficulty	29

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

Definitions	30
The election petition	31
Presentation of the petition	32
Contents of petition	33
Against whom it may be presented	34
Deposit of security	35
Dismissal for default and appointment of Commissioners	36
Inquiry by Commissioners	37
Place of inquiry	38
Withdrawal of petition	39
Abatement or substitution on death of petitioner	40
Abatement or substitution on death of respondent	41
Recrimination when seat claimed	42
Attendance of Law Officers	43
Grounds for declaring election void	44
Report of Commissioners and procedure thereon	45
Form of report	46
Findings as to corrupt practices and persons guilty thereof	47

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SPECIAL PROVISION.

Interpretation in case of doubt	48
--	----

Preliminary.

1. (1) These rules may be called the Madras Electoral Rules. Short title and
commence-
ment.
(2) They shall come into force at once.
2. In these rules, unless there is anything repugnant in the subject or Definitions.
context,—
 - (a) “the Act” means the Government of India Act; -
 - (b) “Commissioners” means Commissioners appointed for the purpose
of holding an election inquiry under these rules;
 - (c) “corrupt practice” means any act deemed to be a corrupt practice
under the provisions of Schedule V;
 - (d) “election agent” means the person appointed under these rules by
a candidate as his agent for an election;
 - (e) “Gazette” means the Fort St. George Gazette; and
 - (f) “Schedule” means a Schedule to these rules.

PART I.

COMPOSITION OF COUNCIL AND CONSTITUENCIES.

3. The Legislative Council of the Governor of Madras shall consist of— Composition
of Legisla-
tive Council.
 - (1) the members of the Executive Council *ex-officio*;
 - (2) ninety-eight elected members; and
 - (3) such number of members nominated by the Governor as, with the
addition of the members of the Executive Council, shall amount
to twenty-nine; of the members so nominated—
 - (a) not more than nineteen may be officials, and

(b) six shall be persons nominated as follows, namely :—

(i) five to represent the following communities, namely, the Paraiyans, Pallans, Valluvans, Malas, Madigas, Chakkiliyans, Tottiyans, Cherumans and Holeyas, and

(ii) one to represent the inhabitants of backward tracts.

For the purpose of selecting persons to be nominated under sub-clause (b) of clause (3) of this rule the Governor may at his discretion make regulations providing for their selection by the communities concerned.

Constituencies. 4. The elected members shall be elected by the constituencies specified in Schedule I, and the number of members to be elected by each constituency, and the number, if any, of seats reserved for non-Brahman members (hereinafter in these rules referred to as reserved seats) shall, subject to the provisions of that Schedule, be as stated therein against that constituency :

Provided that the local Government may by regulation divide into two or more constituencies any of the plural-member constituencies and may distribute among the new constituencies so created the seats entered in Schedule I against the constituency which has been so divided, but not so, however, as to reduce the total number of reserved seats.

PART II.

QUALIFICATIONS OF ELECTED MEMBERS.

General
disqualifica-
tions for
being elected.

5. (1) A person shall not be eligible for election as a member of the Council if such person—

- (a) is not a British subject; or
- (b) is a female; or
- (c) is a member of the Council or of any other legislative body constituted under the Act and has made the oath or affirmation as such member; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects :

Provided, further, that the disqualification mentioned in class (d) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule V, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to any legislative body constituted under the Act, a return of the election expenses of any person who has been nominated as a candidate at that election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, neither the candidate nor his election agent shall be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

6. (1) (a) No person shall be eligible for election as a member of the Council to represent a general constituency unless his name is registered on the electoral roll of the constituency or of any other constituency in the province ; and unless in the case of a non-Muhammadan, Muhammadan, Indian Christian, European or Anglo-Indian constituency he is himself a non-Muhammadan, Muhammadan, Indian Christian, European or Anglo-Indian, as the case may be.

Special qualifications for election in case of certain constituencies.

(b) No person shall be eligible for election as a member of the Council to represent a special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(a) " general constituency " means a non-Muhammadan, Muhammadan, Indian Christian, European or Anglo-Indian constituency and ;

(b) " special constituency " means a Landholders', University, Planters', or Commerce and Industry constituency.

PART III.

THE ELECTORAL ROLL.

General conditions of registration and dis-qualifications

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) has been adjudged by a competent court to be of unsound mind ; or
- (d) is under 21 years of age :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only of not being a British subject or British subjects :

Provided, further, that, if a resolution is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the local Government shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided, further, that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A. of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the local Government may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualifications of electors.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

- (i) community,
- (ii) residence, and
- (iii) (a) occupation of a house, or
- (b) assessment to property-tax, tax on companies or profession tax, or
- (c) assessment to income-tax, or
- (d) military service, or
- (e) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) Subject to the provisions of these rules, the local Government shall make regulations providing for—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll ;
- (2) the time at which the roll shall be prepared ;
- (3) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates ;
- (4) the mode in which and the time within which claims and objections may be preferred ;
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections ;
- (6) the manner in which notices of claims or objections shall be published ; and
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard ;

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

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years after the expiration of which period a fresh roll shall be prepared in accordance with these rules :

Provided that the local Government may, by notification in the Gazette, direct the preparation in accordance with these rules of a fresh roll at any time before the expiration of the said period.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall, for the purposes of that election, continue to operate as the electoral roll for the constituency.

(6) Notwithstanding anything hereinbefore contained, any person may apply to such authority as may be appointed in this behalf by the local Government for the amendment of any electoral roll for the time being in force, and the local Government may, at any time after any such application has been made in respect of an electoral roll by notification in the Gazette, direct the preparation of a list of amendments thereto, and all the provisions of this rule shall apply in the case of every such list in like manner as they apply in the case of electoral rolls :

Provided that, where any such application is made for the correction of an existing entry in the electoral roll and the said authority is satisfied after such inquiry as the local Government may by regulation prescribe that

the entry relates to the applicant and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly.

(7) When any list of amendments has been re-published under sub-rule (6), the electoral roll to which it relates shall be deemed to have been amended accordingly.

Right to vote. 10. (1) Every person registered on the electoral roll for the time being in force for any constituency shall, while so registered, be entitled to vote at an election of a member or members for that constituency :

Provided that—

(a) no person shall vote at any general election in more than one general constituency, and

(b) no person shall vote at any election if he is subject to any disability stated in rule 7.

(2) If any person is in the course of the hearing of an election petition under these rules proved to have voted at the election in contravention of the proviso to sub-rule (1), his vote shall be void.

PART IV.

ELECTIONS.

No nomination of candidates. 11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) The Local Government shall appoint for each constituency —

(a) a date, not later than the fourteenth day after the date of the notification calling upon the constituency to elect a member, for the nomination of candidates ;

(b) a further date, not later than the seventh day after the first mentioned date, for the scrutiny of nominations ; and

(c) a further date or dates on which a poll shall, if necessary, be taken ;

and the dates so appointed shall be notified in the constituency in such manner as the Local Government thinks fit.

(3) On or before the date so appointed for the nomination of candidates, each candidate shall, either in person or by his proposer and seconder together, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer or to such other person as may be authorized in this behalf by regulation, a nomination paper completed in the form prescribed in Schedule III and subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are registered on the electoral roll of the constituency.

(4) Any person whose name is registered on the electoral roll of the constituency, and who is not subject to any disability stated in rule 7, may subscribe, as proposer or seconder, as many nomination papers as there are vacancies to be filled but no more.

(5) Every nomination paper delivered under sub-rule (3) shall be accompanied by a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some one other person who is not disqualified under these rules for the appointment and who shall be named in the declaration ; and no candidate shall be deemed to be duly nominated unless such declaration is delivered along with the nomination paper.

(6) Any nomination paper which is not received before three o'clock in the afternoon on the date appointed by the Local Government for the nomination of candidates shall be rejected.

(7) The Returning Officer or other person authorised shall, on receiving a nomination paper under sub-rule (3), inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nominations, and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder.

(8) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer or other person authorised on or before three o'clock in the afternoon on the date succeeding that appointed by the local Government for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

(9) The Returning Officer or other person authorised shall, on receiving a notice of withdrawal under sub-rule (8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

12. (1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer the sum of two hundred and fifty rupees in cash or in Government Promissory Notes of equal value at the market rate of the day; and no candidate shall be deemed to be duly nominated unless such deposit has been made. Deposit on nomination.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in sub-rule (8) of rule 11, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made; and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the persons by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members, one-eighth of the total number of votes polled or in the case of a constituency returning more than two members, one-eighth of the number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Government.

(4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of ballot papers, other than spoilt ballot papers counted; and, where the election is held according to the system of proportional representation by means of the single transferable vote, the number of votes polled by a candidate shall be the number of votes polled by him as first preferences.

(5) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is elected and thereafter his seat is declared vacant under these rules owing to his failure to make the oath or affirmation hereinafter prescribed, the deposit shall be forfeited to the Government.

(6) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Gazette; and the deposit made in respect of a candidate who is elected shall, if it is not forfeited under sub-rule (5), be so returned as soon as may be after the candidate has made the oath or affirmation hereinafter prescribed:

Provided that, if a candidate is duly nominated at a general election in more than one constituency, not more than one of the deposits made by him or on his behalf shall be returned, and the remainder shall be forfeited to the Government.

Death of candidate before poll.

13. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the date appointed for the taking of a poll, the Returning Officer or other authorised person referred to in sub-rule (3) of rule 11 shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the local Government, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll.

Procedure at election.

14. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (8) of rule 11 exceeds that of the vacancies, a poll shall be taken :

Provided that, if any seat is reserved and the number among such candidates of non-Brahmans is equal to the number of the reserved seats, the non-Brahman candidate or candidates, as the case may be, shall be declared to be elected, and a poll shall only be taken if any vacancy thereafter remains to be filled.

(2) If the number of such candidates is equal to the number of vacancies all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates, if any, shall be declared to be elected, and the Governor, shall, by a notification in the Gazette, call upon the constituency to elect a person or persons, as the case may be, within such time as may be prescribed by the notification :

Provided that where the constituency, having already been called upon under this sub-rule, has failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, the Governor shall not be bound to call again upon the constituency to elect a person or persons until such time, if any, as he thinks fit ;

(4) Votes shall be given by ballot, and in general constituencies in person :

Provided that the local Government may—

(a) in the case of any specified general constituency or of any specified part of any general constituency, or

(b) in respect of any person attending at a polling-station in any constituency under the orders of, or under authority from, the Returning Officer of such constituency,

by regulation direct that votes may be given otherwise than in person ;

Provided, further, that no votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected : but no elector shall give more than one vote to any one candidate.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer, and each candidate, the election agent of each candidate, and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected :

Provided that, if one or more seats are reserved, the Returning Offices shall first declare to be elected the non-Brahman candidate or candidate, as the case may be, to whom the largest number of votes has been given.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Gazette.

15 (1) Subject to the provisions of these rules, the Local Government shall make regulations providing—

(1) for the scrutiny of nominations and, in particular, for the manner in which such scrutiny shall be conducted and for the conditions and circumstances in which any person may be present or may enter objections thereat;

Government
to make
regulations
regarding the
conduct
of
elections.

