



SORE  
REPRESENTATIVE ASSEMBLY  
MANUAL

VOL. I

CONTAINING THE REPRESENTATIVE ASSEMBLY  
REGULATION AND THE ELECTORAL RULES  
THEREUNDER



MYSORE:  
PRINTED AT THE GOVERNMENT BRANCH PRESS  
1933



## PREFACE

---

The electoral rules relating to the Representative Assembly are contained in several notifications issued from time to time by the Government. This manual purports to bring together these rules under appropriate headings in the form of a connected narrative. It must be understood that the manual itself has no authority except in so far as it reproduces the actual provisions of the various notifications from which it is compiled. For authoritative exposition the several notifications themselves must be referred to.

N. MADHAVA RAO,  
*Chief Secretary to Government.*





# CONTENTS.

---

	PAGES.
DEFINITIONS ... ..	1-2
CHAPTER I.—Composition of the Assembly and Constituencies and its duration.	2-6
„ II.—Qualifications of Electors and Candidates to the Representative Assembly.	6-10
„ III.—The Electoral Rolls ... ..	11-17
„ IV.—Conduct of Elections—	
Rural Constituencies ... ..	17-24
Urban Constituencies ... ..	24-25
Constituencies consisting of a single Association representing Minorities or Special Interests.	25-26
Constituencies consisting of more than one Association or an Association with Branches representing Minorities or Special Interests.	26-28
Mysore University ... ..	28
Legal Interests Constituency ... ..	29
Voting by persons supplied with voting papers by post.	29-30
„ V.—General Provisions ... ..	31-32
„ VI.—Decision of doubts and disputes as to the validity of Elections.	32-35
„ VII.—Special Provision ... ..	35
APPENDICES.—	
Appendix A.—(i) Proclamation ... ..	36-38
„ (ii) Representative Assembly Regulation ... ..	39-44
„ (iii) Legislative Council Regulation ... ..	45-51
„ (iv) Government Order No. 1367-1426—C.B. 200-23-1, dated 27th October 1923.	52-97
„ B. Annexure No. I.—List of Rural Constituencies	98-101
„ II.—List of Urban Constituencies.	101-102
„ III.—Special Interests ... ..	103
„ IV.—Rules regarding Associations representing Special Interests.	103-104
„ C. Form of Voting Papers ... ..	105-107
„ D. Rules regarding Proportional Representation by means of the Single Transferable Vote.	108-125
„ E. Forms ... ..	126-140
„ F. Rules relating to the constitution and working of the Standing Committees.	141-143



# THE MYSORE REPRESENTATIVE ASSEMBLY ELECTORAL RULES.

## PRELIMINARY.

### DEFINITIONS.

#### 1. In this Manual—

(1) "Assembly" means the Mysore Representative Assembly.

(2) "Budget" means the statement of the estimated annual revenue and expenditure of the State.

(3) "Council" means the Mysore Legislative Council.

(4) "Gazette" means the *Mysore Gazette*.

(5) "Session" means a Session of the Representative Assembly.

(6) "Secretary" means the Secretary of the Representative Assembly and includes any person who may be appointed by the Government to perform all or any of the functions and duties of the Secretary.

(7) "Member" means a member of the Representative Assembly.

(8) "Regulation" means the Mysore Representative Assembly Regulation, XVIII of 1923.

(9) "New tax" means any tax which requires for its imposition the passing of a new Regulation or the amendment of an existing Regulation.

(10) "Official" and "Non-official".—The expressions "official" and "non-official" where used in relation to any person shall mean respectively a person who is or who is not in the civil or military service of the Government:

Provided that rules made under the Representative Assembly Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be "non-officials" for all or any of the purposes of the Regulation.

\* (i) The holder of any office in the civil or military service of the Government which does not involve both of

Section 2 (1)  
of the Regu-  
lation.

Section 2 (3)  
of the Regu-  
lation.

the following incidents, namely, that the incumbent (*a*) is a whole-time servant of the Government and (*b*) is remunerated either by salary or fees, shall not be treated as an official for any of the purposes of this (Representative Assembly) Regulation.

(ii) Notwithstanding anything to the contrary, Public Prosecutors and Shanbhogs and Patels shall be deemed to be non-officials.

If any question arises whether any officer is or is not a whole-time servant of the Government for the purpose of the above rule, the decision of the Government shall be final.

(11) "Rule" means a rule made under Sections 3 (4) and 6 of the Mysore Representative Assembly Regulation.

(12) "Standing order" means a standing order made under Section 8 of the Mysore Representative Assembly Regulation.

## CHAPTER I.

### COMPOSITION OF THE ASSEMBLY AND CONSTITUENCIES AND ITS DURATION.\*

**2.** Membership of the Mysore Representative Assembly shall be confined to non-official persons, provided that such officers of Government as may, from time to time, be deputed by Government for the purpose, may attend the sittings of the Assembly and take part in the proceedings, but shall not have the right to vote.

**3.** The total number of members of the Assembly shall ordinarily be 250, but Government shall have power to increase the strength of the Assembly up to a maximum of 275 for the purpose of removing inequalities, if any, of representation of any new interests or constituencies that may develop in future. Not less than 150 members shall consist of representatives of Rural areas in accordance with the first schedule hereto; not less than 30 and not more than 50 members shall be representatives of Urban areas in accordance with the second schedule hereto; not less than 15 members shall be representatives of approved Special Interests in

---

\* Notification No. P 2394—Legis. 12-23-1, dated 7th November 1923 and No. Rel. 298—R.A. 23-29-2, dated 16th November 1929, and No. Rl. 3207—R.A. 20-32-1, dated 29th November 1932.

Membership.  
Section 3 (2)  
of the Regu-  
lation.

Strength and  
composition  
of the  
Assembly.  
(Section 3  
(3) of the  
Regulation).

accordance with the third schedule hereto; and not less than 35 members shall be representatives of Minorities.

Provided that—

(a) all members representing Rural and Urban areas shall be elected by persons duly qualified under rules made in this behalf;

(b) the representatives of Special Interests shall be elected by constituencies recognised by the Government for the purpose or, in the absence of constituencies thus recognised, be nominated by the Government; and

(c) the representatives of Minorities shall be elected by associations recognised by the Government under rules made in this behalf, or be nominated by the Government for the purpose of removing inequalities, if any, of representation.

4. Subject to the above conditions and restrictions, the Government may make rules as regards the constitution of constituencies and the number of members to be returned by each.

5. The constituencies for electing members to represent Rural and Urban areas and Special Interests, their description and extent, and the number of members to be returned by each constituency are detailed in Annexures I, II and III. (*Vide* Appendix B.)

Constituencies.

6. Not less than 15 members shall be representatives of approved Special Interests. The representatives shall be elected by constituencies recognised by the Government for the purpose, or, in the absence of constituencies thus recognised, be nominated by the Government.

Special Interests.

7. (1) Where an association represents any Special Interest and is desirous of deputing members to the Assembly, its recognition as such by Government shall be subject to the following conditions:—

(a) The association must have been formed for the furtherance of the Special Interest concerned or for its general advancement.

(b) It shall be registered under the Mysore Societies Registration Regulation.

(c) When any Special Interest has any association with branches or has two or more such associations, two or more of them may, when necessary, be grouped together by Government for the election of the member or members to be returned by the Interest.

(d) The number of members on the roll of the association or associations shall not be less than one hundred.

(e) Meetings of the general body or the managing committee shall be held at least twice a year and minutes of the meetings shall be kept with the records of the association. On a requisition from the Deputy Commissioner, the association shall submit an annual statement of the number of meetings held and the number of members present.

(f) Bye-laws of the association and all subsequent changes, as and when they are made, shall be submitted to Government.

(2) The privilege of representation given to an association shall expire at the end of the term of the Representative Assembly and shall be liable to be revoked during the term of an Assembly, if the association ceases to exist or infringes any of the conditions.

\*(3) The Government may, for special reasons, exempt an association from the operation of rules (b) and (d) on application made by it on that behalf.

†(4) Applications for enfranchisement shall be submitted to the Government through the Deputy Commissioner at least three months before the date fixed for general elections to the Representative Assembly and shall be accompanied by a copy of the rules or bye-laws and the following particulars:—

- (i) Object of the association.
- (ii) A list of members.
- (iii) Income from membership and other sources.
- (iv) The assets of the association.

(Vide Annexure IV.)

8. The number of representatives of Minorities shall be 35, and of these, 25 will be returned by election by associations to be recognised for the purpose and 10 will be nominated by the Government for the purpose of removing inequalities, if any, of representation:

Provided that, should there be any vacancies in the number to be elected by associations, they may also be filled by nomination by the Government.

‡9. Subject to the provisions of para 13 below, every distinct group shown in the Mysore Census Table as a

\* Notification No. P. 3869—Legis. 12-23-16, dated 11th January 1924.

† Notification No. Rl. 3207—R.A. 20-32-1, dated 29th November 1932.

‡ Notifications No. P. 2396—Legis. 12-23-3, dated 7th November 1923 as amended by No. Rl. 384—R.A. 23-29-8, dated 16th December 1929, Rl. 3208—R.A. 20-32-2, dated 29th November 1932 and Rl. 5089—R.A. 33-32-1, dated 13th January 1933.

caste, tribe, race or nationality, which has a population of not less than 20,000 according to the last Census and which is not represented in the Assembly through the Rural and Urban constituencies, shall be deemed to be a *Minority* entitled to representation in the Assembly through associations under proviso (c) to Section 3 (3) of this Regulation.

10. Any other group which has a population of less than 20,000 according to the aforesaid Census Table but which otherwise, in the opinion of the Government, deserves representation in the Assembly and is not able to get such representation through the general electorates, may be declared by the Government a *Minority* for the purpose of this rule and given representation in the Assembly through an association or by nomination as the case may be.

11. The apportionment of 25 seats allotted to the *minority* groups entitled to representation through associations shall be made by the Government after taking into consideration their population, voting strength and literacy.

Seats to  
Minority  
groups.

12. The following distinct groups, *viz.*, (1) Mahomedans, (2) Indian Christians and (3) Depressed Classes, *viz.*, Adikarnatakas, Adidravidas, Lambanis (Banajaras), Voddas, Korachas, Koramas, Hill Tribes and Animists, shall be deemed to be minorities entitled to representation under Section 3 (3) of the Regulation, in case they fail to secure through the Rural and Urban constituencies a minimum number of seats as follows:—

Recognition  
of certain  
groups as  
Minorities.

*Mahomedans	....	....	18
Indian Christians	....	..	5
Depressed Classes	....	..	6

The difference, if any, between the minimum number thus fixed and the actual number of persons belonging to these groups and returned by the Rural and Urban constituencies, shall be guaranteed to the said groups from among the total number of seats reserved for the representation of Minorities under Section 3 (3) of the Regulation and shall be made good by the appointment of the number of representatives required to make up the said minimum through associations or by nomination.

†13. The associations recognised by the Government

Rules under  
which associ-  
ations repre-  
senting  
minorities  
are recognis-  
ed.

\* G.O. No. Rel. 372-83—R.A. 23-29-7, dated 16th December 1929, and Notification No. Rel. 384—R.A. 23-29-8, dated 16th December 1929 and No. Rel. 3208—R.A. 20-32-2, dated 28th November 1932.

Para 23 of Government Order No. 1367—1426, C.B. 100-23-1, dated 27th October 1923, and Notification No. P. 2395—Legis. 12-23-2 dated 7th November 1923.



for representing Minorities in the Assembly shall be subject to the following conditions:—

(1) (a) The association must have been formed for the furtherance of one or more specific interests of the Minority concerned or for its general advancement.

(b) It shall be registered under the Mysore Societies Registration Regulation.

(c) When any Minority has an association with branches or has two or more such associations, two or more of them may, when necessary, be grouped together by the Government for the election of the member or members to be returned by the Minority.

(d) The number of members on the roll of the association or associations shall not be less than one hundred.

(e) Meetings of the general body or the managing committee shall be held at least twice a year and minutes of the meetings shall be kept with the records of the association. On a requisition from the Deputy Commissioner, the association shall submit an annual statement of the number of meetings held and the number of members present.

(f) Bye-laws of the association and all subsequent changes, as and when they are made, shall be submitted to the Government.

(2) The privilege of representation given to an association shall be liable to be revoked during the term of an Assembly if the association ceases to exist or infringes any of the conditions.

14. (1) Every Assembly constituted under Section 3 of the Regulation shall continue for three years from the date of its first meeting, provided that the said term may, by notification in the Official Gazette be extended by the Government by a period not exceeding one year.

(2) After the dissolution of the Assembly, the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Assembly.

## CHAPTER II.

### QUALIFICATION OF ELECTORS AND CANDIDATES.\*

15. Every person shall be entitled to have his name registered on the electoral roll of a constituency, who has the

\* Notification No. P. 2397—Legis. 12-23-4, dated 7th November 1923, as amended by Notifications Nos. Rel. 300—R.A. 14-26-2, dated

qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, viz.—

(i) who is not a subject of His Highness the Maharaja by birth or domicile and who has not resided in the Mysore State for six months prior to the preparation of the electoral roll :

Provided that, in the case of persons possessing the prescribed property qualifications referred to in paragraphs (ii) and (iii) *infra*, residence in the Civil and Military Station, Bangalore, shall not disqualify for voting.

NOTE.—“ Subject of His Highness the Maharaja by domicile ” for purposes of the rule means one who has resided in the Mysore State for a period of not less than five years.

Provided also that, in the case of electors of representatives of Special Interests, the Government may grant exemption from the operation of this rule in special cases

(ii) who is under 21 years of age ; or

(iii) who is of unsound mind ; or

(iv) who is an undischarged insolvent or bankrupt ; or

(v) who has been sentenced by a criminal court to imprisonment for six months or more, or convicted of an offence punishable with imprisonment for seven years or more ; or

(vi) who is a dismissed Government servant :

Provided that the fifth and sixth grounds of disqualification shall cease to operate from ten years after the date of release or dismissal or earlier under an order of Government.

16. The following persons are qualified as electors in a Rural Constituency :—

(a) Every person—

(i) who is the registered \* occupant of land situated

in such  
than Rs.

put a double star mark against  
” occurring therein and insert

of not less  
by him

—  
been exempted from the operation

11th Nov  
1926, Rel

dated 9th September 1936.]

—R.A. 19-29-4, dated 8th November 1929.

\* It has been ordered in G.O. No. 3850-57—R.A. 26-32-5, dated 13th January 1933 that wherever the Record of Rights Regulation has been introduced, it is the occupant according to that Regulation paying land revenue of not less than Rs. 25 per annum that will be entitled to vote at the Representative Assembly and Legislative Council elections.

Qualification  
of electors  
in Rural Con-  
stituencies.

village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

\* (iii) who is assessed to a sum of not less than Rs. 5 a year in the constituency on account of—

(1) taxes imposed under the Mysore Village Panchayat Regulation; or

(2) taxes imposed under the Mysore Mines Regulation; or

(3) taxes other than toll and octroi, imposed under the Mysore Municipal Regulation.

(b) Every person who is the owner of one or more entire inam villages with a total *beriz* of Rs. 125 per annum situated in the constituency and who ordinarily resides in the constituency.

(c) Every graduate of a University who ordinarily resides in the constituency.

(d) Every person who is a retired and pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and who resides in the constituency.

(e) Every person paying income-tax to the Government and residing in the constituency.

† (f) Every holder of title conferred by His Majesty the King-Emperor, His Excellency the Viceroy or His Highness the Maharaja, who resides in the constituency.

NOTE (1)—If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised, in the case of a Hindu joint family, by the manager thereof, or the member authorised by a majority of the family, and in other cases by the member or partner authorised in that behalf by a majority of the family or the partnership concerned.

*Explanation*.—“Partnership” includes a company, firm, association, body of two or more guardians or trustees or the joint *pattadars* or other body possessing joint rights.

NOTE (2)—Persons residing in the Jajgirs of Yelandur and Sringeri and who satisfy the conditions under (a) (ii) and (iii) and (c) and (d) above will be deemed qualified as electors in these two constituencies.

Qualification  
of electors in  
Urban Con-  
stituencies

17. The following persons are qualified as electors in an Urban Constituency:—

‡ (i) Every person who for the preceding year was assessed to such amount of municipal tax, land revenue or mohatarfa as will qualify him to be entered in the list of voters for municipal elections in the constituency.

\* Notification No. Rel. 204—R.A. 19-29-4, dated 8th November 1929.

† Notification No. Rel. 170—R.A. 19-29-1, dated 8th November 1929.

‡ Notification No. Rel. 300—R.A. 14-26-2, dated 11th November 1926.

(ii) Every graduate of a University who ordinarily resides in the constituency.

(iii) Every person who is a retired and pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and who resides in the constituency.

(iv) Every person paying income-tax to the Government and residing in the constituency.

\*(v) Every holder of title conferred by His Majesty the King-Emperor, His Excellency the Viceroy or His Highness the Maharaja, who resides in the constituency.

18. The persons qualified to be electors of representatives of Special Interests are as follows:—

Qualification of electors of representatives of Special Interests.

Special Interest

Constituency

number of members permitted to be deputed

4

On pages 9 [paragraph 18 (1)], 14 and 15, the words "allows" and "Ordinance 94" wherever they occur be substituted by the words "Members of the Senate" and "Article 74" respectively.

[No. Rl. 250—R. A. 19-36-1, dated 9th November 1936.]

- as prescribed in clause (1) of rule 1 published in Notification No. P. 2397—Legis. 12-23-4, dated 7th November 1923;
- (ii) provided further that in the case of registered graduates—
- (a) they conform to the conditions of registration which may be prescribed by the Mysore University under rules framed in that behalf; and
- (b) no graduate of the Mysore University shall be entitled to have his name entered on the electoral roll unless he has been registered as such graduate at least one month previous to the date of the publication of the roll.

(*Vide* Notification No. P. 1130—R. A. 6-24-2, dated 30th August 1924.)

\* Notification No. 170—R. A. 19-29-1, dated 8th November 1929.

Special Interest	Constituency	Number of mem- bers permitted to be deputed
2. Legal Inter- est.	All the enrolled Advocates of the High Court and Pleaders enrolled under the Mysore Legal Practitioners' Regulation before the publication of the electoral roll.	1
3. European Planting Interest.	... ..	1
4. Indian Planting Interest.	... ..	1
5. Gold Mining.	Members of the Kolar Gold Field Mining Board.	1
6. Trade and Commerce.	... ..	2
7. Inamdars.	... ..	1
8. Women's Interest.	... ..	4
9. Mining Labour.	... ..	1
10. Factory Labour.	... ..	1
11. Agriculture	... ..	1
12. Co-operation	... ..	2
13. Spinning and Weaving (Textile Industry)	... ..	1
14. Sericulture	... ..	1
	Total ...	19

Qualifica-  
tions of elec-  
tors of re-  
presentatives  
of Minorities.

**19.** The persons qualified as electors of representatives of Minorities through associations recognised as such are the members of such associations.

Qualification  
of candidate  
for election.

**\*20.** Every person who is a non-official and is qualified as an elector in any constituency under the above rules shall be eligible to stand for election, provided that the person standing for election to represent the Special Interest of the Mysore University shall be a Fellow of the University.

\* Notification No. P. 2398—Legis. 12-23-5, dated 7th November 1923 as amended by Notification No. Rel. 1180—R.A. 56-26-1, dated 25th April 1927.

## CHAPTER III.

## THE ELECTORAL ROLL.\*

## (i) RURAL AND URBAN CONSTITUENCIES.

21. An electoral roll shall be prepared in English or Kannada, whichever is more convenient, for every constituency, in which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency under the rules. Preparation of electoral roll.

22. In the case of all Rural constituencies except the Kolar Gold Fields Sanitary Board area, the electoral rolls shall be prepared by the Amildar or the Deputy Amildar having jurisdiction over the area. In the case of the Kolar Gold Fields Sanitary Board area and the Bangalore and Mysore Urban constituencies, the rolls shall be prepared by the Vice-President of the Sanitary Board or of the Municipal Council as the case may be, or in the absence of a Vice-President by the Chief Officer of the Municipality. In the case of all other Urban areas, the electoral rolls shall be prepared by the Presidents of the respective Municipal Councils. Officer responsible for preparing the rolls.

†23. The rolls prepared under para 21 will be published by the Government or by such other authority as they may appoint in that behalf, in such manner as may be approved by the Government. Publication.

The officers mentioned hereunder are directed to publish the electoral rolls of the Representative Assembly in the constituencies noted against their names:—

- |   |  |
|---|--|
| (i) All Rural constituencies except the Kolar Gold Fields Sanitary Board area and all Urban constituencies except Bangalore and Mysore. | The Deputy Commissioner of the district concerned. |
| (ii) Kolar Gold Fields Sanitary Board area constituency.  | The President, Sanitary Board, Kolar Gold Fields.  |
| (iii) Bangalore and Mysore City Urban constituencies.   | The President of the Municipal Council concerned.  |

\* No. P. 2399—Legis. 12-23-6, dated 7th November 1923 as amended by Notification No. Rel. 315—R.A. 15-26-2, dated 11th November 1926 and No. Rel. 510—R.A. 15-26-13, dated 31st December 1926.

† G.O. No. Rel. 5141-52—R.A. 34-32-9, dated 27th February 1933.

Claims and objections.

24. Within a period of three weeks after the publication of the electoral roll of any constituency, any person whose name is not entered in the roll or any person whose name is entered in the roll and who objects to the inclusion of his name or of the name of any other person in the roll, may prefer a claim or objection to the revising authority hereunder described. An enquiry into such claim or objection will be made by such authority who will pass an order in writing, rejecting or admitting the claim as the case may be.

Revising authority.

25. The revising authority to whom claims or objections under para 24 may be made will be the following :—

All Rural constituencies except the Kolar Gold Fields Sanitary Boards area, and all Urban constituencies except Bangalore and Mysore.

The officer preparing the electoral roll or such other officer as may be appointed in this behalf and two non-official gentlemen appointed by the Deputy Commissioner of the district, with the officer preparing the roll or the other officer appointed in this behalf as above referred to as Chairman.

The Kolar Gold Fields Sanitary Board area and the Bangalore and Mysore Urban constituencies.

The officer preparing the roll and two non-official members of the Sanitary Board or of the Municipal Council concerned appointed by the President, with the officer preparing the roll as Chairman.

Appeals.

26. An appeal from an order under para 24 may be presented to the following authorities within a week after the communication of such order :—

In the case of all Rural constituencies except the Kolar Gold Fields Sanitary Board constituency and all Urban constituencies except Bangalore and Mysore

The Deputy Commissioner of the district.

In the case of the Kolar Gold Fields Sanitary Board constituency and the Bangalore and Mysore Urban constituencies

The President of the Sanitary Board or the Municipal Council.

Publication of amendments to the roll.

27. The order of the revising authority, or, where there is an appeal from such order, the decision of the appellate authority, shall be final and the electoral roll shall be amended in accordance therewith and the amendment published in the same manner as the original roll or as the Government may direct.

**28.** The electoral roll thus revised shall continue to be in force for a period of three years or for such period as the Government may prescribe; and after the expiration of such period, a fresh roll shall be prepared in accordance with these rules.

Period of effectiveness of the roll.

**\*29.** Copies of the rolls relating to each constituency shall be made available for public inspection in the offices named below and to the public on payment:—

Copies of the roll to be made available for inspection.

*Rural constituencies.*—In the offices of the respective Deputy Commissioners of districts; also in the offices of the Sub-Division Officers, Taluk offices and Chavadies of important villages such as Hobli head-quarters, and in the case of the Kolar Gold Fields Sanitary Board area, in the office of the Vice-President of the Board.

*Urban constituencies.*—In the respective municipal offices concerned; also in the offices of the Deputy Commissioners of the respective districts.

#### (ii) THE LEGAL INTERESTS CONSTITUENCY. †

**30.** Soon after an election to the Representative Assembly is notified, the Registrar of the High Court shall publish in English in the *Mysore Gazette* in Form I (*vide* Appendix E) a list of all the Advocates and Pleaders enrolled under the Legal Practitioners' Regulation, before the publication of the roll, together with a notice in Form II (*vide* Appendix E) specifying the time within which all claims and objections are to be preferred and the date on which and the place at which the revising authority will begin to sit for their disposal.

Preparation of the electoral roll and officer responsible for preparing and publishing the same.

**31.** (a) Claims and objections shall be presented to the Registrar or sent to him by post, so as to reach him on or before the day fixed in this behalf, in the notice referred to above giving full particulars of the grounds thereof.

Claims and objections.

(b) Claims and objections received after the prescribed date shall be rejected.

**32.** The Registrar may, of his own motion, remove from the list the names of persons whom he has reason to believe

\* G.O. No. Rel. 301-14—R.A. 15-26-1, dated 11th November 1926, No. Rel. 399-407—R.A. 15-26-9, dated 7th December 1926, and G.O. No. Rel. 5141-52—R.A. 34-32-9, dated 27th February 1933.

† No. P. 3255—Legis. 12-23-11, dated 19th December 1923 as amended by Notification No. Rel. 316—R. A. 15-26-3, dated 11th November 1926 and Rel. 170—R. A. 19-29-1, dated 8th November 1929.



to be dead, and also correct purely clerical and accidental mistakes.

Revising  
authority.

33. The revising authority shall be the Chief Justice or such other person or persons as may be nominated by him for the purpose.

Disposal of  
claims or  
objections.

34. The revising authority shall sit in open office on the date fixed and from day to day until all the claims and objections are disposed of. Orders shall be passed in writing on each claim or objection, with reasons if a claim is rejected or an objection contested. The revising authority shall also pass final orders on the list of corrections made by the Registrar of his own motion. The opinion of the revising authority shall be final.

Publication  
of amend-  
ments to the  
roll.

35. The Registrar shall correct the rolls in accordance with the orders of the revising authority and the list of corrections shall be printed and published in the same manner as the original roll.

(iii) THE MYSORE UNIVERSITY CONSTITUENCY. \*

36. The Registrar of \_\_\_\_\_ shall prepare a \_\_\_\_\_  
\_\_\_\_\_ of the \_\_\_\_\_

3

On page 14, in paragraph 3' the voters as have their usual J the State" occurring in lines 6 words "each of the voters."

ore Gazette  
(x E) speci-  
ms are to be  
t which the  
disposal. A

[Bl. 150—R. A. 10-36-2, dated 9th September \_\_\_\_\_ Registrar to such of the voters as have their usual place of residence outside the State.

Claims and  
objections.

38. Any person whose name is not entered in the roll or is entered in an incorrect place or manner or with incorrect particulars, and 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 whose name is on the roll, may prefer a claim or an objection to the revising authority.

39. Claims and objections shall be presented or sent by post to the Registrar so as to reach him on or before the date fixed in the notice under paragraph 37 above.

\* P. 3923—Legis. 12-23-21, dated 16th January 1924 as modified by Notification No. Rel. 317—R.A. 15-26-4, dated 11th November 1926.

40. Claims and objections received after the prescribed date shall be rejected.

41. The Registrar of the University may, of his own motion, remove from the lists the names of persons whom he has reason to believe to be dead and also correct purely clerical and accidental mistakes.

42. The revising authority shall consist of the Vice-Chancellor, or such other member of the Senate as he may nominate from time to time as Chairman, and two other members of the Senate nominated by him.

Revising  
authority.

43. The revising authority shall sit in open office on the day fixed and from day to day until all the claims and objections are disposed of. Orders shall be passed in writing on each claim or objection, with reasons if a claim is rejected or an objection contested. The revising authority shall also pass final orders on the list of corrections made by the Registrar, of his own motion. If any member of the revising authority is unable to attend a sitting, the Vice-Chancellor shall immediately nominate another person for such sitting. In case of a difference of opinion among the members, the opinion of the majority shall prevail.

44. The Registrar of the University shall correct the rolls in accordance with the orders of the revising authority and the list of corrections shall be printed and published in the same manner as the original roll.

Final  
publication  
of  
corrections  
and  
omissions  
to the roll.

45. The Registrar of the University shall keep printed copies of the final roll in his office for inspection and sale.

46. Any notice which is required to be sent by the Registrar under these rules to any person shall be sufficiently sent, if sent by post, to the address of that person as given by him for the purpose, or as appearing on the roll, or if there is no such address, to his last known place of abode.