(2) for the appointment in each constituency of a Returning Officer and for his powers and duties, and for the performance by other persons of any power or duty of the Returning Officer;

(3) in the case of general constituencies, for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and for the appointment of polling stations for these areas;

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers;

(5) for the checking of voters by reference to the electoral roll;

(6) for the manner in which votes are to be given, and in particular for the case of illiterate voters or voters under physical or other disability;

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;

(8) for the scrutiny of votes;

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers;

and may make such other regulations regarding the conduct of elections as it thinks fit.

(2) Notwithstanding anything in these rules, if a resolution in favour of the introduction of proportional representation is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution, the Local Government may for any plural-member constituencies introduce the method of election by means of the single transferable vote, and may make all necessary regulations for the purpose and to that end may group together single-member constituencies so as to make new plural-member constituencies.

(3) In the exercise of the powers conferred by this rule regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

16. (1) If any person is elected by a constituency of the Council and by a constituency of either chamber of the Indian legislature, the election of such person to the Council shall be void and the Governor shall call upon the constituency concerned to elect another person.

Multiple
elections.

(2) If any person is elected either by more than one constituency of the Council or by a constituency of the Council and a constituency of the Legislative Council of another province, he shall, by notice in writing signed by him and delivered to the Secretary to the Council or the Secretaries to both Councils, as the case may be, within seven days from the date of the publication of the result of such election in the local official Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(3) When any such choice has been made, the Governor shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(4) If the candidate does not make the choice referred to in sub-rule (2) of this rule, the elections of such person shall be void and the Governor shall call upon the constituency or constituencies concerned to elect another person or persons.

Election Agents and Return of Expenses.

**Disqualifica-
tion for being
election agent.** 17. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

**Revocation of
appointment
of election
agent.** 18. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

**Return of
election
expenses.** 19. (1) Within thirty-five days from the date of the publication of the result of an election under sub-rule (9) of rule 14, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election a return in such form as the Local Government may by regulation prescribe of the election expenses of such person containing the particulars specified in Schedule IV and signed both by the candidate and by his election agent.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interest for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule IV and shall be made on oath or affirmation before a Magistrate.

(4) Notwithstanding anything hereinbefore contained, where a candidate is, owing to absence from India, unable to sign the return of election expenses and to make the declaration within the period prescribed in this rule, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent under sub-rule (3), and within fourteen days after the return of the candidate to India he shall cause to be lodged with the Returning Officer a declaration made on oath or affirmation before a Magistrate in the special form for the purpose contained in the said Schedule.

(5) When any return and the declarations made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published

in the Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of such fee as the Local Government may by regulation prescribe, to obtain a copy or copies thereof or of any part thereof.

(6) The Local Government shall cause to be prepared in such manner, and maintained for such time, as it may direct, a record showing the names of all candidates at every election under these rules and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

20. (1) The Governor General in Council may, by notification in the Gazette,—

- (a) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules; and
- (b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election held under these rules.

Power to fix maximum scale of expenditure and to regulate employment for pay.

(2) Any notification issued under this rule may make different provisions for different constituencies.

21. Every election agent shall for each election for which he is appointed an election agent keep separate and regular books of account in which the particulars of all expenditure of the nature referred to in rule 19 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Accounts of agents.

PART V.

NOMINATED MEMBERS.

22. (1) No person shall be nominated to the Council who—

- (a) is not a British subject; or
- (b) is a female; or
- (c) is a member of the Council or of any other legislative body constituted under the Act and has made the oath or affirmation as such member; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

General dis-qualifications for nominations.

Provided that the Local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for nomination by reason only of not being a British subject or British subjects:

Provided, further, that the disqualification mentioned in clause (d) may be removed by an order of the Local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six

months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraphs 1, 2 or 3 of Part II, of Schedule V, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to any legislative body constituted under this Act a return of the election expenses of any person who has been nominated as a candidate at the election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf or if any such return is lodged which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, neither the candidate nor his election agent shall be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Local Government in that behalf.

Term of office
of nominated
member.

23. (1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

PART VI.

GENERAL PROVISIONS.

Obligation to take Oath.

Taking
oath.

24. Every person who is elected or nominated to be a member of the Council shall, before taking his seat, make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely:—

I, A. B, having been ^{elected}/_{nominated} a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of Seat.

Effect of
subsequent
disabilities or
failure to
take oath.

25. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (c), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 22, as the case may be, or fails to make the oath or affirmation prescribed by rule 24 within such time as the Governor considers reasonable, the Governor shall, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant.

Casual vacan-
cies.

26. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall nominate to the vacancy a person having the necessary qualification under these rules.

General Elections:

27. (1) On the expiration of the duration of a Council or on its dissolution, a general election shall be held in order that a new Council may be constituted. Reconstitution of Council.

(2) On such expiration or dissolution, the Governor shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

(3) Before the day fixed for the first meeting of the Council the Governor shall make such nominations as may be necessary to complete the Council.

28. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette. Publication of result of general election.

29. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll or as to the holding of any election under these rules, the Local Government may by order do anything not inconsistent with these rules which appears to it to be necessary for the proper preparation or publication of the roll or for the proper holding of the election. Powers of Local Government in case of difficulty.

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

30. In this Part and in Schedule V, unless there is anything repugnant in the subject or context,—

- (a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate;
- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election;
- (c) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election; and
- (d) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

31. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part. The petition.

32. (1) An election petition against any returned candidate may be presented to the Governor— Presentation of the petition.

- (a) by any candidate or elector within fourteen days from the date on which the return of the election expenses of the returned

candidate and the declarations, referred to in rule 19, are received by the Returning Officer; or

- (b) within thirty days from that date by an officer empowered by the Local Government in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed; or
- (c) on the ground that the returned candidate or his election agent or any other person acting with the connivance of the candidate or of his election agent has been guilty of the offence of bribery, undue influence or personation as defined in Chapter IX-A of the Indian Penal Code in respect of the election, by any candidate or elector within fourteen days from the date on which such returned candidate, election agent or other person is convicted of such offence.

(2) An election petition shall be deemed to have been presented to the Governor when it is delivered to the Governor or to any officer appointed by him in this behalf—

- (a) by the person making the petition; or
- (b) by a person authorised in writing in this behalf by the person making the petition; or
- (c) by registered post.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881, or has been notified by the Local Government as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

(4) For the purposes of clause (a) of sub-rule (1), the date on which the return of the election expenses and the declarations referred to in rule 19 are received by the Returning Officer shall, in the case of a candidate who has made such return and declaration in the manner provided in sub-rule (4) of that rule, be deemed to be the date on which the declaration of the candidate under that sub-rule is received.

Contents of
the petition.

33. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

(3) The Commissioners may, upon such terms as to costs and otherwise as they may direct at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may in their opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

Against
whom it may
be presented.

34. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as

respondents to his petition all other candidates who were nominated at the election.

35. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (b) of sub-rule (1) of rule 32 deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same. Deposit of security.

36. (1) If the provisions of rule 32, rule 33 or rule 35 are not complied with, the Governor shall dismiss the petition. Dismissal for default.

(2) If the petition is not dismissed under sub-rule (1)—

(a) the Governor shall appoint as Commissioners for the trial of the petition three persons who are or have been or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners; Appointment of Commissioners.

(b) the President of the Commission shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond;

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (b) of sub-rule (1) of rule 32.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

(4) If the services of any Commissioner are not available for the purposes of the inquiry, or, if during the course of the inquiry, any Commissioner is unable to continue to attend the same, the Governor shall appoint another Commissioner and the inquiry shall recommence before the Commission as so reconstituted :

Provided that the Commissioners may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) Nothing in this rule shall be deemed to prevent the appointment of the President of a Commission before the other Commissioners are appointed and, if the President is so appointed, all references to the Commissioners in these rules shall, in respect of any matter which may be or is to be done before the commencement of the inquiry, be deemed to be references to the President.

37. Subject to the other provisions of these rules every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: Inquiry by Commissioners.

Provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

38. The inquiry shall be held at such place as the Governor may appoint: Place of inquiry.
Provided that the Commissioners may in their discretion sit at any other place in the presidency for any part of the inquiry, and may depute any one of their number to take evidence at any place in the presidency.

39. (1) An election petition may be withdrawn only by leave of the Commissioners or, if an application for withdrawal is made before any Commissioner has been appointed, of the Governor. Withdrawal of petition.

(2) If there are more petitions than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commissioners notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if in the opinion of the Governor or of the Commissioners as the case may be such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit ;

(b) notice of the withdrawal shall be published in the Gazette by the Governor or by the Commissioners, as the case may be ; and

(c) any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of petitioner.

40. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

Provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 32, the proceedings may be continued by any other officer empowered in this behalf by the local Government.

(2) Notice of the abatement of an election petition shall be published in the Gazette by the Commissioners or, if the petition abates before any Commissioner has been appointed, by the Governor.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent.

41. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimination when seat claimed.

42. (1) Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been returned candidate and a petition had been presented complaining of his election.

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under clause (b) of sub rule (2) of rule 26, given notice of his intention to the Commissioners and made the deposit and procured the execution of the bond referred to in rules 35 and 36, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 33 in the case of an election petition and shall be signed and verified in like manner.

43. When at an inquiry into an election petition the Commissioners ^{so Attendance} order, the Advocate General or some person acting under his instructions shall ^{of Law Officers.} attend and take such part therein as they may direct.

44. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners— ^{Grounds for declaring election void.}

(a) the election of a returned candidate has been procured or induced or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule V has been committed, or

(c) the result of the election has been materially affected by the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote, or the reception of any vote which is void or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto, or

(d) the election has not been a free election by reason of the large number of cases in which undue influence or bribery, within the meaning either of Part I or of Part II of Schedule V has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule V 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 further report that the candidate has satisfied them that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents.

then the Commissioners may find that the election of such candidate is not void.

Explanation.—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

45. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate or any other party to the petition who has under the provisions of these rules claimed the seat has been duly elected, and in so reporting shall have regard to the provisions of rule 44 ^{Report of Commissioners and procedure thereon.}

(2) The report shall further include a recommendation by the Commissioners as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. Such recommendation may include a recommendation for the payment of costs to the Advocate General or a person acting under his instructions, attending in pursuance of an order made under rule 43.

(3) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor shall be final.

Form of
report.

46. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Findings as
to corrupt
practices and
persons guilty
thereof.

47. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules :

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

PART VIII.

SPECIAL PROVISION.

Interpretation
in case of
doubt.

48. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor, and his decision shall be final.

SCHEDULE I.

(See rule 4.)

I.—List of Constituencies.