#### (iv) SINGLE ASSOCIATIONS REPRESENTING SPECIAL INTERESTS AND MINORITIES.

47. The election of a member by an association recognised by the Government for the representation of a Special Interest or Minority under the rules framed by them in that behalf, shall be made at a general meeting at which not less than 25 per cent of the number of members of the association or 50 members, whichever is less, are present. The roll of membership of the association shall be conclusive evidence of the membership of the association.

(v) CONSTITUENCIES CONSISTING OF MORE THAN ONE ASSOCIATION OR AN ASSOCIATION WITH BRANCHES REPRESENTING SPECIAL INTERESTS OR MINORITIES. \*

48. When any Special Interest or Minority is represented through more than one association or through an association with branches, which are grouped together by the Government under the rules for the recognition of such Special Interests or Minorities for purposes of representation on the Assembly, the Government may appoint a special officer for preparing the roll of electors and the conduct of elections. Such special officer shall have power, subject to the general or special orders of the Government, to arrange for the poll and declare the results.

Publication of the lists by the special officer.

49. Soon after an election is notified in the Official Gazette, the Secretaries of the associations or branches entitled to elect members to the Representative Assembly will prepare, in English or Kannada in Form V (*vide* Appendix E) a list of members on the roll of membership of the several associations or branches and send the said lists to the aforesaid special officer.

Claims and objections.

50. The aforesaid special officer shall consolidate the above lists and publish the consolidated list in the premises of the associations or branches of associations concerned or in such other manner as the Government may direct, with a notice in Form VI (*vide* Appendix E) specifying the time within which claims and objections are to be preferred and the date on which and the place at which the revising authority will begin to sit for their disposal.

51. Any person whose name is not entered on the roll or is entered in an incorrect place or manner, 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 whose name is on the roll, may prefer a claim or objection to the revising authority who shall be nominated by the Government.

52. Claims and objections shall be presented or sent by post so as to reach the revising authority on or before the date fixed. Claims and objections received after the prescribed date shall be rejected.

---

\* Issued with Notification No. Rel. 1089—R.A. 50-26-2, dated 13th April 1927. These rules supersede the rules issued with Notifications Nos. P. 3584—Legis. 12-23-14, dated 5th January 1924 and Rel. 318—R.A. 15-26-5, dated 11th November 1926.

THE MYSORE REPRESENTATIVE  
ASSEMBLY MANUAL.

VOLUME I.

(Electoral Rules.)

On page 17, for the first sub-paragraph of paragraph 56, substitute the following :—

2. Such of the eligible persons as wish to stand for election shall each deposit or cause to be deposited in a Government Treasury a sum of Rs. 150 in cash and forward the treasury receipt along with their notice of candidature, which shall be in writing in the form appended below, to the Amildar or Deputy Amildar or the Vice-President, Kolar Gold Field Sanitary Board, as the case may be, within such time as may be fixed by the Government. No notice of candidature shall be valid unless accompanied by the treasury receipt as aforesaid.

FORM OF APPLICATION FOR CANDIDATURE.

Name of constituency for which the candidate intends to stand for election.	
Name of the candidate ...	
Father's name ... ..	
Age ... ..	
Address ... ..	
Number of the candidate on the electoral roll.	

Date.....

*Signature of the candidate.*

DECLARATION BY THE CANDIDATE.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the Representative Assembly and that I am not subject to any of the disqualifications specified in the electoral rules of the Representative Assembly.

Date.....

*Signature of the candidate.*



53. The revising authority shall dispose of all claims and objections and shall forward the decisions arrived at to the special officer who shall revise the roll in accordance therewith. The special officer shall then publish the revised roll in the premises of the associations or branches of the associations concerned or in such other manner as the Government may direct.

Publication of corrections and omissions of the rolls.

54. Every person registered in 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.

Title to vote.

## CHAPTER IV:

### CONDUCT OF ELECTIONS.\*

#### (a) RURAL CONSTITUENCIES.

55. Whenever a general election to the Representative Assembly or an election to fill up a casual vacancy is to be held, the Government shall fix a date and shall, by notification in the Official Gazette, not less than six weeks previous to the date fixed for the election and in such other manner as they may decide, give due publicity of such date.

Date of election and publication thereof.

56. Such of the eligible persons as wish to stand for election shall each deposit or cause to be deposited in a Government treasury a sum of Rs. 150

Deposit by candidate

(unmended slip), put a line 8 and insert the

dated 3rd March 1936, 1 P.M." on or before the elections.

August 1933.]

provided that Form No. 1 of the Savings Bank Rules, (Form VII, *vide* Appendix E) is signed by them authorizing the Deputy Commissioner to treat the same as deposit in the former case, and the bonds are endorsed in favour of the Comptroller in the case of the latter.

\* Revised rules issued with Notification No. Rel. 527—R.A. 529-1, dated 6th January 1930.

† Notification No. Rel. 5086—R.A. 31-32-1, dated 11th February 1933.

Preparation  
of list of  
candidates.

**57.** (a) The said officer shall, if he is satisfied that such persons are eligible to stand for election, prepare a list of such candidates and shall have it posted up under his signature in his office.

Assignment  
of symbols to  
candidates.

(b) The Amildar or Deputy Amildar or the Vice-President of the Kolar Gold Field Sanitary Board, as the case may be, may assign to each candidate a symbol and publish it against the candidate's name in the list referred to above.

\* NOTE.—The following 25 symbols have been selected for being assigned to candidates standing for election :—

- |              |                                     |                |
|--------------|-------------------------------------|----------------|
| 1. Lion.     | 10. Tiger.                          | 18. Spade.     |
| 2. Elephant. | 11. Cow.                            | 19. Bicycle.   |
| 3. Horse.    | 12. Plough and pair<br>of bullocks. | 20. Axe.       |
| 4. Bird.     | 13. Ship.                           | 21. Flag.      |
| 5. Sun.      | 14. Camel.                          | 22. Umbrella.  |
| 6. House.    | 15. Sword.                          | 23. Bell.      |
| 7. Scales.   | 16. Trisula.                        | 24. Ganapathy. |
| 8. Tree.     | 17. Charaka.                        | 25. Hand.      |
| 9. Cart.     |                                     |                |

Withdrawal  
of candida-  
ture.

(c) A candidate may withdraw his candidature by intimation in writing subscribed by him and delivered to the said officer at or before 3 o'clock in the afternoon of the next day after the publication of the list of candidates under sub-rule (a).

Preparation  
of list of can-  
didates with-  
drawn.

(d) The names of candidates, who have so withdrawn their candidature, shall be posted up under the signature of the said officer in his office. A list showing the names of candidates standing for election with the symbols, if any, assigned to them, and with distinguishing particulars as to occupation, etc., if there are two or more candidates bearing the same name, shall be published in his office likewise and shall also be published in the Official Gazette by the President, Kolar Gold Field Sanitary Board, in the case of the Sanitary Board Area Constituency, and in other cases by the Deputy Commissioner of the district in which the constituency is situated.

Publication  
of list of eli-  
gible candi-  
dates.

**58.** If a candidate, by whom or on whose behalf the deposit referred to in para 56 has been made, withdraws his candidature in the manner and within the time prescribed in para 57 (c) or if his candidature is rejected by the officer authorised to receive notice of candidature, the deposit shall be returned to the person by whom it was made.

Return of  
Deposit.

**59.** If a person whose candidature has been notified under sub-rule (d) of para 57 becomes disqualified, or dies,

Notifying  
death, dis-  
qualification  
or withdraw-  
al of candida-  
ture at poll-  
ing station.

\* Vide G.O. No. Rel. 733-746—R.A. 25-26-13, dated 22nd February 1927.

or withdraws his candidature before the poll has commenced, the returning officer shall, on being satisfied as to the fact of such disqualification, death or withdrawal, notify the fact to the polling station.

60. If a candidate dies or becomes disqualified before commencement of the poll, the deposit, if made by him, shall be returned to his legal representative, or if not made by him, the candidate shall be returned to the person by whom it was made or to the legal representative of such person. Deposits made by candidates who withdraw their candidature after the time prescribed in para 57 (c) shall be forfeited to the Government.

Return of deposit to legal representative of depositor and its forfeiture to Government.

61. A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal.

Candidature withdrawn cannot be cancelled.

62. (a) If the number of candidates remaining for election is equal to the number of seats to be filled, the candidates shall be declared duly elected.

Declaration

(b) If the number of men who have been declared such candidates is less than the number of seats, the Deputy Commissioner shall, in the Gazette and in the direct, call for fresh candidates and have the poll taken in accordance with these rules.

62 (b), add the following

any candidate in the constituency, having already been declared such candidate in sub-paragraph, has failed to secure the required number of persons, as the Deputy Commissioner may direct, he may, by order, call for fresh candidates or vacancies, the Deputy Commissioner may direct to call again upon the persons already declared such candidates or persons until such time, as the Deputy Commissioner may think fit.

(c) If the number of candidates under para 57 (c) is less than the number of seats, a poll shall be taken.

[O.M. No. 157, dated 15th July 1933.]

and the voting papers and

63. There may be more than one polling centre in each constituency and polling shall take place at such centres and at such hours as may be notified by the Deputy Commissioner and it shall be conducted by an Amildar or Deputy Amildar or the Vice-President of the Kolar Gold Field Sanitary Board or such other person as may be nominated by the Deputy Commissioner or the President of the Kolar

Polling centres, polling officer and associates.

\* The form of voting paper has been prescribed in O.M. No. 7578-00—R.A., dated 26th February/1st March 1927 (vide Appendix C).

† The officers whose services could be indented upon for polling in connection with the elections and such of those who are exempted from being drafted to the election work are indicated in Government Order No. Rel. 385-480—R.A. 31-29-2, dated 17th December 1929.



Gold Field Sanitary Board in this behalf for the areas within their respective jurisdiction. The Deputy Commissioner, or the President as the case may be, will nominate four non-officials to be associated with the polling officer for assisting him in conducting the poll.

64. Electors must vote in person.

65. Every elector is entitled to give as many votes as there are members to be returned by the constituency, provided that not more than one vote may be given to the same candidate.

66. Where, owing to his employment for any purpose in connection with the election, an elector for any constituency is unable to vote at the particular polling station at which he is required to record his vote, he may be authorised by the returning officer of the station at which he is employed by a certificate in the following form to vote at any other polling station in the constituency. This should be duly forwarded in a sealed cover to the polling officer of the station concerned.

FORM

Certified that.....  
entitled to vote at ..... has  
been employed by me in connection with the election and is  
prevented from voting at the said station and that I have therefore  
authorised him to vote at .....

.....  
*Signature of the Returning Officer.*

67. (a) The voter shall proceed to a place screened from observation which shall be provided by the polling officer and there mark\* his vote on the voting paper in accordance with the instructions contained therein.

(b) The instructions which will be in Kannada should be clearly explained to any voter requiring such explanation.

(c) If a voter is unable to read or write or is, by reason of blindness or other physical defect, incapacitated

\* In G.O. No. Rel. 240-86—R. A. 28-30-2, dated 17th January 1931, it has been ordered that a cross mark thus × should be placed against the name or symbol of the candidate for whom a vote is recorded instead of the old practice of scoring out the names of candidates in whose favour a vote is not recorded

to be person.

number of

being by elector employed in connection elec-

Mode of voting and assistance thereat.

from recording his vote in the manner prescribed, the polling officer may assist him if so desired, in marking the vote on the voting paper and a record of the same shall be made on the voting paper and attested by the polling officer.

(d) The voting paper should be folded and closed and put into the voting box by the voter himself.

(e) Any vote which is not recorded in accordance with the foregoing instructions shall be declared invalid.

**68.** Any ballot paper which is not duly marked or on which votes are given to more candidates than there are members to be elected shall be invalid. If there are more marks than one against any candidate, they shall count as only one. If the mark or any one of the marks is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote concerned, but not the whole voting paper, shall be invalid.

Ballot paper not properly marked.

**69.** A voter who has inadvertently dealt with his voting paper in such a manner that it cannot conveniently be used for the purpose, may obtain another voting paper in place of the spoilt paper, the latter together with its counter-foil being marked as cancelled.

Replacing spoilt voting paper.

**70.** The ballot box shall be so constructed that the voting paper can be introduced but not extracted without the box being unlocked and it shall be securely sealed by the polling officer with his seal.

Construction of ballot box and its use by polling officer.

**71.** The polling officer shall satisfy himself as to the identity of the person tendering votes and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. He is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the voting table and that persons who have recorded their votes leave the place immediately.

Duties of polling officer at voting time.

**72.** After the close of the poll, the polling officer shall forthwith have the voting papers scrutinised and the votes counted and announce the results, provided that where this is not practicable or the ballot box has to be sent to the returning officer who is elsewhere, for counting, the polling officer shall have the box sealed with his own seal as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody and within twenty-four hours thereafter take up the scrutiny and

Closing of poll and securing of voting papers.

counting of votes or despatch the box to the returning officer.

**73.** (a) The box or boxes aforesaid shall be opened in a place to which candidates or their agents shall have access.

(b) The votes shall be scrutinised and those that are valid counted by such persons as the returning officer appoints in this behalf.

(c) If there is an equal number of votes in favour of each of two or more 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 in such manner as he may deem fit.

**74.** The results of every election shall be certified by the returning officer to the Deputy Commissioner or the President, Kolar Gold Field Sanitary Board, as the case may be, who shall report the same to Government for being notified in the Official Gazette.

**75.** If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to Government, Law Department, within seven days from the date of publication of the results of such election in the Gazette, choose for which one of those constituencies he shall serve and the choice shall be final.

**76.** When any such choice has been made, Government shall call upon the constituency or constituencies concerned, for which such person has not chosen to serve, to elect another person.

**77.** If the candidate does not make the choice as required by para 75, the election of such person shall be void and all the deposits made by him under para 56 shall be forfeited to the Government and the Government shall call upon each of the constituencies concerned to elect another person.

**\*78.** If any candidate by whom or on whose behalf the deposit referred to in para 56 has been made is not elected and the number of votes polled by him does not exceed, in the case of election under the majority (ordinary)

\* Notification No. Rel. 1457—R.A. 38-29-15, dated 23rd June 1930, amended by Notification No. Rel. 5153—R.A. 30-32.3, dated 27th February 1933.