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members	Reserved seats.
Madras City ...	Non-Muhammadan Urban	The City of Madras as defined in section 3 (9) of the Madras City Municipal Act, 1919, but including Fort St. George.	4	2
Madura City ...	Ditto ...	The Municipality of Madura ...	1	...
Trichinopoly cum Srirangam	Ditto ...	The municipalities of Trichinopoly and Srirangam.	1	...
Cocanada City ...	Ditto ...	The municipality of Cocanada .	1	...
Vizagapatam City ...	Ditto ...	The municipality of Vizagapatam	1	...
Tinnevely cum Palamcottah.	Ditto ...	The municipalities of Tinnevely and Palamcottah.	1	
Anantpur ...	Non-Muhammadan Rural	The District of Anantpur ...	2	1
Arcoot (North) ...	Ditto ...	The District of North Arcoot ...	3	1
Arcoot (South) ...	Ditto ...	The District of South Arcoot ...	3	1
Bellary ...	Ditto ...	The District of Bellary ...	2	1
Chingleput ...	Ditto ...	The District of Chingleput ...	2	1
Chittoor ...	Ditto ...	The District of Chittoor ...	2	1
Coimbatore ...	Ditto ...	The District of Coimbatore ...	3	1
Cuddapah ...	Ditto ...	The District of Cuddapah ...	2	1
Ganjam ...	Ditto ...	The District and Agency of Ganjam.	3	1
Godavari ...	Ditto ...	The District and Agency of Godavari (excluding the municipality of Cocanada).	2	1
Guntur ...	Ditto ...	The District of Guntur ...	3	1

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Reserved seats.
Kanara (South) ...	Non-Muhammadan Rural	The District of South Kanara ...	2	1
Kistna ...	Ditto ...	The District of Kistna ...	4	2
Kurnool ...	Ditto ...	The District of Kurnool ...	2	1
Madura District ...	Ditto ...	The District of Madura excluding the municipality of Madura.	3	1
Malabar <i>cum</i> Anjengo ...	Ditto ...	The Districts of Malabar and Anjengo.	2	1
Nellore ...	Ditto ...	The District of Nellore ...	2	1
Ramnad ...	Ditto ...	The District of Ramnad ...	2	1
Salem ...	Ditto ...	The District of Salem ...	2	1
Tanjore ...	Ditto ...	The District of Tanjore ...	3	1
Tinnevely District ..	Ditto ...	The District of Tinnevely excluding the municipalities of Tinnevely and Palamecottah.	2	1
Trichinopoly District ...	Ditto ...	The District of Trichinopoly excluding the municipalities of Trichinopoly and Srirangam.	2	1
Vizagapatam District ...	Ditto ...	The District and Agency of Vizagapatam, excluding the municipality of Vizagapatam.	2	1
The Nilgiris ...	Ditto ...	The Nilgiris District ...	1	1
Madras City (Muhammadan).	Muhammadan Urban ...	The City of Madras as defined in section 3 (9) of the Madras City Municipal Act, 1919, but including Fort St. George.	1	...
Madura and Trichinopoly <i>cum</i> Srirangam.	Ditto ...	The municipalities of Madura, Trichinopoly and Srirangam.	1	...

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members	Reserved seats.
Northern Sirkars (Muhammadan).	Muhammadan Rural ...	The Districts and Agencies of Ganjam, Vizagapatam and Godavari, and the District of Kistna.	1	...
East Coast (Muhammadan)	Ditto ...	The Districts of Guntur, Nellore and Chittoor.	1	...
Ceded Districts (Muhammadan).	Ditto ...	The Districts of Cuddapah, Kurnool, Bellary and Anantpur.	1	...
North Arcot cum Chingleput.	Ditto ...	The Districts of North Arcot and Chingleput.	1	...
Central District (Muhammadan).	Ditto ...	The Districts of Salem, Coimbatore the Nilgiris and South Arcot	1	...
Tanjore (Muhammadan) ...	Ditto ...	The District of Tanjore ..	1	...
Madura cum Trichinopoly (Muhammadan Rural).	Ditto ...	The Districts of Madura and Trichinopoly excluding the municipalities of Madura, Trichinopoly and Srirangam	1	...
Ramnad cum Tinnevely (Muhammadan)	Ditto ...	The Districts of Ramnad and Tinnevely	1	...
Malabar cum Anjengo. (Muhammadan).	Ditto ...	The Districts of Malabar and Anjengo.	2	...
South Kanara ...	Ditto ...	The District of South Kanara ...	1	...
Northern Districts (Christian).	Indian Christian ...	The Districts and Agencies of Ganjam, Vizagapatam, and Godavari, and the Districts of Kistna, Guntur and Nellore.	1	...
Central Districts (Christian)	Ditto ...	The Districts of Cuddapah, Kurnool, Anantpur, Bellary, Chittoor, Chingleput, Madras, South Arcot and North Arcot.	1	...
West Coast (Christian) ...	Ditto ...	The Districts of Salem, Coimbatore, the Nilgiris, Malabar, Anjengo and South Kanara.	1	...
Tanjore and Trichinopoly cum Madura (Christian).	Ditto ...	The Districts of Tanjore, Trichinopoly and Madura.	1	...
Ramnad cum Tinnevely (Christian).	Ditto ...	The Districts of Ramnad and Tinnevely.	1	...

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Reserve seats.
European	European ..	The Madras Presidency ...	1	...
Anglo-Indian ...	Anglo-Indian ..	The Madras Presidency ...	1	...
Northern Landholders, I	Landholders ..	The Districts and Agencies of Ganjam and Vizagapatam.	1	...
Northern Landholders, II	Ditto ...	The District and Agency of Godavari, and the Districts of Kistna and Guntur.	1	...
North Central Landholders	Ditto ..	The Districts of Chittoor, Cuddapah, Kurnool, Bellary, Anantpur, Nellore, Madras and Chingleput.	1	...
South Central Landholders	Ditto ..	The Districts of Salem, Coimbatore, North Arcot and South Arcot.	1	...
Southern Landholders ...	Ditto ...	The Districts of Tanjore, Trichinopoly, Madurai, Ramnad and Tinnevely.	1	...
West Coast Landholders ...	Ditto ...	The Districts of Malabar, Anjengo, South Kanara and the Nilgiris.	1	...
Madras University ...	University ...	(Non-territorial) ...	1	...
Madras Planters ...	Planting ...	Ditto ...	1	...
Madras Chamber of Commerce.	Commerce and Industry...	Ditto ...	2	...
Madras Trades Association	Ditto ..	Ditto ...	1	...
Southern India Chamber of Commerce.	Ditto ..	Ditto ...	1	...
Nattukkottai Nagarathars' Association.	Ditto ...	Ditto ...	1	...

II.—Seats shall be deemed to be reserved seats within the meaning of this Schedule for the purposes of an election if the number of non-Brahman members already representing the constituency is less than the number of seats specified as reserved seats, to the extent only of that deficiency :

Provided that, if the number of non-Brahman candidates at the date of the election is less than the number of reserved seats, the number of reserved seats shall be reduced to the extent of that deficiency.

SCHEDULE II.

(See rule 8.)

QUALIFICATIONS OF ELECTORS.

1. For the purposes of this Schedule—

Definitions.

- (a) "an Anglo-Indian" means any person being a British subject and resident in British India,
- (i) of European descent in the male line who is not a European, or
- (ii) of mixed Asiatic and non-Asiatic descent, whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European;
- (b) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;
- (c) "member," in relation to a Chamber of Commerce or a planters' or traders' association, includes any person entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm, company or corporation registered as a member;
- (d) "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;
- (e) "zamindar" means the holder of an estate;
- (f) "estate" means—
- (i) any permanently settled estate or temporarily settled zamindari,
- (ii) any portion of such permanently settled estate or temporarily settled zamindari which is separately registered in the office of the Collector,
- (iii) any unsettled Palaiyam or Jagir,
- (iv) any Inam village of which the grant has been confirmed or recognised by the British Government or any separated part of such village,
- (v) any portion consisting of one or more villages of any of the estates specified above in clauses (i), (ii) and (iii) which is held on a permanent under tenure;
- (g) "landholder" means a person owning an estate or part thereof and includes every person entitled to collect the rents of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any orders of a competent court or of any provision of law;
- (h) "ryot" means a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it.

2. For the purpose of determining any claim to a qualification under this Schedule, the entries in the land revenue accounts and *muchilakas* regarding the amounts of assessment, water rate and rent payable, and the entries in the municipal records regarding the amounts of taxes assessed or paid and the values of houses shall be conclusive evidence of the facts stated therein.

Revenue
accounts, etc.,
to be concla-
sive evidence.

GENERAL CONSTITUENCIES.

Non-Muhammadan constituencies (Urban and Rural).

3. Every person not being a European, an Anglo-Indian, an Indian Christian or a Muhammadan shall be qualified as an elector for a non-Muhammadan constituency for not less than 120 days in the previous year, and has the further qualifications hereinafter prescribed for an elector of the particular constituency.

Urban—Madras City constituency.

4. A person shall be qualified as an elector for a Madras City constituency who—

- (a) was assessed in the previous year to property-tax or tax on companies or profession-tax; or
- (b) occupied for not less than six months in the previous year a house in the city, not being a house in any military or police lines, of an annual value of not less than Rs. 60; or
- (c) was assessed in the previous year to income-tax; or
- (d) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

Explanation.—No person shall be deemed to occupy a house within the meaning of clause (b) unless he is paying or is liable to pay to the owner the rent thereof, or is exempt from the payment of rent by virtue of any office, service or employment; nor shall more than one person be qualified as an elector in respect of the same house.

Urban constituencies other than Madras.

5. A person shall be qualified as an elector for an urban constituency other than a Madras city constituency who—

- (a) was assessed in the previous year to an aggregate amount of not less than Rs. 3 in respect of one or more of the following taxes, namely, property tax, tax on companies or profession-tax; or
- (b) holds within the constituency one of the qualifications in respect of the holding of land hereinafter prescribed for an elector of a rural constituency; or
- (c) was assessed in the previous year to income-tax; or
- (d) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

Rural constituencies.

6. A person shall be qualified as an elector for a rural constituency who—

- (a) is registered as a ryotwari pattadar, or as an inamdar, of land the annual rent value of which is not less than Rs. 10; or
- (b) holds on a registered lease under a ryotwari pattadar or an inamdar land the annual rent value of which is not less than Rs. 10; or
- (c) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1895, as the occupant of land the annual rent value of which is not less than Rs. 10; or
- (d) is a landholder holding an estate the annual rent value of which is not less than Rs. 10; or
- (e) holds as ryot or as tenant under a landholder, land the annual rent value of which is not less than Rs. 10; or
- (f) was in the previous year assessed in a municipality included in the constituency to an aggregate amount of not less than Rs. 3 in respect of one or more of the following taxes, namely, property-tax, tax on companies, or profession-tax; or
- (g) was assessed in the previous year to income-tax; or
- (h) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

7. A person shall be qualified as an elector for a Muhammadan constituency, urban or rural, who is a Muhammadan and resided in the constituency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of a Madras City, other urban, or rural constituency, as the case may be. Muhammadan constituencies.

8. A person shall be qualified as an elector for an Indian Christian constituency who is an Indian Christian and resided in the constituency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of any urban or rural constituency included in the area of such Indian Christian constituency. Indian Christian constituencies.

9. A person shall be qualified as an elector for the European constituency who is a European, and for the Anglo-Indian constituency who is an Anglo-Indian, if such European or Anglo-Indian resided in the Madras Presidency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of any urban or rural constituency. European and Anglo-Indian constituencies.

10. For the purposes of this Schedule, the annual rent value of land shall be determined in accordance with the provisions of section 79 of the Madras Local Boards Act, 1920, with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules, or, if the accounts for that year are not available, then with reference to the latest accounts that are available: Rental value.

Provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of section 79 of the Madras Local Boards Act, 1920, the Registration Officer shall determine the value for the purpose of this Schedule upon the best information available.

11. If property is held or payments are made jointly by the members of a joint family or by joint pattadars, the family or joint holding shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised by a majority of the family or of the joint holders, or, in the case of a Hindu joint family, either a member so authorised or the manager thereof. Joint families.

12. A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or of joint pattadars, but not in both capacities. Person not qualified in both personal and representative capacity.

13. Save as provided in paragraph 11. of this Schedule, no person shall be qualified as an elector in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity. Fiduciary capacity not recognised.

SPECIAL CONSTITUENCIES.

Landholders' Constituencies.

14. A person shall be qualified as an elector for a Landholders' constituency who is a zamindar, janmi or malikanadar and resided in the constituency for not less than 120 days in the previous year and who— Landholders' constituencies.

(a) possesses an annual income, calculated as provided in paragraphs 15, 16 and 17 of this Schedule, of not less than Rs. 3,000 derived from an estate within the Presidency of Madras; or

(b) is registered as the janmi of land situated within the Presidency of Madras on which the assessment is not less than Rs. 1,500; or

(c) receives from Government a malikana allowance the annual amount of which is not less than Rs. 3,000.

15. For the purposes of paragraph 14 of this Schedule, the annual income of a zamindar shall be taken to be the annual rent value upon which the land-tax is calculated under the Madras Local Boards Act, 1920, excluding the jodi, quit-rent, peshkash or similar charge payable by him to Government.

16. In calculating annual income and assessment for the purposes of paragraph 14 of this Schedule— Method of calculating annual income and assessments.

(a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a malikana allowance;

(b) in no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account;

(c) assessments paid on more than one parcel of land may be reckoned together :-

Provided that, in the case of land referred to in paragraphs 19 and 20 of this Schedule, the assessment paid thereon shall not be added to any assessment paid on other land unless the holder of the latter has been nominated or is entitled under those paragraphs to represent the joint holders or family in respect of the former land.

Basis of determination of annual rent value and assessment.

17. For the purposes of paragraph 14 of this Schedule, the annual rent value and assessment shall be determined with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules or, if the accounts for that year are not available, with reference to the latest accounts that are available :

Provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of paragraph 16 of this Schedule, the Collector shall determine the value upon the best information available

Entry of name in register.

18. Save as expressly provided in this Schedule, no person claiming to be qualified as an elector for a Landholders' constituency on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility unless the land from which the income is derived stands registered in such register in his name.

Joint holders of land.

19. If several persons are registered as joint holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is not disqualified to be their representative for voting purposes and the name of such representative alone shall be entered in the electoral roll and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

Explanation.—Land registered under section 14 of the Malabar Land Registration Act, 1895, in the joint names of the registered proprietor and another person is not land registered in the names of joint holders within the meaning of this paragraph.

Where property is entered in name of a woman.

20. When the property of a tarwad or similar joint family under the Marumakkattayam law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder as an elector, the senior male member of the family who is not disqualified, or any member not disqualified who is nominated in writing by a majority of the adult male members, shall be qualified as the representative of the family.

Fiduciary capacity not recognised.

21. Save as hereinbefore provided, no person shall be qualified as an elector unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

Election of registration in personal or representative capacity.

22. A person who is nominated or qualified, under paragraph 19 or paragraph 20 of this Schedule, to represent a group of joint owners or a joint family, and who is himself possessed of a separate property qualification as an elector, may elect whether to be entered in the electoral roll in his representative or separate capacity, but he shall be entered in one such capacity only.

Other special Constituencies.

The University constituency.

23. A person shall be qualified as an elector for the Madras University constituency if he has a place of residence in India and is a member of the Senate, or an Honorary Fellow, or a graduate of over seven years' standing of the University of Madras.

The Planters' constituency.

24. A person shall be qualified as an elector for the Madras Planters' constituency if he is a member of one of the associations affiliated to the 'United Planters' Association of Southern India.

The Madras Chamber of Commerce and Industry constituency.

25. A person shall be qualified as an elector for the Madras Chamber of Commerce constituency if he is a member of the Madras Chamber of Commerce or of a Chamber affiliated to it.

Other Commerce constituencies.

26. Members of the Madras Trades Association, the Southern India Chamber of Commerce and the Nattukkottai Nagarathars' Association shall be qualified respectively as electors for the constituency comprising the Chamber or Association of which they are members.

SCHEDULE III.

(See rule 11.)

Form of Nomination Paper.

NOMINATION PAPER.

Name of the Constituency for which the candidate is nominated	...	...	...	.....
Name of candidate	...	...	...	.....
Father's name	...	...	...	.....
Age	...	...	...	.....
Address	...	...	...	.....
† Denomination (state whether Non-Muhammadan, Muhammadan, Indian Christian, European, or Anglo-Indian)	...	...	...	.....
Constituency on the electoral roll of which the candidate is registered as an elector	...	...	...	.....
* No. of the candidate in the electoral roll of the constituency in which he is registered as an elector...	...	...	...	.....
Name of proposer	...	...	...	.....
* No. of the proposer in the electoral roll of the constituency	...	...	...	.....
Signature of the proposer	...	...	...	.....
Name of the seconder	...	...	...	.....
* No. of the seconder in the electoral roll of the constituency	...	...	...	.....
Signature of the seconder	...	...	...	.....

Declaration by Candidate.

I hereby declare that I agree to this nomination and that I have appointed to be my election agent for the election. do hereby appoint

Date..... Signature of Candidate.....

*Where the electoral roll is subdivided and separate serial numbers are assigned to the elections entered in each subdivision, a description of the subdivision in which the name of the person concerned is entered must also be given here.

†Not to be entered in case of special constituency.

(To be filled in by the Returning Officer or other authorised person.)

Certificate of Delivery.

This nomination paper was delivered to me at my office at (date and hour). Serial Number.

Returning Officer or other authorized person.

Certificate of Scrutiny.

I have scrutinized the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination.

Returning Officer or other authorised person.

N.B.—This nomination paper will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office before 3-0 P.M. on.....192 .)

SCHEDULE IV.

(See rule 19.)

Return of Election Expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
- (b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;
- (d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;
- (e) the cost whether paid or incurred of—
 - (i) printing,
 - (ii) advertising,
 - (iii) stationery,
 - (iv) postage,
 - (v) telegrams, and
 - (vi) rooms hired either for public meetings or as committee rooms;
- (f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature, whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

The form of the declarations referred to in rule 19 shall be as follows:—

Form of Declaration by Election Agent.

Ibeing the appointed election agent for..... a candidate for election in the.....constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of,.....'s candidature.

Election Agent.

Solemnly affirmed before me.

(Magistrate.)

Form of Declaration by Candidate.

I.....being a candidate for election in the..... constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature

Candidate.

Solemnly affirmed before me.

(Magistrate.)

Special Form of Declaration by Candidate, under rule 19, sub-rule (4).

I being a candidate for election in the constituency do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge or belief been incurred in or for the purposes of my candidature.

Particulars of Exceptions.

Candidate.

Solemnly affirmed before me.

Magistrate.

SCHEDULE V.

(See rules 5, 7, 22, 33, 44 and 47.)

The following shall be deemed to be corrupt practices for the purposes of these rules :—

PART I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

- (a) a person to stand or not to stand as, or to withdraw from being, a candidate, or
 - (b) an elector to vote or refrain from voting at an election,
- or as a reward to—

- (a) a person for having so stood or not stood or for having withdrawn his candidature, or
- (b) an elector for having voted or refrained from voting.

Explanation.—For the purpose of this clause the term “ gratification ” is not restricted to pecuniary gratifications or gratifications estimable in money and includes all forms of entertainment and all forms of employment for reward ; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

2. Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right.

Explanation.—(1) Without prejudice to the generality of the provisions of this clause, any such person as is referred to herein who—

- (a) threatens any candidate or voter or any person in whom a candidate or voter is interested, with injury of any kind ; or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause.

- (2) A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.
- Personation.** 3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.
- Publication of false statements.** 4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice the prospects of such candidate's election.
- Authorisation of expenditure.** 5. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Governor General in Council issued under rule 20 of these rules.

PART II.

- Acts under Part I.** 1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.
- Personation.** 2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.
- Bribery.** 3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—
- (a) by a person to stand or not to stand as, or to withdraw from being, a candidate, or
- (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.
- Payment for conveyance.** 4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.
- Hiring and use of public conveyances.** 5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:
- Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.
- Incurring expense without authority.** 6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.
- Hiring of liquor shops.** 7. The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted; of any building, room or other place where intoxicating liquor is sold to the public.
- Issue of circulars, etc., without printer's and publisher's name printed thereon.** 8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

THE DEVOLUTION RULES.

[Corrected up to 1st December, 1923]

No. 308-S., dated 16th December 1920.—In exercise of the powers conferred by sections 45-A and 129-A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules, the same having been approved by both Houses of Parliament

1. (1) These rules may be called the Devolution Rules.

(2) They shall come into force on a date¹ to be appointed by the Governor General in Council, with the approval of the Secretary of State in Council, and different dates may be appointed for different parts of India, and for different provisions of these rules.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "all-India revenues" means such portion of the revenues of India as is not allocated to local Governments under these rules,

(b) "Schedule" means a Schedule to these rules,

(c) "the Act" means the Government of India Act.

Part I—Classification of subjects

3. (1) For the purpose of distinguishing the functions of the local Governments and local legislatures of Governors' provinces * * * from the functions of the Governor General in Council and the Indian legislature, subjects shall in those provinces be classified in relation to the functions of Government as central and provincial subjects in accordance with the lists set out in Schedule I.

(2) Any matter which is included in the list of provincial subjects set out in Part II of Schedule I shall, to the extent of such inclusion, be excluded from any central subject of which but for such inclusion, it would form part.

4 Where any doubt arises as to whether a particular matter does or does not relate to a provincial subject, the Governor General in Council shall decide whether the matter does or does not so relate, and his decision shall be final.

5. The local Government shall furnish to the Governor General in Council from time to time such returns and information on matters relating to the administration of provincial subjects as the Governor General in Council may require and in such form as he may direct.

6. The provincial subjects specified in the first column of Schedule II shall, in the Governors' provinces shown against each subject in the second column of the said Schedule, be transferred subjects, provided that the Governor General in Council may, by notification in the *Gazette of India*, with the previous sanction of the Secretary of State in Council, revoke or suspend for such period as he may consider necessary the transfer of any provincial subject in any province, and upon such revocation or during such suspension the subjects shall not be a transferred subject.

7 If any doubt arises as to whether any matter relates to a reserved or to a transferred subject, the Governor shall decide the question, and his decision shall be final.

8. Where an Act of the Legislative Council of a Governor's province confers on local authorities powers of the management of matters relating to reserved subjects, those matters shall, to the extent of the powers conferred by such legislation, be deemed in that province to form part of the transferred subject of local self-government.

¹All the provisions of these rules except those contained in rules 14, 15, 16, 24, 27, 28, 29, 47 and 48 and Schedule III, came into force in the Presidency of Madras and the Central Provinces on the 17th December, 1920; in the Province of Bihar and Orissa on the 29th December, 1920; and in the Presidencies of Bombay and Bengal, the United Provinces and the provinces of the Punjab, Burma and Assam on the 3rd January 1921. see Notification No. 314-S., dated the 17th December, 1920, in *Gazette of India, Extraordinary*, dated the 17th December, 1920, page 1135

The rules mentioned above and Schedule III came into force on the 1st April, 1921, see Notification No. 19-S., dated the 24th March 1921, in *Gazette of India*, 1921, Part I, page 474.

²The words "and of the province of Burma" were omitted by Notification No. 519-V., dated 2nd January 1923; see *Gazette of India, Extraordinary*, 1923, page 43.

9. (1) When a matter appears to the Governor to affect substantially the administration both of a reserved and of a transferred subject, and there is disagreement between the member of the Executive Council and the minister concerned as to the action to be taken, it shall be the duty of the Governor after due consideration of the advice tendered to him, to direct in which department the decision as to such action shall be given : provided that, in so far as circumstances admit, important matters on which there is such a difference of opinion shall before the giving of such direction be considered by the Governor with his Executive Council and his ministers together.

(2) In giving such a direction as is referred to in sub-rule (1), the Governor may, if he thinks fit, indicate the nature of the action which should in his judgment be taken, but the decision shall thereafter be arrived at by the Governor in Council or by the Governor and minister or ministers, according as the department to which it has been committed is a department dealing with reserved or a department dealing with transferred subjects.

10. The authority vested in the local Government over officers of the public services employed in a Governor's province shall be exercised in the case of officers serving in a department dealing with reserved subjects by the Governor in Council, and in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the minister in charge of the department : provided that—

- (a) no order affecting emoluments or pensions, no order of formal censure, and no order on a memorial shall be passed to the disadvantage of an officer of an all-India or provincial service without the personal concurrence of the Governor ; and
- (b) no order for the posting of an officer of an all-India service shall be made without the personal concurrence of the Governor

11. If an officer performs duties both in a department dealing with reserved subjects and in a department dealing with transferred subjects, the Governor shall decide in which department he shall be deemed to be serving.

12. A local Government shall employ such number of Indian Medical Service officers in such appointments and on such terms and conditions as may be prescribed by the Secretary of State in Council.

13. Subject to the provisions of these rules, provincial subjects shall be administered by the local Government. But save in the case of transferred subjects, nothing in these rules shall derogate from the power of superintendence, direction, and control conferred on the Governor General in Council by the Act.

Part II—Financial arrangements

14. (1) The following sources of revenue shall, in the case of Governors' provinces^{1***} be allocated to the local Government as sources of provincial revenue, namely :—

- (a) balances standing at the credit of the province at the time when the Act comes into force ;
- (b) [²receipts accruing in respect of any provincial subject, other than the subject specified in entry 52 of Part II of Schedule I.]
- (c) a share (to be determined in the manner provided by rule 15) in the growth of revenue derived from income-tax collected in the province, so far as that growth is attributable to an increase in the amount of income assessed ;
- (d) recoveries of loans and advances given by the local Government and of interest paid on such loans ;
- (e) payments made to the local Government by the Governor General in Council or by other local Governments, either for services rendered or otherwise ;
- (f) the proceeds of any taxes which may be lawfully imposed for provincial purposes ;
- (g) the proceeds of any loans which may be lawfully raised for provincial purposes ; and
- (h) ³any other sources which the Governor General in Council may by order declare to be sources of provincial revenue.

¹ The word " and in the province of Burma " were omitted by Notification No 519-V, dated and 2nd January, 1921, see *Gazette of India, Extraordinary*, 1921, page 43

² Clause (b) was substituted by Notification No. 178-E.A., dated 3rd October, 1921 ; see *Gazette of India*, 1921, Part I, page 1306.

³ Fees charged in respect of the grant or renewal of licenses under the Indian Arms Rules, 1920, are a source of provincial revenue, see Notification No. 516-A, dated the 21st July 1921, in *Gazette of India*, 1921, Part I, page 985. Any deposit, other than a personal deposit, which has been made with Government, before the 1st April, 1923 and which lapses to Government after 31st March, 1921, is a source of provincial revenue ; see *Gazette of India*, 1922, Part I, page 1192.

(2) The revenues of Berar shall be allocated to the local Government of the Central Provinces as a source of provincial revenue. This allocation shall be subject to the following conditions, namely,—

(i) that the local Government of the Central Provinces shall be responsible for the due administration of Berar; and

(ii) that if in the opinion of the Governor General in Council provision has not been made for expenditure necessary for the safety and tranquillity of Berar, the allocation shall be terminated by order of the Governor General in Council or diminished by such amount as the Governor General in Council may by order in writing direct.

¹[15. (1) Whenever the assessed income of any year subsequent to the year 1920-21 exceeds in any Governor's province or in the province of Burma the assessed income of the year 1920-21, there shall be allocated to the local Government of that province an amount calculated at the rate of three pies in each rupee of the amount of such excess.

(2) In this rule "the assessed income" of any year (other than the year 1920-21) means the amount of income brought under assessment under the Indian Income-tax Act, 1918, in that year in respect of which income-tax is collected, whether in that year or thereafter

Provided that the assessed income of any year subsequent to the year 1920-21 shall not include income in respect of which no share of the tax collected would have been credited to provincial revenues if such income had accrued and been brought under assessment in the year 1920-21.

(3) The assessed income of the year 1920-21 shall be such amount as the Governor General in Council after making due allowance for arrears caused by any abnormal delays in the collection of the tax, may determine as the amount of income brought under assessment under the Indian Income-tax Act, 1918, in that year in respect of which income-tax is collected. It shall not include income in respect of which no share of the tax collected was credited to provincial revenues.]

²[Provided that where in any year subsequent to the year 1920-21 the income derived from any business is for any reason assessed to income-tax in a province other than that in which it was assessed in that year, the assessed income of the year 1920-21 of such first mentioned province shall be increased, and that of the other province shall be decreased, by the amount of the income of the business brought under assessment in that year on which income-tax was collected.]

16. All moneys derived from sources of provincial revenue shall be paid into the public account of which the Governor General in Council is custodian, and credited to the Government of the province. The Governor General in Council shall have power, with the previous sanction of the Secretary of State in Council, to prescribe by general or special order the procedure to be followed in the payment of moneys into, and in the withdrawal, transfer and disbursement of moneys from, the public account, and for the custody of moneys standing in the account. ³[Such orders may, to such extent and for such purposes as may be stipulated, delegate power to prescribe procedure for the said purposes to the Auditor General, the Controller of the Currency and to local Governments.]

17. In the financial year 1921-22 contributions shall be paid to the Governor General in Council by the local Governments mentioned below according to the following scale—

Name of Province.	Contributions (in lakhs of rupees).
Madras	348
Bombay	58
Bengal	63
United Provinces	210
Punjab	175
Burma	64
Central Provinces and Berar	22
Assam	15

¹ Rule 15 was substituted by Notification No. 318-F, dated 13th October, 1921; see *Gazette of India*, 1921, Part I, page 1406.

² This proviso was added by Notification No. F-318-II, dated 15th November, 1922, see *Gazette of India*, 1922, Part I, page 1341.

³ These words were added by Notification No. 1-A., dated 3rd January, 1922, see *Gazette of India*, 1922 Part I, page 4

¹[18(1)] From the financial year 1922-23 onwards a total contribution of 984 lakhs, or such smaller sum as may be determined by the Governor General in Council, shall be paid to the Governor General in Council by the local Governments mentioned in the preceding rule. When for any year the Governor General in Council determines as the total amount of the contribution a smaller sum than that payable for the preceding year, a reduction shall be made in the contributions of those local Governments only whose last previous annual contribution exceeds the proportion specified below of the smaller sum so determined as the total contribution; and any reduction so made shall be proportionate to such excess:—

Madras	17-90ths.
Bombay	13-90ths.
Bengal	19-90ths.
United Provinces	18-90ths.
Punjab	9-90ths.
Burma	6½-90ths.
Central Provinces and Bihar	5-90ths.
Assam	2½-90ths.

²[(2) Notwithstanding anything contained in sub-rule (1), the contribution payable thereunder by the local Government of Bengal in the financial years 1922-23, 1923-24 and 1924-25 shall be remitted by the Governor General in Council:

Provided that for the purposes of sub-rule (1)—

- (a) the sum determined by the Governor General in Council as the total amount of the contribution for each of the said financial years shall include the contribution so remitted, and
- (b) for the financial year 1925-26, the last previous annual contribution of the local Government of Bengal shall be deemed to be the remitted contribution for the year 1924-25.]

19. In cases of emergency, the local Government of any province may be required by the Governor General in Council, with the sanction of, and subject to the conditions approved by the Secretary of State, to pay to the Governor General in Council a contribution for any financial year in excess of the amount required by the preceding rules in the case of that year.

20. The contributions ³* fixed under the preceding rules shall be a first charge on the allocated revenues and moneys of the local Governments concerned, and shall be paid in such instalments, in such manner, and on such dates, as the Governor General in Council may prescribe.

21. At any time when he considers this course to be essential in the financial interests of India as a whole, the Governor General in Council shall have power to require any local Government to which revenues have been allocated under these rules so to regulate its programme of expenditure as not to reduce the balance at its credit in the public account on a specified date or dates below a stated figure, and shall have power to take the necessary steps by the restriction of issues of moneys to secure this end. Subject to this power, those local Governments shall be at liberty to draw on their balances, provided that notice of the amount which they propose to draw during the ensuing financial year is given to the Governor General in Council before such date in each year as the Governor General in Council may by order fix.

22. Whenever the Governor General in Council has, on receipt of due notice of the intention of the local Government to draw on its balances, required it to reduce the extent of the proposed draft, he shall, at the end of the financial year in which the local Government is debarred from drawing, credit the local Government with interest on the amount which it was not permitted to draw. Such interest shall be a charge on the revenues of India, and shall be calculated at the average rate at which the Governor General in Council has borrowed money in the open market during the year by the issue of treasury bills.

23. Any moneys which, on the 1st day of April 1921, are owed to the Governor General in Council on account of advances made from the provincial loan account of any province shall be treated as an advance to the local Government from the revenues of India, and shall carry interest at a rate calculated on the average rate carried by the total amount owed to the

¹ This rule was renumbered by Notification No. D-3180, dated 16th November, 1921; see *Gazette of India*, 1921, page 1542.

² This sub-rule was added by Notification No. D-3180, dated 16th November, 1921; see *Gazette of India*, 1921, Part I, page 1542.

³ The words "and assignments" were omitted by Notification No. 318-F., dated 13th October, 1921; see *Gazette of India*, 1921, Part I, page 1406.

Governor General in Council on this account on the 31st March 1921. The interest shall be payable upon such dates as the Governor General in Council may fix. In addition, the local Government shall pay to the Governor General in Council in each year an instalment in repayment of the principal amount of the advance, and this instalment shall be so fixed that the total advance shall, except where for special reasons the Governor General in Council may otherwise direct, be repaid before the expiry of twelve years. It shall be open to any local Government to repay in any year an amount in excess of the fixed instalment.