Opening of voting box and scrutiny of votes.

Report of results of election to Government and publication.

Election by more than one constituency and choice of one of them by elector.

The remaining constituency to be called upon to elect another person.

If choice is not made, election to be void and deposit to be forfeited.

Forfeiture of deposit in case of non-election.

system, one-eighth of the total number of votes polled, or in the case of election held under the system of proportional representation by means of the single transferable vote, one-eighth of the number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to Government.

*Explanation.*—For the purpose of this rule, 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 under 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.

**79.** The deposit made in respect of a candidate who is not elected, if it is not forfeited under para 78 shall be returned to him or to the person who has made the deposit on his behalf or to their legal representatives, as the case may be, after the publication of the result of the election in the Gazette, provided that if a candidate has stood for election in more than two constituencies, not more than two of the deposits made by him or on his behalf shall be returned in any case and the remainder shall be forfeited to Government.

Return  
deposit  
case of  
non-el.

**80.** If a candidate by whom or on whose behalf the deposit referred to in para 56 has been made is elected and thereafter his seat is declared vacant owing to his failure to make the prescribed oath of affirmation, the deposit shall be forfeited to Government.

Forfeiture  
deposit in  
case of  
failure  
to make

**81.** The deposit made in respect of a candidate who is elected, if it is not forfeited under para 80, shall be returned in the manner provided in para 79 after he has taken his seat in the Assembly.

Return  
posit  
candid  
takes

**82.** When the voting papers have been scrutinised, they shall be replaced in the box and the box after being locked and sealed by the returning officer shall be kept by him in safe custody for a period of three months from the date of publication of the result of the election in the Official Gazette.

Pres  
of vc  
pap  
thru  
aft  
cand  
rest  
elec.

**83.** The voting papers shall be destroyed on the expiry of three months from the said date or if a petition regarding the validity of the election is presented to the District Judge and such petition is not finally disposed of before the expiry of the above said three months, then after such petition has been finally disposed of,

Destruction  
of voting  
papers on  
expiry of  
three months  
or after final  
disposal of  
petition  
regarding  
validity of  
election.

**84.** On the presentation of a petition regarding the validity of an election, the District Judge shall give notice of the fact to the officer concerned and direct the voting papers to be preserved pending the final disposal of the petition and produced before him when required.

**85.** The foregoing rules relating to the conduct of elections in Rural Constituencies shall apply, so far as they may be applicable, to other constituencies with the following modifications :—

(b) URBAN CONSTITUENCIES.

**86.** (i) The authority to whom the candidates should notify their intention to stand for election shall be the Municipal Commissioner for the Bangalore City Urban Constituency and the President of the Municipal Council concerned for other Urban constituencies, provided that when the President is himself a candidate for election, the Deputy Commissioner may appoint any other officer as the said authority.

(ii) The Vice-President, when he is himself not a candidate, the Municipal Commissioner or the Chief Officer of the municipal area concerned in the case of the Bangalore and Mysore Urban Constituencies and the Amildar or the Deputy Amildar in the case of other Urban constituencies, may assign to each such candidate a symbol which shall be published against the candidate's name in the list of candidates prepared under para 57 (d).

\* (iii) In the Bangalore City Urban Constituency and the Mysore City Urban Constituency, the election shall be according to the principle of proportional representation by means of the single transferable vote and votes shall be given and counted and the result determined in accordance with the rules in Appendix D, provided that the said rules shall not apply to bye-elections.

(iv) The polling officer shall be the Municipal Commissioner for the Bangalore City Urban Constituency, the President of the Municipal Council for the Mysore City Urban Constituency and the President or such other officer as may be appointed by the Deputy Commissioner for other constituencies, provided that when there is more than one polling station, the said officers may appoint any officer or a member of the Municipal Council who is not a candidate as polling officer for every such station.

(v) The results of every election shall be certified by the officer mentioned in or appointed under sub-rule (i) to the Government in the case of the Bangalore City and Mysore City Urban Constituencies and in the case of the other Urban constituencies to the Deputy Commissioner, who shall report the same to the Government.

Report of result of election to Government.

(c) ASSOCIATIONS REPRESENTING SPECIAL INTERESTS AND MINORITIES.

(1) *Constituencies Consisting of a Single Association.*

87. (i) The election of a member by an association recognised by Government for the representation of a Special Interest or Minority under the rules framed by them in that behalf, shall be made at a general meeting at which not less than 25 per cent of the number of members of the association or 50 members, whichever is less, are present. The roll of membership of the association referred to in paras 7 and 14 above shall be conclusive evidence of the membership of the association.

Election of member to be at a general meeting.

(ii) The managing committee of the association shall fix the date and time of the meeting to be held for the purpose of election and shall publish the same in the premises of the association and communicate the same to the members by letter.

Managing committee to publish time and date of meeting.

(iii) Such of the members of the association as are desirous of standing for election shall intimate the fact in writing to the Secretary of the association so as to reach him not later than two days previous to the date of election.

Intimation of candidature

(iv) On the receipt of the names of candidates, the Secretary shall immediately prepare a list of such candidates and shall post it up in a conspicuous place in the office of the association.

Preparation of list of candidates.

(v) The committee of the association shall appoint a polling officer for conducting the elections, who may be assisted in this respect by two members other than those who have stood for election.

Committee to appoint polling officer.

(vi) On the date fixed for the election, the polling officer shall issue to each member present at the meeting, a voting paper duly signed by him containing the names of candidates together with instructions as to the manner in which the vote is to be recorded.

Polling officer to issue voting paper.

(vii) The polling officer shall then count the votes and submit to Government in a sealed cover the voting papers together with a report duly signed by him and the

Polling officer to count votes and submit report to Government.

others assisting him showing the number of persons who were present, the number who have recorded their votes, the names of the candidates voted for and the number of votes secured by each such candidate.

(viii) The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the Official Gazette.

(2) *Constituencies Consisting of more than One Association or An Association with Branches.*

88. (i) The elections shall be held in such place and on such date as may be notified in the Official Gazette in this behalf.

(ii) Such of the members as are desirous of standing for election shall intimate the fact in writing to the special officer appointed under paragraph (2)\* of Section C in Part II of Notification No. P. 2399—Legis. 12-23-6, dated 7th November 1923.

(iii) Within three days after the date fixed for the receipt of such applications, the special officer shall prepare a list of such candidates and shall forward copies of the same to the Secretaries of the associations and branches, if any, for being posted up in a conspicuous place in their offices. The list shall also be published in the Official Gazette.

(iv) Not less than seven days before the date fixed for the election, the returning officer shall issue, through the post, a declaration paper and a voting paper to each elector to the address entered against his name in the electoral roll, unless the elector has, since the publication of the roll, changed his address and intimated the fact in writing to the returning officer.

(v) The declaration paper shall be in Form VII (*vide* Appendix E) and the voting paper in Form VIII (*vide* Appendix E). They shall be printed in Kannada and English. The same serial number shall be entered on the face of the declaration paper and on the back of the voting paper. To each voter shall be issued the declaration paper and the voting paper whose serial numbers correspond to the number which the voter bears on the electoral roll.

\* "When any Special Interest or Minority is represented through more than one association or through an association with branches which are grouped together by the Government under the rules for recognition of such Special Interests or Minorities for purposes of representation on the Assembly, the Government may appoint a special officer for preparing the roll of electors and the conduct of elections. Such special officer shall have power subject to the general or special orders of Government to arrange for the poll and declare the results."

Declaration of results of election.

Time and place of election to be notified in the Gazette.

Special officer to prepare list of candidates.

Issue of declaration paper and voting paper.

Form of declaration paper.

(vi) When the declaration and the voting papers are issued to an elector, the returning officer shall—

(a) note the fact in the voting paper as well as in the counterfoil under his signature;

(b) have the name of the elector entered on the declaration paper; and

(c) place his initials against the name of the elector concerned in the electoral roll, or the copy of it to be used on the occasion of the election.

(vii) With the declaration and voting papers, the returning officer shall send, in an envelope addressed to himself, in Form IX (*vide* Appendix E), a smaller envelope with the number of the voting paper entered on its face and a letter in Form X (*vide* Appendix E). The returning officer shall have the number of the declaration and the voting papers entered at the left hand bottom corner of the envelope in Form IX (*vide* Appendix E).

(viii) An elector who has not received his declaration and voting papers or whose papers have been inadvertently spoilt in such manner that they cannot be conveniently used or who has lost his papers may, on his transmitting to the returning officer a declaration to that effect signed by himself, require the returning officer to send him fresh papers in place of those not received, spoilt or lost, and if the papers have been spoilt, the spoilt papers shall be returned to the returning officer who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number of the elector's name in the roll to denote that duplicate papers have been issued in place of those not received, spoilt or lost. No duplicate voting paper shall be supplied to a voter to whom a voting paper has been sent by post, otherwise than under this sub-rule.

(ix) No election shall be invalid by reason that an elector has not received a voting paper provided that a voting paper has been issued to him in accordance with sub-rule (iv).

(x) An elector may record his vote either in person before the special officer at the time and place appointed or in accordance with para 91.

(xi) The special officer shall, in the presence of such members, if any, as may be deputed by the association or branches, count the votes and submit to the Government in a sealed cover the voting papers together with a report duly signed by him showing the names of candidates voted for and the number of votes secured by each such candidate.

Points to be noted by the returning officer.

Envelopes to be sent with declaration and voting papers.

Issue of duplicates of declaration and voting papers.

Issue of duplicates to be noted in electoral roll.

Effect of non-receipt of voting paper.

Voting.

Special officer to count votes and submit report to Government.



Declaration of results of election.

(xii) The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the Official Gazette.

(d) THE MYSORE UNIVERSITY CONSTITUENCY.

Time and place of election.

89. (i) Election to the Mysore Representative Assembly from the Mysore University Constituency shall be held at such place, on such date and at such time as may be notified by the Registrar of the University previously in the Official Gazette in this behalf.

Intimation of candidature.

(ii) Such of the Fellows of the University as are qualified and desirous of standing for election shall intimate the fact in writing to the Registrar of the Mysore University so as to reach him not later than twenty days before the date fixed for the election.

Publication of list of candidates.

(iii) Within three days after the receipt of the above applications, the Registrar shall prepare a list of such candidates and shall post it up in a conspicuous place in his office and shall also send a copy of the list to each person entered on the roll. The list shall also be published in the Official Gazette.

Issue of declaration paper and voting paper.

(iv) Not later than fourteen days before the date fixed for the election, the Registrar shall send a voting paper and a declaration paper in the manner prescribed in sub-rules (iv) to (viii) of para 88 to each elector entered on the electoral roll, who is not a resident of the Mysore City.

Effect of non-receipt of voting paper.

(v) No election shall be deemed invalid by reason of non-receipt of such voting paper by any elector, provided that a voting paper has been issued to him in accordance with sub-rule (iv).

Voting.

(vi) An elector may record his vote either in person before the Registrar at the time and place appointed or in accordance with para 91.

Registrar to count votes and submit results to Government.

(vii) The Registrar shall, in the presence of two Fellows, other than those who have stood for election, to be deputed by the Vice-Chancellor, count the votes and submit to the Government, in a sealed cover, the voting papers together with a report duly signed by him and the Fellows so deputed, showing the names of the candidates voted for and the number of votes secured by each such candidate.

Declaration of results of election.

(viii) The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the Official Gazette.

On page 28, substitute the following for paragraph 89 :—

(d) THE MYSORE UNIVERSITY CONSTITUENCY.

89. (1) Election to the Mysore Representative Assembly from the Mysore University Constituency shall be held at such place, on such date and at such time as may be notified by the Registrar of the University previously in the official Gazette in this behalf.

Time and  
place of  
election.

Intimation of  
candidature.

(ii) Such of the Fellows of the University as are qualified and desirous of standing for election shall each deposit or cause to be deposited in a Government Treasury a sum of Rs. 150 in cash or otherwise as provided for in Notification No. Rel. 5086.—R. A. 31-32-1, dated 11th February 1933 and forward the treasury receipt along with their notice of candidature, which shall be in writing in the form appended below, to the Registrar of the Mysore University so as to reach him not later than twenty days before the date fixed for the election. No notice of candidature shall be valid unless accompanied by the treasury receipt as aforesaid.

FORM OF APPLICATION FOR CANDIDATURE.

Name of constituency for which the candidate intends to stand for election.	
Name of the candidate ...	
Father's name ... ..	
Age ... ..	



(v) The names of candidates who have so withdrawn their candidature shall be posted under the signature of the Registrar in his office.

(vi) A final list showing the names of candidates standing for election shall be prepared and published in the Registrar's office. A copy of this list shall be sent to each person entered on the electoral roll and shall also be published in the official Gazette.

Publication of final list of candidates.

(vii) Not less than fourteen days before the date fixed for the election, the Registrar shall issue, through the post, a declaration paper and a voting paper to each elector to the address entered against his name in the electoral roll, unless the elector has, since the publication of the roll, changed his address and intimated the fact in writing to the Registrar. The declaration paper shall be in Form I and the voting paper in Form II (Appendix E). They shall be printed in English. The same serial number which shall correspond to the number which the voter bears on the electoral roll shall be entered on the face of the declaration paper and on the back of the voting paper.

Issue of declaration paper and voting paper.

(viii) When the declaration and the voting papers are issued to an elector, the Registrar shall :—

Points to be noted by the Registrar.

- (a) note the fact in the voting paper as well as in the counterfoil under his signature ;
- (b) have the name of the elector entered on the declaration paper ; and
- (c) place his initials against the name of the elector concerned in the electoral roll, or the copy of it to be used on the occasion of the election.

(ix) With the declaration and voting papers, the Registrar shall send, in an envelope addressed to himself, a smaller envelope with the number of the voting paper entered on its face (Form III) and a letter (Form IV) (Appendix E). The Registrar shall have the number of the declaration and the voting papers entered at the left hand bottom corner of the envelope.

Envelopes to be sent with declaration and voting papers.