24. (1) The capital sums spent by the Governor General in Council upon the construction of irrigation works in the various provinces of productive and protective irrigation works and of such other works financed from loan funds as may from time to time be handed over to the management of local Governments shall be treated as advances made to the local Governments from the revenues of India. Such advances shall carry interest at the following rates namely:—

(a) in case of outlay up to the end of the financial year 1916-17, at the rate of 3.3252 per centum;

(b) in the case of outlay incurred after the financial year 1916-17, at the average rate of interest paid by the Governor General in Council on loans raised in the open market since the end of that year.

(2) The interest shall be payable upon such debts as the Governor General in Council may fix.

25. The Governor General in Council may at any time make to a local Government an advance from the revenues or moneys accruing to the Governor General in Council on such terms as to interest and repayment as he may think fit.

26. The payment of interest on loans and advances made under the three preceding rules and the repayment of the principal of an advance under rule 23, shall be a charge on the annual allocated revenues of the local Government and shall have priority over all other charges, save only contributions payable to the Governor General in Council.

27. (1) The local Government of a Governor's province shall not, without the previous sanction of the Secretary of State in Council or of the Governor General in Council, as the case may be, include any proposal for expenditure on a transferred subject in a demand for a grant, if such sanction is required by the provisions of Schedule III to these rules.

(2) Subject to the provisions of sub-rule (1), the local Government of a Governor's province shall have power to sanction expenditure on transferred subjects to the extent of any grant voted by the Legislative Council.

(3) The local Government of a Governor's province shall have power to sanction any expenditure on transferred subjects which relates to the heads enumerated in section 72-D (3) of the Act, subject to the approval of the Secretary of State in Council or of the Governor General in Council if any such approval is required by any rule for the time being in force.

28. (1) The powers of a local Government under the preceding rule to sanction expenditure, may be delegated by the local Government to an authority subordinate to it, after previous consultation with the Finance Department, to such extent as may be required for the convenient and efficient despatch of public business.

(2) Any sanction accorded under these rules shall remain valid for the specified period for which it is given, subject, in the case of voted expenditure, to the voting of grants in each year.

29. Each local Government mentioned in Schedule IV shall establish and maintain out of provincial revenues a Famine Insurance Fund in accordance with the provisions of that Schedule, and such Fund shall be controlled and administered as required by those provisions.

30. All proposals for raising taxation or for the borrowing of money on the revenues of a province shall, in the case of a Governor's province, be considered by the Governor with his Executive Council and ministers sitting together, but the decision shall thereafter be arrived at by the Governor in Council, or by the Governor and minister or ministers, according as the proposal originates with the Governor in Council or the Governor and ministers.

31. Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects.

32. (1) If at the time of the preparation of the budget the Governor is satisfied that there is no hope of agreement within a reasonable time between the members of his Executive Council on the one hand and ministers on the other as to the apportionment of funds between reserved and transferred departments respectively, he may, by order in writing, allocate the revenues and balances of the province between reserved and transferred subjects, by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subjects.

(2) An order of allocation under this rule may be made by the Governor either in accordance with his own discretion, or in accordance with the report of an authority to be appointed by the Governor General in this behalf on the application of the Governor.

33. Every such order shall (unless it is sooner revoked) remain in force for period to be specified in the order, which shall be not less than the duration of the then existing Legislative Council, and shall not exceed by more than one year the duration thereof :

Provided that the Governor may at any time, if his Executive Council and ministers so desire, revoke an order of allocation or make such other allocation as has been agreed upon by them :

Provided further, that if the order which it is proposed to revoke was passed in accordance with the report of an authority appointed by the Governor General, the Governor shall obtain the consent of the Governor General before revoking the same.

34. Every order of allocation made under these rules shall provide that, if any increase of revenue accrues during the period of the order on account of the imposition of fresh taxation, that increase, unless the legislature otherwise directs, shall be allocated in aid of that part of the Government by which the taxation is initiated.

35. If at the time of the preparation of any budget no agreement or allocation such as is contemplated by these rules, has been arrived at, the budget shall be prepared on the basis of the aggregate grants respectively provided for the reserved and transferred subjects in the budget of the year about to expire

Part III.—Finance Department.

36. (1) There shall be in each Governor's province a Finance Department which shall be controlled by a member of the Executive Council.

(2) Immediately subordinate to the member there shall be a financial secretary, with whom shall be associated, if the ministers so desire, a joint secretary appointed by the Governor after consultation with the ministers.

(3) The joint secretary shall be specially charged with the duty of examining and dealing with financial questions arising in relation to transferred subjects and with proposals for taxation or borrowing put forward by any minister.

37. The Finance Department shall perform the following functions, namely :—

- (a) it shall be in charge of the account relating to loans granted by the local Government, and shall advise on the financial aspect of all transactions relating to such loans ;
- (b) it shall be responsible for the safety and proper employment of the famine insurance fund ;
- (c) it shall examine and report on all proposals for the increase or reduction of taxation ;
- (d) it shall examine and report on all proposals for borrowing by the local Government ; shall take all steps necessary for the purpose of raising such loans as have been duly authorised ; and shall be in charge of all matters relating to the service of loans ;
- (e) it shall be responsible for seeing that proper financial rules are framed for the guidance of other departments and that suitable accounts are maintained by other departments and establishments subordinate to them ;
- (f) it shall prepare an estimate of the total receipts and disbursements of the province in each year, and shall be responsible during the year for watching the state of the local Government's balances ;
- (g) in connection with the budget and with supplementary estimates—
 - (i) it shall prepare the statement of estimated revenue and expenditure which is laid before the Legislative Council in each year and any supplementary estimates or demands for excess grants which may be submitted to the vote of the Council ;

- (ii) for the purpose of such preparation, it shall obtain from the departments concerned material on which to base its estimates, and it shall be responsible for the correctness of the estimates framed on the material so supplied ;
- (iii) it shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates, and shall decline to provide in the estimates for any scheme which has not been so examined ;
- (k) on receipt of a report from an audit officer to the effect that expenditure for which there is no sufficient sanction is being incurred, it shall require steps to be taken to obtain sanction or that the expenditure shall immediately cease ;
- (l) it shall lay the audit and appropriation reports before the committee on public accounts, and shall bring to the notice of the committee all expenditure which has not been duly authorised and any financial irregularities ,
- (j) it shall advise departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed.

Powers of Finance Department with reference to re-appropriation.

38. (1) After grants have been voted by the Legislative Council —

- (a) the Finance Department shall have power to sanction any re-appropriation within a grant from one major, minor or subordinate head to another ,
- (b) the Member or Minister in charge of a department shall have power to sanction any re-appropriation within a grant between head subordinate to a minor head which does not involve undertaking a recurring liability, provided that a copy of any order sanctioning such a re-appropriation shall be communicated to the Finance Department as soon as it is passed.

(2) The Finance Department shall have power to sanction the delegation by a Member or Minister to any officer or class of officers of the power of re-appropriation conferred on such Member or Minister by clause (1) (b) above.

(3) Copies of orders sanctioning any re-appropriation which does not require the sanction of the Finance Department shall be communicated to that department as soon as such orders are passed.

39. No expenditure on any of the heads detailed in section 72-D (3) of the Act, which is in excess of the estimate for that head shown in the budget of the year, shall be incurred without previous consultation with the Finance Department.

40. No office may be added to, or withdrawn from, the public service in the province and the emoluments of no post may be varied except after consultation with the Finance Department ; and, when it is proposed to add a permanent or temporary post to the public service, the Finance Department shall, if it thinks necessary, refer for the decision of the Audit Department the question whether the sanction of the Secretary of State in Council is, or is not, necessary.

41. No allowance and no special or personal pay shall be sanctioned for any post or class of posts or for any Government servant without previous consultation with the Finance Department.

42. No grant of land or assignment of land revenue, except when the grant is made under the ordinary revenue rules of the province, shall be given without previous consultation with the Finance Department ; and no concession, grant or lease of mineral or forest rights, or right to water-power or of right of way or other easement, and no privilege in respect of such rights shall be given without such previous consultation.

43. No proposal involving an abandonment of revenue for which credit has been taken in the budget, or involving expenditure for which no provision has been made in the budget, shall be submitted for the consideration of the local Government or the Legislative Council, nor shall any orders giving effect to such proposals issue, without a previous reference to the Finance Department.

44. Every report made by the Finance Department on any matter on which it is required to advise or report under these rules shall be forwarded to the department concerned and shall, if the Finance Department so require, be submitted by the department concerned to the Governor for the orders of the local Government. The Governor may, if he thinks fit, direct that any such report shall be laid before the committee on public accounts.

45. Whenever previous consultation with the Finance Department is required by these rules it shall be open to that department to prescribe, by general or special order, cases in which its assent may be presumed to have been given.

Part IV.—Agency.

46. The Governor General in Council may employ the agency of the Governor in Council of any province in the administration of central subjects in so far as such agency may be found convenient.

47. The cost of an establishment exclusively employed on the business of agency shall be a charge against all-India revenues.

48. If a joint establishment is employed upon the administration of central and provincial subjects, the cost of such establishment may be distributed in such manner as the Governor General in Council and the Governor in Council of the province concerned may agree, or in the case of disagreement, in such manner as may be determined by the Secretary of State in Council.

Part V.—Limitation of control.

49. The powers of superintendence, direction, and control over the local Government of a Governor's province vested in the Governor General in Council under the Act shall in relation to transferred subjects be exercised only for the

following purposes, namely :—

- (1) to safeguard the administration of central subjects ;
- (2) to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement ; and
- (3) to safeguard the due exercise and performance of any powers and duties possessed by, or imposed on, the Governor General in Council under, or in connection with, or for the purposes of, the following provisions of the Act, namely, section 29 A, section 30 (1A), Part VIIA, or of any rules made by, or with the sanction of, the Secretary of State in Council.

SCHEDULE I.

(SEE RULE 3.)

Part I.—Central Subjects.

1. (a) Defence of India, and all matters connected with His Majesty's Naval, Military, and Air Forces in India, or with His Majesty's Indian Marine Service or with any other force raised in India, other than military and armed police wholly maintained by local Governments.

(b) Naval and military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India

3. Relations with States in India.

4. Political changes.

5. Communications to the extent described under the following heads, namely :—

(a) railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 d) of Part II of this Schedule ;

(b) aircraft and all matters connected therewith ; and

(c) inland waterways, to an extent to be declared by rule made by the Governor General in Council or by or under legislation by the Indian legislature

6. Shipping and navigation, including shipping and navigation on inland waterways in so far as declared to be a central subject in accordance with entry 5 (c)

7. Light-houses (including their approaches), beacons, lightships, and buoys.

8. Port quarantine and marine hospitals.

9. Ports¹ declared to be major ports by rule made by the Governor General in Council or by or under legislation by the Indian Legislature.

10. Posts, telegraphs and telephones, including wireless installations.

11. Customs, cotton excise duties, income-tax, salt, and other sources of all-India revenues.

¹For rule declaring the ports of Calcutta, Bombay, Karachi, Aden, Rangoon and Madras to be major ports, see Notification No. 1169, dated the 19th February 1921 in *Gazette of India*, 1921, Part I, page 275.

12. Currency and coinage.
13. Public debt of India.
14. Savings Banks.
15. The Indian Audit Department and Excluded Audit Departments, as defined in rules framed under section 96-D (1) of the Act.
16. Civil law, including laws regarding status, property, civil rights and liabilities, and civil procedure.
17. Commerce including banking and insurance.
18. Trading companies and other associations.
19. Control of production, supply, and distribution of any articles in respect of which control by a central authority is declared by rule made by the Governor General in Council or by or under legislation by the Indian Legislature to be essential in the public interest.
20. Development of industries, in cases where such development by central authority is declared by order of the Governor General in Council, made after consultation with the local Government or local Governments concerned, expedient in the public interest.
21. Control of cultivation and manufacture of opium, and sale of opium for export
22. Stores and stationery, both imported and indigenous, required for Imperial Departments.
23. Control of petroleum and explosives.
24. Geological Survey.
25. Control of mineral development, in so far as such control is reserved to the Governor General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.
26. Botanical survey.
27. Inventions and designs.
28. Copyright
29. Emigration from, and immigration into, British India, and inter-provincial migration.
30. Criminal law, including criminal procedure.
31. Central police organization.
32. Control of arms and ammunition.
33. Central agencies and institutions for research (including observatories), and for professional or technical training or promotion of special studies.
34. Ecclesiastical administration, including European cemeteries.
35. Survey of India.
36. Archaeology.
37. Zoological Survey.
38. Meteorology.
39. Census and statistics.
40. All-India services
41. Legislation in regard to any provincial subject in so far as such subject is in Part II of this Schedule stated to be subject to legislation by the Indian Legislature, and any powers relating to such subject reserved by legislation to the Governor General in Council.
42. Territorial changes, other than inter-provincial, and declaration of laws in connection therewith.
43. Regulation of ceremonial, titles, orders, precedence, and civil uniform.
44. Immoveable property acquired by, and maintained at the cost of, the Governor General in Council.
45. The Public Services Commission.
46. All matters expressly excepted by the provisions of Part II of this Schedule from inclusion among provincial subjects.
47. All other matters not included among provincial subjects under Part II of this Schedule.

Part II.—Provincial Subjects.

1. Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining, boards of health, and other local authorities established in a province for the purpose of local self-government,

exclusive of matters arising under the Cantonments Act, 1910, subject to legislation by the Indian Legislature as regards—

- (a) the powers of such authorities to borrow otherwise than from a provincial government, and
 - (b) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules
- 2 Medical administration, including hospitals, dispensaries, and asylums, and provision for medical education
3. Public health and sanitation and vital statistics, subject to legislation by the Indian Legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian Legislature
- 4 Pilgrimages within British India.
- 5 Education : provided that—
- (a) the following subjects shall be excluded, namely :—
 - (i) the Benares Hindu University, [the Aligarh Muslim University]¹ and such other Universities constituted after the commencement of these rules as may be declared by the Governor General in Council to be central subjects, and
 - (ii) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants; and
 - (b) the following subjects shall be subject to legislation by the Indian Legislature, namely :—
 - (i) the control of the establishment and the regulation of the constitutions and functions of Universities constituted after the commencement of these rules, and
 - (ii) the definition of the jurisdiction of any University outside the province in which it is situated, and
 - (iii) for a period of five years from the date of the commencement of these rules, the Calcutta University, and the control and organization of secondary education in the Presidency of Bengal.
6. ²[Public works, other than those falling under entry 14 of this Part and included under the following heads, namely :—
- (a) construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the province; and care of historical monuments, with the exception of ancient monuments as defined in section 2 (I) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3 (I) of that Act; provided that the Governor General in Council may, by notification in the *Gazette of India*, remove any such monument from the operation of this exception,
 - (b) roads, bridges, ferries, tunnels, ropeways, and causeways, and other means of communication, subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor General in Council to be of military importance, and as regards incidence of special expenditure connected therewith, as the Governor General in Council may prescribe,
 - (c) tramways within municipal areas; and
 - (d) light and feeder railways and extra-municipal tramways, in so far as provision for their construction and management is made by provincial legislation; subject to legislation by the Indian Legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.
7. Water-supplies, irrigation and canals, drainage and embankments, water storage and water-power, subject to legislation by the Indian Legislature with regard to matters of inter-provincial concern or affecting the relations of a province with any other territory
8. Land revenue administration as described under the following heads, namely,—
- (a) assessment and collection of land revenue;
 - (b) maintenance of land records, survey for revenue purposes, records-of-rights;

¹ These words were inserted by Notification No. 11-4, dated the 10th February 1921; see *Gazette of India*, 1921, Part I, page 216

² These words were substituted for the words "Public Works included under the following heads, namely" by Notification No. F-975, dated 22nd November, 1922, see *Gazette of India*, 1922, Part I, page 1364.

- (c) laws regarding land tenures, relations of landlords and tenants, collection of rents,
- (d) Courts of Wards, incumbered and attached estates,
- (e) land improvement and agricultural loans,
- (f) colonisation and disposal of Crown lands and alienation of land revenue; and
- (g) management of Government estates.

9 Famine relief

10. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests, and prevention of plant diseases, subject to legislation by the Indian Legislature in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian Legislature

11. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases; subject to legislation by the Indian Legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian Legislature.

12. Fisheries.

13. Co-operative Societies

14. Forests, including preservation of game therein ¹[and all buildings and works executed by the Forest Department], subject to legislation by the Indian Legislature as regards disforestation of reserved forests.

15. Land acquisition; subject to legislation by the Indian Legislature

16. Excise, that is to say, the control of production, manufacture, possession, transport, purchase, and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.

17. Administration of justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province, subject to legislation by the Indian Legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners and any courts of criminal jurisdiction

18. Provincial law reports.

19. Administrators General and Official Trustees; subject to legislation by the Indian Legislature.

20. Non-judicial stamps, subject to legislation by the Indian Legislature, and judicial stamps, subject to legislation by the Indian Legislature as regards amount of court-fees levied in relation to suits and proceedings in the High Court under their original jurisdiction.

21. Registration of deeds and documents; subject to legislation by the Indian Legislature.

22. Registration of births, deaths, and marriages, subject to legislation by the Indian Legislature for such classes as the Indian Legislature may determine.

23. Religious and charitable endowments

24. Development of mineral resources which are Government property, subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines

25. Development of industries, including industrial research and technical education.

26. Industrial matters included under the following heads, namely,—

- (a) factories;
- (b) settlement of labour disputes;
- (c) electricity;
- (d) boilers;
- (e) gas;
- (f) smoke nuisances; and
- (g) welfare of labour, including provident funds, industrial insurance (general, health and accident), and housing;

subject as to heads (a), (b), (c), (d) and (g) to legislation by the Indian Legislature.

27. Stores and stationery, subject, in the case of imported stores and stationery, to such rules as may be prescribed by the Secretary of State in Council.

28. Adulteration of foodstuffs and other articles; subject to legislation by the Indian Legislature as regards import and export trade.

29. Weights and measures; subject to legislation by the Indian Legislature as regards standards.

30. Ports, except such ports as may be declared by rules made by the Governor General in Council or by or under Indian legislation to be major ports

¹ These words were inserted by Notification No. F-975, dated 22nd November 1922, see *Gazette of India*, 1922, Part I, page 1264.

31. Inland water-ways, including shipping and navigation thereon so far as not declared by the Governor General in Council to be central subjects, but subject as regards inland steam-vessels to legislation by the Indian Legislature.

32. Police, including railway police ; subject, in the case of railway police, to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor General in Council may determine.

33. The following miscellaneous matters, namely,

(a) regulation of betting and gambling ;

(b) prevention of cruelty to animals ;

(c) protection of wild birds and animals ;

(d) control of poisons, subject to legislation by the Indian Legislature ;

(e) control of motor vehicles, subject to legislation by the Indian Legislature as regards licences valid throughout British India ; and

(f) control of dramatic performances and cinematographs, subject to legislation by the Indian Legislature in regard to sanction of films for exhibition.

34. Control of newspapers, books and printing presses ; subject to legislation by the Indian Legislature.

35. Coroners.

36. Excluded areas.

37. Criminal tribes ; subject to legislation by the Indian Legislature.

38. European vagrancy ; subject to legislation by the Indian Legislature.

39. Prisons, prisoners (except State prisoners), and reformatories ; subject to legislation by the Indian Legislature.

40. Pounds and prevention of cattle trespass.

41. Treasure trove.

42. Libraries (except the Imperial Library) and museums (except the Indian Museum, the Imperial War Museum, and the Victoria Memorial, Calcutta) and Zoological Gardens.

43. Provincial Government Presses.

44. Elections for Indian and provincial Legislatures ; subject to rules framed under sections 64 (1) and 72-A (4) of the Act.

45. Regulation of medical and other professional qualifications and standards ; subject to legislation by the Indian Legislature.

46. Local Fund Audit, that is to say, the audit by Government agency of income and expenditure controlled by local bodies.

47. Control, as defined by rule 10, of members of all-India and provincial services serving within the province ; and control, subject to legislation by the Indian Legislature, of public services within the province other than all-India services.

48. Sources of provincial revenue, not included under previous heads, whether :—

(a) taxes included in the Schedules, to the Scheduled Taxes Rules ; or

(b) taxes not included in those Schedules, which are imposed by or under provincial legislation which has received the previous sanction of the Governor-General.

49. Borrowing of money on the sole credit of the province ; subject to the provisions of the Local Government (Borrowing) Rules.

50. Imposition by legislation of punishments by fine, penalty, or imprisonment for enforcing any law of the province relating to any provincial subject ; subject to legislation by the Indian Legislature in the case of any subject in respect of which such a limitation is imposed under these rules.

51. Any matter which, though falling within a central subject, is declared by the Governor General in Council to be of a merely local or private nature within the province.

52. Matters pertaining to a central subject in respect of which powers have been conferred by or under any law upon a local Government.

¹ For notification declaring that matters relating to the survey of major air routes lying wholly within a single province and to the provision, maintenance and management of flying services, aerodromes and landing places for aircraft on such routes are of merely local nature within the province concerned ; see Notification No 1702, dated the 5th March, 1921, in *Gazette of India*, 1921, Part I, page 341.

For notification declaring the audit of certain local funds accounts as of a merely local nature, see Notification No. 536-A, dated the 20th July, 1921, in *Gazette of India*, 1921, Part I, page 986, and as regards Burma, see *Gazette of India*, 1921, Part I, page 1660.

For certain subjects declared to be of a local nature in all provinces, see Notification No. 944-A, dated the 21st December, 1921 ; see *Gazette of India*, 1921, Part I, page 1702

For declaration that in every province having a Legislative Council, the preparation of the Provincial Code is of merely local nature, see Notification No. 146, dated the 21st December, 1922, in *Gazette of India*, 1922, Part I, page 1523.

For declaration that expenditure incurred in the equipment of civil rallying posts, in connection with the internal security scheme, should be borne by the provincial civil budget ; see Notification No. 133, dated the 26th January, 1923.

SCHEDULE II.

(SEE RULE 6.)

List of Provincial Subjects for transfer.