(x) An elector who has not received his declaration and voting papers or whose papers have been inadvertently spoilt in such manner that they cannot conveniently be used or who has lost his papers may, on transmitting to the Registrar a declaration to that effect signed by himself, require the Registrar to send him fresh papers in

Issue of duplicates declaration and voting papers. Issue of duplicates to be noted in electoral roll.



place of those not received, spoilt or lost and if the papers have been spoilt, the spoilt papers shall be returned to the Registrar who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number of the elector's name in the roll to denote that duplicate papers have been issued in place of those not received, spoilt or lost. No duplicate voting paper shall be supplied to a voter, to whom a voting paper has been sent by post otherwise than under this paragraph.

Effect of non-receipt of voting papers.

(xi) No election shall be deemed invalid by reason of non-receipt of such voting paper by any elector, provided that a voting paper has been issued to him in accordance with the above paragraph.

Voting.

(xii) Each elector, upon receipt of his voting and declaration papers, if he desires to vote in the election shall sign the declaration in the declaration paper and record his vote on the voting paper by placing a mark against the name of the candidate of his choice.

(xiii) The elector shall then enclose the voting paper in the envelope and stick it up and enclose the envelope and the declaration paper in the cover and send the cover *by registered post* to the Registrar so as to reach him not later than the day and the latest hour fixed for the poll. The covers received after such day and hour, as well as covers received by unregistered post, shall be rejected :

Provided that, at his option, the elector may vote in person or by messenger, deposit the cover in a voting box which shall be provided at the office of the Registrar on the day and during the hour fixed for the poll.

Registrar to count votes and submit results to Government.

(xiv) The Registrar shall, in the presence of two Fellows, other than those who have stood for election, to be deputed by the Vice-Chancellor, count the votes and submit to the Government in a sealed cover, the voting paper together with a report in Form V (Appendix E) duly signed by him and the Fellows so deputed, showing the names of the candidates voted for and the number of votes secured by each such candidate.

Declaration of results of election.

(xv) The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the official Gazette.



## (e) THE LEGAL INTERESTS CONSTITUENCY.

- 90.** (i) Election to the Mysore Representative Assembly from the Legal Interests Constituency shall be held on such date and at such place and time as may be notified previously in the Official Gazette in this behalf. Time and place of election.
- (ii) Such of the Advocates and Pleaders of the High Court registered in the rolls as are qualified and desirous of standing for election, shall intimate the fact in writing to the Registrar of the High Court of Mysore so as to reach him not later than twenty days before the date fixed for the election. Intimation of candidature.
- (iii) Within three days after the time fixed for the receipt of the above applications, the Registrar shall prepare a list of such candidates and shall post it up in a conspicuous place in his office. The list shall also be published in the Official Gazette. Publication of list of candidates.
- (iv) Not later than seven days before the day fixed for the election, the Registrar shall send to each Advocate and Pleader registered in the roll, who is not a resident of Bangalore City, a voting paper and a declaration paper in the manner prescribed in sub-rules (iv) to (viii) of para 88. Issue of declaration paper and voting paper.
- (v) No election shall be deemed invalid by reason of the non-receipt of such voting paper by any elector provided that a voting paper has been issued to him in accordance with sub-rule (iv). Effect of non-receipt of voting paper.
- (vi) An elector may record his vote either in person before the Registrar at the time and place appointed or in accordance with para 91. Voting.
- (vii) The Registrar shall, with the assistance of two Advocates, other than those who have stood for election, to be deputed by the Chief Justice, count the votes and submit to the Government in a sealed cover the voting papers together with a report duly signed by him and the Advocates so deputed, showing the names of the candidates voted for and the number of votes secured by each such candidate. Registrar to count votes and submit results to Government.
- (viii) The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the Official Gazette. Declaration of results of election.

## (f) VOTING BY PERSONS SUPPLIED WITH VOTING PAPERS BY POST.

- 91.** (i) The electors to whom voting papers have been supplied by post may record their votes before any Amildar, Recording of votes.



Deputy Amildar, Taluk Sheristedar or Sub-Registrar in the service of the Government of Mysore or any polling officer for any constituency between the hours and on the date fixed for the election.

Identity of elector.

(ii) Such officer shall, after satisfying himself as to the identity of the elector, allow the elector to record his vote.

Declaration paper and voting paper how dealt with after voting.

(iii) Every such elector shall, in the presence of the said officer, fill in the declaration paper and affix his signature thereto. He shall then enclose the voting paper in the smaller envelope and stick it up and enclose the smaller envelope and the declaration paper in the larger envelope and hand it over to the said officer who shall then forward such declaration papers and sealed covers forthwith in a sealed envelope to the returning officer of the constituency concerned.

Scrutiny of voting and declaration papers.

92. Such envelopes received by the returning officer shall first be arranged serially according to the numbers entered on them and shall then be opened by the returning officer or in his presence. The returning officer shall first examine or cause to be examined whether the numbers on the declaration papers and the envelope containing the voting papers are correct. If the returning officer is satisfied on this point and if the declaration is *prima facie* regular, he shall file the declaration papers and put the envelopes containing the connected voting papers in a separate heap.

Rejection of declaration papers.

93. Where the returning officer is not satisfied that a declaration paper is the one sent out by him to the voter concerned or where the declaration is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected voting papers in a separate bundle.

Scrutiny of voting papers and counting of votes.

94. The envelopes containing the voting papers except those rejected under para 93 shall then be opened, the papers examined, together with those, if any, deposited in the ballot box and the votes counted by the returning officer or under his supervision.

Explanation for rejection.

95. (a) The returning officer shall endorse the word "rejected" on every voting paper that he rejects and where the rejection order is questioned by any candidate or agent, give brief reason for his order. Rejected voting papers shall be kept separate.

Report of results of election to Government and their declaration.

(b) After the returning officer has completed the scrutiny and counting, he shall record the votes secured by each of the candidates in Form XI (*vide* Appendix E) and

submit the result to the Government who will declare the election of the successful candidate or candidates.

### GENERAL.

**96.** (1) The Government may, in special cases, exempt candidates belonging to Depressed Classes and candidates standing on behalf of Special Interests or Minorities from making the deposit referred to in para 56.

Exemption from making deposits.

(2) The deposit when returnable under the foregoing rules shall, in the case of single association constituencies, be refunded only with the sanction of the Deputy Commissioner of the district in which the election has been held.

Return of deposits in case of single association constituencies.

## CHAPTER V.

### GENERAL PROVISIONS.

**97.** When on the occurrence of a vacancy from whatever cause, other than efflux of time, a member is elected or nominated to fill up such vacancy, he shall hold office only so long as the member whose place he fills would have been entitled to hold the office if the vacancy had not occurred.

Period of membership.

**\* 98.** Every person who is elected or nominated to be a member of the Mysore Representative Assembly shall, before taking his seat, make at a meeting of the Representative Assembly an oath or affirmation of his allegiance to His Highness the Maharaja of Mysore, in the following form:—

Oath of allegiance on taking seat as member of the Representative Assembly.

“ I ..... , having been elected/nominated a member of the Assembly, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.”

**99.** If any person having been elected or nominated fails to take the oath or affirmation prescribed by para 98 within such time as the Government of His Highness the Maharaja consider reasonable, the Government shall by notification in the Official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another person to fill up the vacancy within such time as may be prescribed

Effect of failure to take oath.

\* Notification. No. Rel. 193—R.A 26-28-1, dated 8th/9th January 1929.

by such notification or shall nominate another person as the case may be.

Effect of disqualification of member.

\* 100. If any person who has been elected or nominated becomes subsequently liable to any of the disqualifications set forth in the rules relating to disqualifications for election or nomination, as the case may be, he shall cease to be a member

Such seat to be declared vacant and constituency to elect another person.

101. The Government shall, in such a case, by a notification in the Official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another person within such time as may be prescribed by a notification or shall nominate another person as the case may be.

Casual vacancies.

102. If any vacancy occurs in the case of an elected member by reason of the election being declared void or by reason of absence from the State, death, acceptance of office or resignation duly accepted by Government or by reason of his ceasing to be a member of the original body which elected him, the Government shall by notification in the Official Gazette call upon the constituency concerned to elect a person to fill up such vacancy within such time as may be prescribed by the Government for the purpose. If a vacancy occurs in the case of a nominated member, the Government shall nominate to the vacancy a person having the necessary qualifications.

Seat of nominated member becoming vacant.

## CHAPTER VI.

### DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF ELECTIONS.†

Election of a candidate to be invalid if corrupt practice is committed by the candidate or at his instance.

103. No election of a candidate shall be valid if any corrupt practice is committed in connection therewith by the candidate or at his instance.

Definition of corrupt practice.

104. A person shall be deemed to have committed a corrupt practice—

(i) who, with a view to induce any voter to give or to refrain from giving a vote in favour of any candidate.

\* P. 3867—Legis. 12-23-15, dated 11th January 1924.

† No. Rel. 509—R.A. 35-29-1, dated 18th/20th December 1929.

offers or gives any money or valuable consideration or holds out any promise of individual profit, or holds out any threat of injury to any person ; or

(ii) who himself or through his agent or at his expense feeds or entertains his voters shortly before the poll, or pays the expenses of travel or hired conveyance, in order to induce them to give votes in his favour ; or

(iii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote ; or

(iv) who 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 of spiritual censure.

*Explanation.*—(a) A corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge or consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(b) The expression "a promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested.

**105.** Any person who was a candidate at the election or not less than ten voters may, within one week after the day on which the result of the election was declared, contest the election of a candidate on the ground of corrupt practice or on the ground of any illegality or material irregularity, by presenting in writing a petition to the authority mentioned below :—

Election petition by whom, to whom and when to be presented.

- |   |     |  |
|---|-----|--|
| (a) Legal Interest  | ... | District Judge, Bangalore.   |
| (b) Mysore University                                     | ... | District Judge, Mysore.  |
| (c) Constituency consisting of more than one association. |     | District Judge of the division in which the person against whose election objection is taken, resides. |
| (d) Any other constituency.                               |     | District Judge of the division in which the election took place.                                       |

Provided that on sufficient cause being shown, the limit of one week prescribed by this rule will be extended by the District Judge.

**106.** (1) The petition shall specify the acts which the objector or objectors allege as amounting to corrupt practice, illegality or material irregularity and affecting the result of the election and which he or they are prepared to substantiate and set forth full particulars of such corrupt practice including as full a statement as possible of the names of the persons alleged to have committed it and the date and place of the commission of the same.

Contents of election petition.

## APPENDIX A.

### I.

#### PROCLAMATION

**Of His Highness the Maharaja Sri Krishnarajendra Wadiyar Bahadur IV of Mysore, this third day of Aswija Bahula of the Rudhiredgari Samvatsara being the year one thousand eight hundred and forty-six of the Salivahana Era corresponding to the twenty-seventh day of October one thousand nine hundred and twenty-three.**

WHEREAS it has been MY constant and earnest desire to provide for the increasing association of MY people with MY Government in the administration of the State; and

WHEREAS the various measures which, in accordance with this desire, I have taken from time to time have met with a gratifying response from the people and from their chosen representatives; and

WHEREAS MY resolve to take further substantial steps in the same direction has, by MY command, been announced by MY Dewan;

I hereby ordain as follows:—

1. The Representative Assembly, which was established forty-two years ago, by command of MY beloved Father, HIS HIGHNESS SRI CHAMARAJENDRA WADIYAR BAHADUR, of revered memory, shall henceforth be placed on a statutory basis with enlarged functions. The law relating to the constitution and functions of the Representative Assembly is now promulgated by ME as Regulation No. XVIII of 1923. The Assembly will have the privilege of being consulted on all proposals for the levy of new taxes and also, except in cases of urgency, on the general principles of all measures of legislation within the cognisance of the Legislative Council. Subject to the exceptions specified in the Regulation, it will also have the right of passing resolutions on matters relating to public administration, and on the general principles and policy underlying the annual State Budget.

2. The Assembly will consist normally of two hundred and fifty members, power being reserved to MY Government

to increase the number up to a maximum of two hundred and seventy-five for the purpose of removing inequalities, if any, of representation, and in order to provide for the representation of any new interests and constituencies that may develop in future. In determining the composition of the Assembly from time to time, provision will be made for the adequate representation, by nomination or otherwise, of special interests and minorities.

3. The Legislative Council which was established sixteen years ago under Regulation III of 1907 promulgated by ME will be enlarged and its constitution revised so as to increase the elected element, and ensure a statutory non-official majority. Provision will be made for the representation of special interests and of minorities. The Council will henceforth have the power of voting on the annual State Budget by major heads, in respect of all items of expenditure, save those specially excluded from its cognisance. Power will, however, be reserved to MY Government to restore a provision wholly or partly disallowed by the Council, if they consider such restoration necessary for the carrying on of any department, or for the discharge of Government's responsibility, and also to authorise, in cases of emergency, such expenditure as may be necessary for the safety and tranquillity of the State, notwithstanding the absence of provision therefor in the Budget. The present law relating to the Legislative Council will be repealed and replaced by a new Regulation now promulgated by ME as Regulation No. XIX of 1923, providing adequately for the exercise by the Legislative Council of the larger powers with which I have now decided to invest it.

4. In addition to and simultaneously with the grant of enlarged powers and privileges to the Representative Assembly and the Legislative Council, I deem it necessary to widen and increase the electorates for these bodies. Accordingly, the representatives of the urban as well as the rural constituencies in the Legislative Council will be returned by direct election, and as regards elections to the Representative Assembly, the existing property qualifications will be reduced by one-half. The franchise will, in both cases, be extended to all persons paying income-tax. The franchise will also be extended to women possessing the qualifications prescribed for voters.

5. In order to ensure that the Representative Assembly may truly voice the wishes and sentiments of MY people, all members of the Assembly except those representing

(2) The petition shall be signed and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure.

Petition to be accompanied by deposit.

**107.** Every petition shall be accompanied by a deposit of Rs. 100 (one hundred rupees) as security towards all costs, which may become payable by the petitioner or petitioners.

Petition to be posted for hearing.

**108.** The petition shall be posted for hearing and notice thereof shall be given to the candidate whose election has been objected to.

Enquiry by Judge.

**109.** (1) The District Judge may, after summary inquiry, pass an order confirming or amending the declared result of the election or setting aside the election. For the purpose of the said inquiry, the District Judge may summon or enforce the attendance of witnesses and compel them to give evidence and he may also direct, by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum of Rs. 100 paid at the time of the presentation of the petition, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The procedure prescribed in the Code of Civil Procedure shall, as far as possible, be followed in such inquiries.