Column I.	Column II.
1 Local self-government - that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health, and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonnments Act, 1910; subject to legislation by the Indian Legislature as regards (a) the powers of such authorities to borrow otherwise than from a provincial Government, and (b) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules.	All Governors' provinces.
2. Medical administration, including hospitals, dispensaries and asylums, and provision for medical education.	Ditto
3. Public health and sanitation and vital statistics; subject to legislation by the Indian Legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian Legislature.	Ditto
4. Pilgrimages within British India	Ditto
<p>5[6(1)]. Education, other than European and Anglo-Indian education, provided that</p> <p>(a) the following subjects shall be excluded, namely,—</p> <p>(i) the Benares Hindu University, ²[the Aligarh Muslim University] and such other Universities constituted after the commencement of these rules as may be declared by the Governor General in Council to be central subjects, and</p> <p>(ii) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants, and</p> <p>(b) the following subjects shall be subject to legislation by the Indian Legislature, namely,—</p> <p>(i) the control of the establishment and the regulation of the constitutions and functions of Universities constituted after the commencement of these rules, and</p> <p>(ii) the definition of the jurisdiction of any University outside the province in which it is situated, and</p> <p>(iii) for a period of five years from the date of the commencement of these rules, the Calcutta University and the control and organisation of secondary education in the Presidency of Bengal</p>	Ditto
[¹ (2) Subject to the provisos set out in clause (1) in so far as they are applicable, European and Anglo-Indian education;	Burma.]
<p>6. ⁴[Public Works, other than those falling under entry 11 of this Part, and included under the following heads, namely,—]</p> <p>(a) construction and maintenance of provincial buildings, other than residences of Governors of provinces, used or intended for any purpose in connection with the administration of the province on behalf of the departments of Government concerned, save in so far as the Governor may assign such work to the departments using or requiring such buildings; and care of historical monuments, with the exception of ancient monuments as defined in section 2 (1) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3 (1) of that Act, provided that the Governor General in Council may by notification in the <i>Gazette of India</i>, remove any such monument from the operation of this exception;</p> <p>(b) roads, bridges, ferries, tunnels, ropeways, and causeways, and other means of communication, subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor General in Council to be of military importance, and as regards incidence of special expenditure connected therewith, as the Governor General in Council may prescribe;</p> <p>(c) tramways within municipal areas, and</p> <p>(d) light and feeder railways and extra-municipal tramways, in so far as provision for their construction and management is made by provincial legislation; subject to legislation by the Indian legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.</p>	All Governors' provinces except Assam.

¹ This item was renumbered by Notification No. 519-V., dated the 2nd January, 1923, see *Gazette of India Extraordinary*, 1923, page 43

² These words were inserted by Notification No. 11-S., dated the 10th February, 1921; see *Gazette of India*, 1921, Part I, page 216.

³ This clause was added by Notification No. 519-V., dated the 2nd January, 1923; see *Gazette of India Extraordinary*, 1923, page 43.

⁴ These words were substituted for the words "Public Works included under the following heads namely" by Notification No. F-975, dated the 22nd November, 1922; see *Gazette of India*, 1922, Part I, page 1364.

List of Provincial Subjects for transfer—contd.

Column I.	Column II.
7 Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases, subject to legislation by the Indian Legislature in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian Legislature	All Governors' provinces.
8 Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases, subject to legislation by the Indian Legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian Legislature.	Ditto.
9 Fisheries	All Governors' provinces, except Assam
10 Co-operative Societies	All Governors' provinces.
11 Forests, including preservation of game therein ¹ [and all buildings and works executed by the Forest Department], subject to legislation by the Indian Legislature as regards afforestation of reserved forests	² [Bombay and Burma.]
12 Excise, that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on/or in relation to such articles but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	All Governors' provinces, except Assam.
13 Registration of deeds and documents, subject to legislation by the Indian Legislature.	All Governors' provinces.
14 Registration of births, deaths, and marriages; subject to legislation by the Indian Legislature for such classes as the Indian Legislature may determine.	Ditto
15 Religious and charitable endowments	Ditto.
16 Development of industries, including industrial research and technical education	Ditto.
17 Stores and stationery required for transferred departments; subject, in the case of imported stores and stationery, to such rules as may be prescribed by the Secretary of State in Council	Ditto.
18 Adulteration of food-stuffs and other articles; subject to legislation by the Indian Legislature as regards import and export trade.	Ditto.
19 Weights and measures subject to legislation by the Indian Legislature as regards standards.	Ditto.
20 Libraries (other than the Imperial Library), Museums (except the Indian Museum, the Imperial War Museum, and the Victoria Memorial, Calcutta) and Zoological Gardens.	Ditto.
³ [21. The following miscellaneous matters, namely— (a) regulation of betting and gambling, (b) prevention of cruelty to animals; (c) protection of wild birds and animals, (d) control of dramatic performances and cinematographs; subject to legislation by the Indian Legislature in regard to sanction of films for exhibition.]	Burma.
22. Pounds and prevention of cattle trespass	Burma.]

¹These words were inserted by Notification No. F-975, dated the 22nd November, 1922, see *Gazette of India*, 1922, Part. I, page 1364

²These words were substituted for the word "Bombay" by Notification No. 519-V, dated the 2nd January, 1923; see *Gazette of India, Extraordinary*, 1923, page 43

³These items were added by Notification No. 519-V., dated the 2nd January, 1923; see *Gazette of India, Extraordinary*, 1923, page 43.

SCHEDULE III.

(SEE RULE 27.)

Rules relating to Transferred Subjects.

1. The previous sanction of the Secretary of State in Council is necessary
 - (1) to the creation of any new or the abolition of any existing permanent post, or to the increase or reduction of the pay ¹[drawn by the incumbent of] any permanent post, if the post in either case is one which would ordinarily be held by a member of an all-India service, or to the increase or reduction of the cadre of an all-India service;
 - (2) to the creation of a permanent post on a maximum rate of pay exceeding Rs. 1,200 a month, ²[or in Burma Rs. 1,250 a month] or the increase of the maximum pay of a sanctioned permanent post to an amount exceeding Rs. 1,200 a month; ³[or in Burma Rs. 1,250 a month];
 - (3) to the creation of a temporary post with pay exceeding Rs. 4,000 a month, or to the extension beyond a period of two years of a temporary post ³[or deputation] with pay exceeding Rs. 1,200 a month ²[or in Burma Rs. 1,250 a month];
 - (4) to the grant to any ⁴[Government servant or to the family or other dependants of any deceased Government servant] of an allowance, pension, or gratuity which is not admissible under rules made or for the time being in force under section 96-B of the Act; ⁵except in the following cases:—
 - (a) compassionate gratuities to the families of Government servants left in indigent circumstances subject to such annual limit as the Secretary of State in Council may prescribe; and
 - (b) pensions or gratuities to Government servants wounded or otherwise injured while employed in Government service or to the families of Government servants dying as the result of wounds or injuries sustained while employed in such service, granted in accordance with such rules as have been or may be laid down by the Secretary of State in Council in this behalf] and
 - (5) to any expenditure on the purchase of imported stores or stationery otherwise than in accordance with such rules as may be made in this behalf by the Secretary of State in Council.

2. (1) Every application for the sanction of the Secretary of State in Council required by paragraph 1 shall be addressed to the Governor General in Council, who shall, save as hereinafter provided, forward the same with his recommendations, and with such further explanations of the proposal as he may have seen fit to require from the local Government, to the Secretary of State in Council.

(2) If the application relates to—

- (a) the grant in an individual case of any increase of pay; or
- (b) the creation of a temporary post,

the Governor General in Council may, at his discretion, on behalf of the Secretary of State in Council, sanction the proposal, or may, and if he dissents from the proposal, shall forward the application with his recommendations, and with such further explanations of the proposal as he may have seen fit to require from the local Government, for the orders of the Secretary of State in Council.

SCHEDULE IV.

(SEE RULE 29.)

1. The local Governments mentioned below shall, save as hereinafter provided, make in every year provision in their budgets for expenditure, upon relief of, and insurance against,

¹These words were substituted for the words "attached to" by Notification No. F.-1207, dated the 6th February, 1923; see *Gazette of India*, 1923, Part I, page 126.

²The words were inserted by Notification No. F.-1207, dated the 2nd January, 1923; see *Gazette of India, Extraordinary*, 1923, page 44.

³These words were inserted by Notification No. F.-1207, dated the 6th February, 1923; see *Gazette of India*, 1923, Part I page 126.

⁴These words were substituted for the word "officer" by *ibid.*

⁵These words were inserted by *ibid.*

famine, of such amounts respectively (hereinafter referred to as the annual assignment) as are stated against each :--

	Rs.
Madras	6,61,000
Bombay	63,60,000
Bengal	2,00,000
United Provinces	30,60,000
Punjab	3,81,000
Burma	67,000
Bihar and Orissa	11,62,000
Central Provinces	47,26,000
Assam	10,000

¹[2 The annual assignment shall not be expended save upon the relief of famine or the construction of protective irrigation works or other works for the prevention of famine. Any portion of an assignment which is not so spent shall be transferred to the Famine Insurance Fund of the province.]

3. The local Government, in making provision in its budget for the annual assignment, shall include in demands for grants such portion of the assignment as is proposed to be expended for the relief of famine or the construction of protective irrigation works or other works for the prevention of famine. The amount required, over and above the grants voted for the aforesaid purposes, to make up the total of the annual assignment shall not be included in a demand for a grant, but shall be provided in the shape of a lump sum allocated for transfer to the famine insurance fund.]

4. The Famine Insurance Fund shall consist of the unexpended balances of the annual assignments for each year, transferred to the fund under paragraph ² [2] of this Schedule, together with any interest which may accrue on these balances.

5. The local Government may, in any year when the accumulated total of the famine insurance fund of the province is not less than six times the amount of the annual assignment, suspend temporarily the provision of the annual assignment.

6. The Famine Insurance Fund shall form part of the general balances of the Governor General in Council, who shall pay at the end of each year interest on the average of the balances held in the fund on the last day of each quarter. The interest shall be calculated at the average rate at which the Governor General in Council has during the year borrowed money by the issue of treasury bills. Such interest shall be credited to the fund.

7. The Local Government may at any time expend the balance at its credit in the Famine Insurance Fund for any of the purposes specified in paragraph ² [2] of this Schedule.

8. Such balances may further be utilised in the grant of loans to cultivators, either under the Agriculturists' Loans Act, 1884, or for relief purposes. When such loans have been granted, payments of interest on loans and repayments of principal shall be credited to the fund as they occur, and irrecoverable loans written off shall form a final charge against the fund.

9. In case of doubt whether the purpose for which it is proposed to spend any portion of the annual assignment or the Famine Insurance Fund is one of the purposes specified in paragraph ² [2] of this Schedule, the decision of the Governor shall be final.

10. The annual accounts of the annual assignments and of the fund shall be maintained in forms to be prescribed in this behalf by the Auditor General.

[See Gazette of India, Extraordinary, 1920, page 1115.]

¹ Rules 2 and 3 were substituted by Notification No. 1079-F., dated the 12th April, 1922, see Gazette of India, 1922, Part I, page 466.

² The figure "2" was substituted for the figure "3" by *ibid.*