(2) (a) The District Judge, if he is satisfied that a candidate has within the meaning of para 104 committed any corrupt practice for the purpose of the election, shall set aside the election of such candidate if he has been elected.

(b) If in any case to which clause (a) does not apply the validity of the election is in dispute between two or more candidates, the District Judge shall, after scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who has secured the largest number of votes to have been duly elected.

Provided that for the purpose of such computation, no vote shall be reckoned as valid if the District Judge finds that any corrupt practice was committed by any person known or unknown in giving or obtaining it.

(3) If the validity of the election is questioned or disputed only on the ground of an error by the officer or officers charged with carrying out the rules relating to the conduct of elections or of an irregularity or informality not

corruptly caused, the District Judge shall not set aside that election.

*Explanation.*—The expression “error” in this sub-rule does not include any breach of or any omission to carry out or any non-compliance with the provisions of the rules whereby the result of election has been materially affected.

(4) If the District Judge sets aside the election, necessary steps shall be taken for holding a fresh election.

(5) An appeal shall lie to the High Court from the order of the District Judge only on a point of law.

(6) An appeal under sub-rule (5) shall be preferred within fifteen days from the date of such order exclusive of the time required for obtaining a copy of the order.

## CHAPTER VII.

### SPECIAL PROVISION.\*

**110.** If any question arises as to the interpretation of the electoral rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Government and its decision shall be final.



special interests and minorities will be returned by direct election.

6. With a view to enable the representatives of the people to maintain close touch with, and influence, the everyday administration of the State, Standing Committees consisting of such number of members as may be prescribed, who will be elected by the Representative Assembly and the Legislative Council, will be formed to help MY Government in an advisory capacity.

7. The Economic Development Boards dealing with the subjects of Education, Agriculture and Industries and Commerce will be continued in close relationship with the Representative Assembly and the Legislative Council and reconstituted on the lines which I have approved and which will be duly notified by MY Government.

8. It is MY desire that the constitution, powers and functions of Municipal Councils, District and Taluk Boards and Village Panchayets should be revised so as to give them the largest possible measure of responsibility and autonomy in the administration of local affairs.

9. MY Government will have power to make rules in regard to all matters of detail not provided for in this Proclamation or in the Representative Assembly Regulation or in the Legislative Council Regulation and to add to, amend, vary or rescind the same, whenever necessary or expedient, but not so as to curtail in any manner the powers and privileges hereby granted.

10. MY Government will take immediate steps to give effect to this Proclamation and adopt such measures as may become necessary from time to time to carry out MY intentions. I now invite MY people to utilise the larger opportunities of public service and usefulness to the State which I am now conferring upon them, and I have every confidence that they will respond to MY call with the same loyalty and sense of responsibility as in the past and in a spirit of mutual toleration and good-will. It is MY earnest prayer that these measures now inaugurated may, under Divine guidance, promote the happiness and prosperity, and ensure the progress, of all classes of MY subjects.



KRISHNARAJA WADIYAR.

## II.

## REGULATION No. XVIII OF 1923.

*(Passed on the 27th day of October 1923.)***The Mysore Representative Assembly Regulation.**

WHEREAS His Highness the Maharaja has been pleased, Preamble.  
 under a Proclamation issued on the twenty-seventh day of  
 October 1923, to ordain that the Mysore Representative  
 Assembly shall be placed on a statutory basis; and

WHEREAS it is expedient to frame a Regulation to give  
 effect to this as well as to define the composition, powers and  
 functions of the said Representative Assembly;

His Highness the Maharaja is pleased to enact as  
 follows:—

1. (1) This Regulation may be called the Mysore Short title  
and com-  
mencement.  
 Representative Assembly Regulation, 1923.

(2) It shall come into force from the date of its publi-  
 cation in the official gazette.

2. In this Regulation, unless there be something Definitions.  
 repugnant in the subject or context—

(1) “Assembly” means the Mysore Representative  
 Assembly;

(2) “Legislative Council” means the Council estab-  
 lished under Regulation No. XIX of 1923;

(3) The term “non-official” where used in relation to  
 any person shall mean a person who is not in the civil or  
 military service of the Government;

Provided that rules made under this Regulation may  
 provide for the holders of such offices as may be specified in  
 the rules being deemed to be non-officials for all or any of the  
 purposes of this Regulation;

(4) “New tax” means any tax which requires for its  
 imposition the passing of a new Regulation or the amendment  
 of an existing Regulation.

3. (1) There shall be a Representative Assembly for Composition  
of the  
Assembly.  
 Mysore consisting of members elected or nominated in  
 accordance with the rules made under this Regulation.

(2) Membership of the Assembly shall be confined  
 to non-official persons, provided that such officers of Govern-  
 ment as may, from time to time, be deputed by Government  
 for the purpose may attend the sittings of the Assembly and  
 take part in the proceedings, but shall not have the right  
 to vote.

(3) The total number of members of the Assembly shall ordinarily be two hundred and fifty, but Government shall have power to increase the strength of the Assembly up to a maximum of two hundred and seventy-five for the purpose of removing inequalities, if any, of representation, and in order to provide for the representation of

## 12

On page 40, in line 11, for the word 'fifty' occurring in section 3 (3), substitute the word 'fifty-five'.

[Regulation XI of 1936.]

not less than thirty-five members shall be representatives of minorities:

Provided that—

- (a) all members representing rural and urban areas shall be elected by persons duly qualified under rules made in this behalf;
  - (b) the representatives of special interests shall be elected by constituencies recognised by the Government for the purpose or, in the absence of constituencies thus recognised, be nominated by the Government; and
  - (c) the representatives of minorities shall be elected by associations recognised by the Government under rules made in this behalf, or be nominated by the Government for the purpose of removing inequalities, if any, of representation.
- (4) Subject to the above conditions and restrictions the Government may make rules as regards the constitution of constituencies and the number of members to be returned by each.

4. The Dewan shall *ex-officio* be the President of the Assembly, and the Members of the Council of His Highness the Maharaja shall *ex-officio* be Vice-Presidents.

5. (1) Every Assembly constituted under Section 3 shall continue for three years from the date of its first meeting, provided that the said term may, by notification in the official gazette, be extended by the Government by a period not exceeding one year.

(2) After the dissolution of the Assembly, the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Assembly.

President  
and Vice-  
Presidents.

Duration of  
the Assembly

6. (1) The Government shall have power from time to time to make rules not inconsistent with this Regulation to carry out all or any of the purposes of this Regulation. Supplementary provisions.

(2) Such rules may, among other things, provide for the following matters, *viz.*—

- (a) the manner of filling casual vacancies occurring by reason of absence, death, acceptance of office, or resignation duly accepted, or otherwise;
- (b) the conditions under which and the manner in which persons may be nominated as members of the Assembly;
- (c) the representation of special interests and of minorities;
- (d) the qualification of voters, the method of elections and any matters incidental or ancillary thereto;
- (e) the qualification for membership of the Assembly;
- (f) the final decision of doubts and disputes as to the validity of any election and the authorities by which they are to be decided;
- (g) the place of the meetings of the Assembly, the length and frequency of the sessions and the order and conduct of business to be transacted therein;
- (h) the preservation of order at the meetings of the Assembly.

7. (1) The Dewan shall preside at all meetings of the Assembly and, in his absence, the senior Vice-President or if there be only one such Vice-President, then such Vice-President, shall preside at the meetings of the Assembly and the powers vested in the Assembly shall be exercised only at the meetings of the Assembly at which the President or some one of the Vice-Presidents and not less than seventy members of the Assembly shall be present. Who to preside.

(2) The Assembly shall have the right to divide on all questions on which its opinion is taken. Quorum.

(3) A meeting of the Assembly may be adjourned by the presiding authority.

8. (1) It shall be lawful for the Assembly to make, from time to time, standing orders for the conduct of business and for the procedure to be followed in the Assembly in so far as these matters are not provided for by rules made under this Regulation and so as not to be inconsistent with Standing orders for the conduct of business.

such rules. The first standing orders shall be made by the Government but may be altered by the Assembly.

(2) Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

Legislative  
measures.

9. (1) When any Bill is proposed to be introduced in the Legislative Council, the general principles underlying it shall first be placed by the Government before the Assembly in the form of a statement and its opinion ascertained.

(2) Sub-section (1) shall not apply in cases of extreme urgency in which the Government proposes that the ordinary rules of business of the Legislative Council should be suspended and the Bill passed at a single sitting of the Council.

Taxation.

10. No new tax shall be levied in Mysore unless the opinion of the Assembly as to the levy of such tax shall have been ascertained; and notwithstanding anything contained in Sub-section (2) of Section 9, no Bill for the levy of a new tax or the enhancement of any existing tax shall be introduced in the Legislative Council unless the opinion of the Assembly shall have been ascertained under Sub-section (1) of Section 9.

Budget.

11. (1) The annual Budget of the estimated expenditure and revenue of the State shall be laid before the Assembly in the form of a statement and the Assembly shall be at liberty to discuss the Budget:

Provided that the proposals of the Government for the appropriation of revenues or other moneys for expenditure on the following heads shall not be open to discussion by the Assembly:—

- (i) the Palace, including the staff and household of His Highness the Maharaja;
- (ii) the Military Forces of His Highness the Maharaja;
- (iii) the pensions of public servants;
- (iv) items of expenditure relating to or affecting—
  - (a) the relations of His Highness the Maharaja with the Paramount Power or with other States;
  - (b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
- (v) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;

(vi) expenditure of which the amount is specified by or under any law.

(2) If any question arises whether any proposed appropriation of revenues or moneys does or does not relate to the above heads of expenditure, the decision of the Dewan-President or, in his absence, of the Vice-President presiding at the time shall be final.

(3) Any member may move a resolution in respect of the Budget, provided that it shall have reference only to the general principles and policy underlying the Budget and not to any particular grants or appropriations included in the Budget. Resolutions on the Budget.

12. Subject to such conditions and restrictions as to subject and other matters as may be laid down by rules framed under this Regulation, a member of the Assembly may, at a meeting of the Assembly— Questions, resolutions, and representations.

(a) ask questions,

(b) move resolutions, or

(c) submit representations for the consideration of Government,

on any matter of public interest or importance relating to the administration of the State.

A. R. BANERJI,

*Dewan.*

## Schedules.

### FIRST SCHEDULE

#### *Rural Areas.*

(i) Every Taluk excluding any area comprised under items (ii) and (iii) of this schedule, and any urban area mentioned in the second schedule.

(ii) Every Sub-Taluk excluding any area mentioned in the second schedule.

(iii) The area comprised within the local jurisdiction of the Kolar Gold Field Sanitary Board constituted under Section 35 of the Mysore Mines Regulation IV of 1906.

### SECOND SCHEDULE

#### *Urban Areas.*

(i) Every City Municipality.

(ii) Every Town Municipality having a population of 5,000 and upwards.

### THIRD SCHEDULE

#### *Special Interests.*

(i) Mysore University.

(ii) Legal Interests.

(iii) European Planting Interest.

(iv) Indian Planting Interest.

(v) Gold Mining.

(vi) Trade and Commerce.

(vii) Inamdars.

(viii) Other special interests, such as Factory Labour, Mining Labour, Industries other than Gold Mining, etc., that may be recognised by Government from time to time in accordance with the rules made in this behalf.

## III.

## REGULATION No. XIX OF 1923.

(Passed on the 27th day of October 1923).

**The Mysore Legislative Council Regulation.**

WHEREAS His Highness the Maharaja has been pleased under a Proclamation issued on the twenty-seventh day of October 1923, to ordain that the Legislative Council shall be invested with enlarged powers and functions; and

Preamble

WHEREAS it is expedient to make due provision for this and for other purposes;

His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 1923.

Short title.

(2) It shall come into force from the date of its publication in the official gazette.

Commencement.

2. The enactments mentioned in the first schedule hereto are hereby repealed.

Regulations repealed.

But all acts done, orders and notifications issued and proceedings held under these enactments shall be deemed to have been done, issued and held under this Regulation.

3. In this Regulation, unless there be something repugnant in the subject or context—

Definitions.

(i) " Council " means the Mysore Legislative Council;

(ii) " Office " includes place and employment.

(iii) The expressions " official " and " non-official " where used in relation to any person shall mean respectively a person who is or is not in the civil or military service of the Government :

Provided that rules made under this Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be non-officials for all or any of the purposes of this Regulation.

4. (1) There shall be a Legislative Council for Mysore consisting of a President, *ex-officio* Members and additional members, elected or nominated in accordance with the rules made under this Regulation.

Composition of the Legislative Council.

(2) The Dewan shall *ex-officio* be the President of the Council, and the Members of the Council of His Highness the Maharaja shall *ex-officio* be Members thereof.

(3) Exclusive of the Dewan and the *ex-officio*



Members, the total strength of the Council shall be fifty. Not less than 60 per cent of this number shall consist of non-official members, and the remainder of official members, nominated by the Government. Not less than two-thirds of the non-official members shall be elected by the Mysore Representative Assembly and by the urban, rural and non-territorial constituencies specified in the second schedule hereto, and the remainder shall be nominated by the Government for the representation of special interests and minorities or for any other cause.

Provided that—

- (i) the number of members to be returned by the Mysore Representative Assembly by election shall be eight ;
- (ii) in the case of any of the special interests mentioned in the second schedule, in the absence of election by a constituency recognised by the Government, the Government may nominate a member to represent such special interest.

Provided further that the Government may, for the purpose of any Bill introduced or proposed to be introduced in the Council, nominate, in addition to the number fixed as aforesaid, not more than two persons having special knowledge or experience of the subject matter of the Bill, and such persons, shall, in relation to the Bill, and for the period for which they are nominated, have and exercise all the rights and privileges of members of the Council.

Duration of  
the Council.

5. Every Council constituted under Section 4 shall continue for three years from the date of its first meeting.

(i) Provided that the said term may, by notification in the official gazette, be extended by the Government by a period not exceeding one year.

(ii) After the dissolution of the Council, the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Council.

Supplement-  
ary  
provisions.

6. (1) The Government shall have power, from time to time, to make rules not inconsistent with this Regulation, to carry out all or any of the purposes of this Regulation.

(2) Such rules may, among other things, provide for the following matters, namely :—

- (a) the distribution of seats on the Council between official and non-official and elected and nominated members ;
- (b) the manner of filling casual vacancies occurring by reason of absence from Mysore, inability

- to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise ;
- (c) the conditions under which and the manner in which persons may be nominated as members of the Council ;
  - (d) the qualification of electors, the constitution of constituencies, the number of members to be returned by each constituency, the method of election and any matter incidental or ancillary thereto ;
  - (e) the qualification for being and for being nominated or elected as a member of the Council ; and
  - (f) the final decision of doubts or disputes as to the validity of any elections and the courts or other authorities by which they are to be decided.

7. (1) The Council shall assemble at such times and places as the Dewan may appoint.

Dewan to appoint time and place of meeting.

(2) In the absence of the President, the senior *ex-officio* Member present or, if there be only one *ex-officio* Member present, then such Member, shall preside at the meetings of the Council, and the powers vested in the Council shall be exercised only at the meetings of the Council at which the President or some one of the *ex-officio* Members and not less than one-half of the total number of members of the Council shall be present.

Quorum.

(3) All questions before the Council shall be determined by a majority of votes of the members present and voting, including the Dewan or *ex-officio* Member presiding. In every case of difference of opinion at a meeting of the Council, whenever there shall be an equality of votes, the Dewan or *ex-officio* Member presiding shall have a second or casting vote.

Casting vote.

(4) Any meeting of the Council may be adjourned by the Dewan or *ex-officio* Member presiding.

8. (1) It shall be lawful for the Council to make, from time to time, standing orders for the conduct of business and the procedure to be followed in the Council in so far as these matters are not provided for by rules made under this Regulation, and so as not to be inconsistent with such rules. The first standing orders shall be made by the Government but they may be altered by the Council subject to the assent of the Government.

Standing orders for conduct of business.

(2) Any standing order made as aforesaid which is

repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

9. Subject to the provisions of the Regulation, the Council shall have the power of making laws and Regulations.

(i) Provided that no measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan.

(ii) Provided further that it shall not be lawful for the Council to consider any measure relating to or affecting—

(a) the Ruling Family of Mysore;

(b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States;

(c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(d) the provisions of this Regulation;

(e) the provisions of the Mysore Representative Assembly Regulation No. XVIII, 1923; or

(f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

10. In respect of matters excluded from the cognisance of the Council under the second proviso of Section 9 of this Regulation, the Government may frame any measure required and every such measure, if assented to by His Highness the Maharaja, shall have the force of law.

11. When any Bill has been passed by the Council it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Bill shall become law until it receives the assent of His Highness the Maharaja.

12. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Bill in cases other than those falling under Section 10 of this Regulation in which legislation is emergently required, and every such Bill, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council for the space of six months from its promulgation in the official gazette.

13. (1) The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before the Council in each year, and the proposals of the Government

Powers of  
legislation.

Regulation in  
matters out-  
side the juris-  
diction of  
Council.

Assent of His  
Highness the  
Maharaja  
necessary to  
validity of  
law.  
Emergent  
Regulation

Voting on the  
Budget

for the appropriation of revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse to assent, to a demand, or reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed:

Provided as follows:—

(a) The Government shall have power, in relation to any such demand, to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the Government considers that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility.

(b) The Government shall have power in cases of emergency to authorise such expenditure as may, in its opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

(2) The proposals of the Government for the appropriation of revenues and other moneys for expenditure on the following heads shall not be submitted to the vote of the Council, nor shall they be open to discussion by the Council:—

- (i) The Palace including the staff and household of His Highness the Maharaja;
- (ii) the Military Forces of His Highness the Maharaja;
- (iii) the pensions of public servants;
- (iv) expenditure—
  - (a) on matters pertaining to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States; and
  - (b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
- (v) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;
- (vi) expenditure of which the amount is prescribed by or under any law.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Dewan or *ex-officio* Member presiding at a meeting shall be final.

Asking of questions and moving of resolutions.

14. Subject to such conditions and restrictions as to subject and other matters as may be imposed by Government by rules framed under this Regulation, any member may

- (1) ask questions; and
- (2) move resolutions.

Saving clause.

15. No law passed under the authority of this Regulation shall be deemed invalid by reason that the requisite proportion of non-official members was not complete at the time of its consideration at any stage in the Council.

Prerogative of His Highness.

16. Nothing contained in this Regulation shall affect or be deemed to have affected the prerogative right of His Highness the Maharaja to make and pass Regulations independently of the Council, which right is hereby declared to be and to have been always possessed and retained by His Highness.

A. R. BANERJI,  
*Dewan.*

**Schedules.****FIRST SCHEDULE.***Enactments Repealed.*

Number and year	Subject	Extent of repeal
I of 1907 ...	The Mysore Legislative Council Regulation.	The whole
I of 1914 ...	Amendment to the Mysore Legislative Council Regulation.	Do
IX of 1917 ...	Do ...	Do
VI of 1919 ...	Do ...	Do
XI of 1919 ...	Do ...	Do

**SECOND SCHEDULE.****I. *Urban Constituencies.***

1. Bangalore City Municipality.
2. Mysore City Municipality.

**II. *Rural Constituencies.***

1. Bangalore District, excluding Bangalore City Municipality.
2. Mysore District, excluding Mysore City Municipality.
3. Kolar District.
4. Tumkur District.
5. Hassan District.
6. Kadur District.
7. Shimoga District.
8. Chitaldrug District.

**III. *Non-territorial Constituencies.***

The undermentioned special interests :—

1. Mysore University.
2. Commerce and Trade.
3. Planting.
4. Labour.

## IV.

PROCEEDINGS OF THE GOVERNMENT OF HIS  
HIGHNESS THE MAHARAJA OF MYSORE.

ORDER No. 1367-1426—C. B. 100-23-1, DATED, CAMP  
MYSORE, THE 27TH OCTOBER 1923.

1. The first meeting of any historic importance that took place between the principal riyats and merchants from all parts of the State and Government for the purpose of discussing and exchanging views on public matters was held in March 1881, under the presidency of Dewan Rangacharlu, soon after the assumption of power by His Highness the late Maharaja, Sri Chamarajendra Wadiyar Bahadur; and His Highness, in furtherance of the same policy, inaugurated the Mysore Representative Assembly in the Dasara of the same year. One of the principal objects in establishing this institution was, as stated by the Dewan in his opening address to the first Assembly, "to ensure that the actions of the Government were brought into greater harmony with the wishes and the interests of the people." The Municipal and the District Boards which had been in existence for about 20 years previously gave non-official representatives of the people some opportunities of taking a share in the administration of local affairs, but the establishment of the Representative Assembly in 1881 was the first step taken in the direction of associating the people with the Government in matters pertaining to the central administration. The members of the Assembly were at first selected by the Deputy Commissioners. The principle of election was introduced in the year 1891 when regular constituencies were formed, and qualifications of voters and candidates prescribed. These qualifications were modified from time to time in the direction of extending the franchise and enlarging the electorate. "One of the conspicuous results of this Assembly," to quote the words of His Highness the Maharaja in opening its session in the year 1903, "has been the consolidation of the sense of a common interest between the Government and the people." Frequent acknowledgments have been made by the Government of the moderation, good sense and intelligence displayed by the members of the Assembly, and in the Dewan's opening address to the Dasara Session of the Representative Assembly this year, its evolution during the past four decades and the increase in its usefulness and

influence over the Administration have been dealt with at some length.

2. In the year 1907, His Highness was graciously pleased to carry this policy of securing the co-operation of his subjects with the Government a step further, and established the Mysore Legislative Council in order to associate non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to assist in the making of laws and regulations. In 1911 the Mysore Economic Conference and the various Boards connected with it were formed to enable Government to obtain non-official advice and assistance in concerting measures for the economic development of the State. In addition to these formally constituted bodies, Government have on various occasions appointed special committees for the purpose of obtaining competent non-official opinion on specific matters of public importance.

3. The results of these various measures have been so encouraging that His Highness the Maharaja has had for some time under his consideration the desirability of taking a further definite step in the direction of associating the people more and more with his Government. Accordingly, by command of His Highness, the outlines of a scheme of constitutional developments were announced by the Dewan at the Dasara Session of the Representative Assembly in 1922. The announcement foreshadowed developments on the following lines:—

(1) The Representative Assembly to be given a definite place in the Constitution ;

(2) property and other qualifications prescribed for voters to be reduced ;

(3) the Representative Assembly to be granted the privilege of being consulted in regard to new taxes ;

(4) the Representative Assembly to be given the right to pass resolutions on matters relating to public administration and also on the annual State Budget ;

(5) the Representative Assembly to be consulted in regard to important legislative measures ;

(6) the strength of the Assembly to be fixed at 200, provision being made for the representation, if necessary by nomination, of minorities and special interests ;

(7) the functions of District Boards to be enlarged so as to enable them to deal with local subjects now being brought up before the Representative Assembly ;

(8) the strength of the Legislative Council to be



increased to a maximum of 50 provision being made for the representation of special interests, such as Industries and Commerce, Planting, Education and of minorities;

(9) the number of interpellations and resolutions that may be brought forward to be substantially increased;

(10) the Council to be given the power of voting on the annual State Budget by major heads in respect of all expenditure except those affecting the Palace, Military, pensions of public servants, relations of the State with the British Government under the Treaty;

(11) one or more Standing Committees consisting of members of the Legislative Council and the Representative Assembly to be appointed in an advisory capacity on the model of Standing Committees of the Indian Legislature.

4. In order to work out the details required to give effect to this scheme, the Government, in their Order No. 2034-2093—C.B. 103-22, dated 18th October 1922, appointed a Committee consisting of the marginally noted official and non-official gentlemen with Dr. Brajendranath Seal, M.A., PH.D., D.SC., as Chairman. The Committee were requested to submit proposals for the consideration of Government in regard to all matters of detail not dealt with in the scheme outlined in the Dewan's announcement. The report of the Committee was received in March last and published in April for general criticism. It has been widely discussed by public bodies and conferences, and a large number of representations and suggestions have also been received. The scope of enquiry by the Committee was necessarily limited in character, but in spite of the limitations imposed, the Committee have developed the main outlines of the scheme with great precision and consistency. Government are glad to note that the report of the Committee is unanimous on all essential points involved, except on the vexed question of the representation of minorities.

5. Government have to acknowledge in terms of high appreciation the labours of the Committee and the excellent report they have produced which has helped considerably in giving the scheme a final shape. Government desire to place on record the valuable services rendered in this connec-

1. K. R. Srinivasa Iyengar, Esq., M.A.
2. K. Chandy, Esq., B.A.
3. K. Matthan, Esq., B.A.
4. Rajakaryaprasakta  
M. N. Krishna Rao,  
B.A.
5. V. R. Thyagaraja Aiyar, Esq., M.A.
6. Rajasabhabhushana.  
Diwan Bahadur K.  
P. Puttanna Chetty,  
C.I.E.
7. S. Venkatesiah, Esq.,  
B.A., B.L.
8. B. V. Ramaswamy  
Chetty, Esq., B.A.
9. M. Subbaiya, Esq., B.A.
10. Mahomed Abbas Khan,  
Esq.
11. C. Srinivasa Rao, Esq.

tion by the Committee as a whole and specially by the learned Chairman, Dr. Brajendranath Seal, and the thanks of Government will be communicated to the Chairman and the members. To all the non-official bodies and individuals who have taken the trouble to study the outlines of the scheme and the report, and who have favoured Government with their criticisms and suggestions, Government also owe their thanks. Newspaper criticisms and reviews there have been many, both in Mysore and outside. Careful and detailed consideration has been given to the report of the Committee as well as to all other views placed at the disposal of Government.

6. The decisions arrived at in regard to the general scheme have been embodied in the Proclamation and in the two Regulations, one relating to the Legislative Council and the other to the Representative Assembly, which His Highness the Maharaja has been pleased to promulgate this day. Government now proceed to explain and indicate these decisions with reference to the recommendations of the Committee and pass orders regarding matters of detail which are not covered by the Proclamation and the Regulations.

## PART I.

### The Representative Assembly.

#### PLACE OF THE REPRESENTATIVE ASSEMBLY IN THE CONSTITUTION.

7. The Mysore Representative Assembly owes its origin to an executive order of Government and changes in its constitution, powers and functions are introduced by similar orders. In the announcement made by the Dewan to the Representative Assembly last October, it was stated that the Assembly would be given a definite place in the Mysore Constitution and, in the terms of reference to the Reforms Committee, the Committee were requested to indicate the manner in which this could be done. The Committee have recommended that "the Representative Assembly should be given a definite place in the Constitution by a special Proclamation of His Highness the Maharaja under the Sign Manual." His Highness the Maharaja after careful consideration of the Committee's proposal has decided that, in order to give the Assembly a definite place in the Constitution, it should be placed on a statutory basis by the promulgation

of a Regulation defining its constitution, powers and functions, and that the provisions of this Regulation should be outside the cognisance of the Legislative Council and has accordingly been pleased to promulgate the Mysore Representative Assembly Regulation No. XVIII of 1923.

#### STRENGTH AND COMPOSITION OF THE ASSEMBLY.

8. The Assembly consists at present of 282 members who are all elected non-officials. Of these, 162 are representatives of taluks and sub-taluks, 73 of Municipalities, 18 of District Boards and the Kolar Gold Fields Sanitary Board and 29 are returned by associations representing special interests and communities.

9. Government considered the constitution of the Assembly to be defective in some respects. Firstly, while the election of the members returned from taluks and sub-taluks was direct, the election of those returned by the Municipalities and District Boards was indirect. Secondly, there was no clear line of division between the urban and the rural electorates and the representation of special interests through associations was based on a general scheme constitutionally defective in many respects. Moreover, there was no definite provision for the recognition of the claims of minorities. Government also considered that in view of the enlarged powers and functions with which it was proposed to invest the Assembly it was desirable to reduce its strength to about 200.

10. The Committee have recommended that the strength of the Assembly may be fixed at 250 and that these seats may be distributed as follows:—

1.	Representatives of rural areas	...	163
2.	Do of urban areas	...	37
3.	Do of special interests	...	15
4.	Do of minority communities		35

11. As regards the total strength of the Assembly, while the recommendation of the Committee that this may be fixed at 250 has been accepted, it has been considered that it is necessary to make due provision for the representation of new interests and constituencies that may spring up in future, such for instance as the Jahgir taluks of Yelandur and Sringeri which the Committee recommend should be given the right of representation. These latter have not been taken into account by the Committee in proposing a total strength of 250. Accordingly the strength of the Assembly has been fixed at 250 normally, but with power to

Government to increase the number up to a maximum of 275 for the purpose of removing inequalities, if any, of representation and in order to meet the demand for the representation of constituencies that may develop in course of time. Membership of the Assembly will, as heretofore, be restricted to non-officials but, as proposed by the Committee, officers deputed by Government for the purpose may attend the sittings of the Assembly and take part in the proceedings. They will not, however, have the right to vote.

12. The rural constituencies proposed by the Committee correspond to the existing taluk and sub-taluk constituencies with the addition of the Kolar Gold Fields Sanitary Board area which is proposed to be treated as a separate rural constituency distinct from the rest of the Bowringpet Taluk. At present there are 18 taluks each returning three members, 50 taluks each returning two members, and 8 sub-taluks each returning one member. The Committee's proposal is that the number of members now returnable from each taluk and sub-taluk may for the present be continued except that in the case of the Bowringpet Taluk which now sends three members, two members may be returned from the Sanitary Board area and two from the rest of the taluk making a total of 77 constituencies returning 163 members. Including the Yelandur and Sringeri Jahgirs which will now be allowed to return one member each, the total number of rural constituencies will be 79 returning 165 members. These proposals have been generally approved and the rural electorates as now constituted appear in the first schedule to the Representative Assembly Regulation No. XVIII of 1923.

13. In the exercise of the powers vested in Government under Sub-section (4) of Section 3 of the Regulation, Government are now pleased to allot 165 seats for these 79 constituencies and their distribution is given in Appendix 1 to this Order. (*Vide* Appendix B, Annexure 1\*).

14. Under the existing constitution of the Assembly, while the taluk representatives come in by direct election by the taluk voters, in the case of representatives of urban areas and the Kolar Gold Field Sanitary Board, the election is secondary, the members representing them being returned not by the voters in these areas directly, but by the Municipal Councils in the former case and the Sanitary Board in the latter. In the case of the 16 members deputed by the District Boards, the representation is even more remote since

\* Reallocation of seats ordered in G.O. No. Rel 2429-88/R.A. 13-32-2 dated 9th October 1932.

these Boards include members returned by secondary election through the Municipal Councils and Taluk Boards. A mixed electorate consisting of direct and indirect constituencies causes many anomalies and both on theoretical and practical grounds fails to secure the true representation of the people. The recommendation of the Committee to have direct elections only for the Representative Assembly has accordingly been approved.

15. The Committee recommend that 37 seats should be reserved for members representing urban areas and they propose that these members should be returned from 31 municipalities of which they have given a list. The list includes the two City Municipalities of Bangalore and Mysore and such of the Town and Minor Municipalities as have a population of 5,000 and upwards. It has been decided that Minor Municipalities which have a very elementary form of municipal administration with only a few of the sections of the Municipal Regulation extended to them cannot be regarded as entitled to separate representation as urban constituencies and that the urban constituencies will consist of the two City Municipalities and the Town Municipalities with a population of 5,000 and upwards. In the exercise of the powers vested in Government under Sub-section (4) of Section 3 of Regulation No. XVIII of 1923, the two City Municipalities will be given the right to return four members each and the Town Municipalities one member each. Steps will be taken immediately to declare Minor Municipalities with a population of 5,000 and over as Town Municipalities and when this is done the total number of members from urban constituencies will be 37, as shown in Appendix 2. (*Vide* Appendix B, Annexure 2.)

16. *Special Interests.*—The proposal of the Committee that provision should be made in the composition of the Assembly for the representation of special interests and minorities is in accordance with the Dewan's announcement. The Committee recommend that 15 seats should be set apart for special interests, which are proposed to be represented as far as possible by persons elected by recognised associations serving such interests, and this has been approved. The special interests selected for immediate recognition are numbers (i) to (vii) in the third schedule to the Regulation. For the present, the recognised constituencies in connection with these interests will be the Fellows and registered graduates of the Mysore University, the Advocates enrolled in the Mysore Chief Court, the European Planting Associations, the

Indian Planting Associations, the Kolar Gold Fields Mining Board, the Mysore Chamber of Commerce and the Mysore Inamdars' Association respectively. Each of these constituencies will return one member except the University constituency which will return two. These constituencies will thus absorb 8 seats. Provision has also been made in the schedule for the representation of such interests as Factory and Mining labour, industries other than Gold Mining and the like, and as soon as organizations are formed to develop these interests, they will be given the privilege of returning one member each to the Assembly. In the absence of such organization, power has been reserved to Government under proviso (a) to Section 3 (3) of the Regulation to nominate members to represent any or all these interests.

17. *Minorities.*—The question of the representation of minorities in the Assembly has been discussed by the Committee at great length. The Committee, while recognising that the problem of minorities is one of great importance, and that the demand for their protection is not to be brushed aside, have rejected as unsuitable, the devices of exclusive communal electorates, and the reservation of seats for communal candidates in plural constituencies, which they consider to be likely to widen and perpetuate the cleavage between communities. The majority of the Committee recommend a system of "facultative representation" of minorities through associations and their recommendations are summarised as follows:—

(1) "For the representation of minorities the best way is to allow representation through associations, and by nomination, if necessary, for the purpose of securing adequate representation.

(2) "The number of seats to be reserved for the representation of minorities by associations shall be 25; such minorities being communities numbering not less than 20,000 persons as classified in Census Tables.

(3) "In the apportionment of seats among minority communities by means of associations, the following facts should be considered by Government:—

- (a) Numerical population,
- (b) voting strength, and
- (c) literacy.

(4) "Any minority community which numbers not less than twenty thousand persons and which is not represented in the Representative Assembly through the general electorates shall not be denied representation through an association if it applies for it.

(5) "Ten seats shall be set apart for the representation of minorities by nomination by Government, if necessary."

18. The Committee further recommend that the total number of seats reserved for minorities, *viz.* 35, should not be liable to be reduced by non-recognition of associations or omission to nominate and that if there should be any vacancies in the number to be appointed from associations they may also be filled up by nomination.

19. The question of the representation of some of the minority communities has been specially discussed in the Committee's report. As regards Mahomedans, the majority appear to think that between the general electorates and associations, this community has reasonable expectations of obtaining adequate representation in the Assembly. As regards Panchamas and Animists, the Committee remark that their literacy is extremely low, that at present one Panchama has been returned to the Assembly through an association and that vigorous efforts should be made for the political education and increased representation of these classes. As regards the Indian Christian community, the Committee remark that at present one member is being returned to the Assembly through an association and that having regard to the total strength of this population and the percentage of literacy among them which is more than five times that among Hindus, increased representation of this community is desirable.

20. There are at present 29 members representing special interests recognised by Government under the rules framed by them from time to time, through organised associations or other bodies. Some of these associations represent the interests of minority communities. As, however, the present system does not provide adequate opportunities for the representation of minorities, it was stated in the Dewan's announcement that provision would be made for the representation of minorities as well as of special interests. The scheme proposed by the Committee for securing adequate representation of minority communities through associations is an extension of the scheme already in vogue. The representation of minorities by members elected by Associations recognized by the Government under rules made in this behalf, or nominated by the Government for the purpose of removing inequalities, if any, has been provided for in Clause (c) Sub-section 3 of Section 3 of the Representative Assembly Regulation. It is however considered necessary to go further than the Committee's recommendations for the reason that

certain communities which are distinct social groups may not, under the new method of direct election through the general electorates, succeed in securing adequate representation of their interests. This can only be given by guaranteeing to them a certain number of seats in the Assembly fixed with reference to the percentage of their population, literacy, present representation and voting strength. The arrangement will be that in the event of their failing to secure the number of guaranteed seats through the general electorates, provision will be made for the return of such number of members as may be required to make up the guaranteed number, either through recognised associations or by nomination, if necessary. In the exercise of the powers vested in Government under provision (c) to Section 3 (3) of the Regulation, rules have accordingly been framed guaranteeing, in this manner, 15 seats for Mahomedans, 5 seats for Indian Christians and 3 for the depressed classes.

21. The history of the growth of representation through associations in Mysore is an interesting one. It grew gradually, developing step by step. The scheme of representation of minorities and special interests, through associations, now promulgated, is a development of what exists at present on a more correct and scientific basis, and it avoids the overlapping that takes place now. It is true that the larger associations will not now have the privilege of returning a member; but such associations, formed as they are for the interests of people who will be largely represented through the general electorate, need not be given any separate political status, as more than one member of the group represented by the association will surely be returned in the ordinary way. The only reason for giving a guarantee to three among the minority communities is that, as has been the experience in the past both in Mysore and elsewhere in British India, they will not ordinarily have adequate representation through the general electorates proportionate to their population, literacy, etc. It is not intended that they should have separate communal electorates. This principle of separate communal electorates, Government have rejected as inexpedient and unsuited to Mysore. The guarantee provided is solely intended as a security for adequate representation. It is hoped that in course of time the guarantee will become unnecessary, as with the spread of education and the growth of political consciousness and with greater homogeneity—and not divergence of interests—all communities will return through the general electorate the best men available.



22. Although the minority communities contemplated by the Committee are those numbering not less than 20,000 persons which fail to secure representation through the general electorate, it is possible that there may be some communities with a population of less than 20,000 which do not secure any representation through the general electorate, and which, having regard to the factors enumerated above, may have to be given representation. It will be possible to meet such exceptional cases when they arise, out of the 10 seats recommended by the Committee to be reserved for nomination.

23. Under the proviso (c) to Section 3 (3) of the Regulation, the following rules are prescribed as regards associations representing minorities and desirous of deputing members to the Representative Assembly:—

(a) The association must have been formed for the furtherance of one or more specific interests of the community or for the general advancement of the community.

(b) It shall be registered under the Mysore Societies Registration Regulation.

(c) When any minority community has an association with branches or has two or more such associations, two or more of them may, when necessary, be grouped together by Government for the election of the member or members to be returned by the minority.

(d) The number of members on the roll of the association or associations shall not be less than one hundred members.

(e) Meetings of the general body or the Managing Committee shall be held at least twice a year and minutes of the meeting shall be kept with the records of the association. On a requisition from the Deputy Commissioner, the association shall submit an annual statement of number of meetings held and the number of members present.

(f) Bye-laws of the association and all subsequent changes, as and when they are made, shall be submitted to Government.

(g) The privilege of representation given to an association shall be liable to be revoked during the term of an Assembly if the association ceases to exist or infringes any of the conditions.

The same rules shall apply to associations representing special interests with the addition of the following note under rule (d).

“Government may, for special reasons, allow an association containing less than the above minimum number of members to depute a member to the Assembly.”

24. The Committee have suggested that a society registered under the Mysore Co-operative Societies Regulation may be recognised as an association for returning a member to the Representative Assembly, provided that its membership is confined to a minority community. As the objects and functions of co-operative societies are essentially economic, Government consider it undesirable to give them a political status and introduce communal distinctions into a movement which affords opportunities to all communities to work with one another for a common end.

#### POWERS AND FUNCTIONS OF THE REPRESENTATIVE ASSEMBLY.

25. The functions of the Assembly at present extend to the representation of grievances, expression of opinion on matters referred to it by the Government, discussion of the State Budget, and putting interpellations. The grant of larger powers in respect of legislation, taxation, Budget and the moving of resolutions was foreshadowed in the Dewan's announcement.

1 *Legislation.*—In respect of legislation, the Dewan stated that the Representative Assembly would be consulted in regard to all important legislative measures; that the legislative programme of the year would be placed before the Assembly in the Dasara Session and the general principles of Bills discussed; that in cases where legislation might be introduced in the Legislative Council before discussion in the Assembly, His Highness the Maharaja would, except in urgent cases, reserve his assent until the close of the next session of the Representative Assembly.

In general conformity with the above announcement, the Committee have made the following recommendations:—

“(a) The Representative Assembly should ordinarily be consulted about every important legislative measure before the first reading of the Bill in the Legislative Council.

“(b) All legislative measures about which the Representative Assembly is to be consulted, shall be placed before it with a statement embodying the general principles of such measures.

“(c) The discussion will be confined to the general principles of the Bills.

The opinion of the Assembly in respect of the general principles of any measure placed before it, shall be ascertained by taking votes.

“(d) Any member may propose an amendment to

the general principles of any measure but not to particular clauses in the Bill. The President may, thereupon at his discretion, obtain the opinion of the Assembly by taking votes.

“(e) (i) In respect of every important measure of legislation introduced in, and passed by, the Legislative Council, which is not urgent and which has not been included in the legislative programme presented to the Assembly, the Representative Assembly should be consulted before the Bill is submitted to His Highness the Maharaja.

(ii) After consulting the Assembly, it may be left open to Government to adopt such course as it may consider proper according to the circumstances of the case, *i.e.*, whether to submit the Bill as passed by the Council to His Highness with the opinion of the Assembly, or to place the opinion of the Assembly before the Legislative Council for further consideration of the Bill making such amendments therein as it may consider necessary in the light of the discussions at the Representative Assembly before the measure is submitted to His Highness, or to drop the original Bill and to place a new or amended Bill before the Council, or to adopt any other course that it may be considered proper.

“(f) In the case of Bills brought forward by non-official members, which have received the sanction of the Dewan, the general principles as sent in by the member, shall be placed before the Representative Assembly at its next session, before the Bill is introduced in the Legislative Council.

“(g) When the general principles of a Bill have been discussed in the Representative Assembly the opinion of the Assembly will be placed before the Legislative Council.”

As explained in para 56 of the Committee's report, the procedure indicated in the above recommendations is three-fold, *viz.*—

(i) *Normal.*—Consultation of the Representative Assembly about important legislative measures and discussion of the general principles of Bills before introduction in the Legislative Council.

(ii) *Exceptional.*—Introduction into the Legislative Council prior to discussion in the Representative Assembly, where such introduction is deemed necessary. Here also consultation of the Representative Assembly at the next session, before submission to His Highness.

(iii) *Urgent cases, i.e.*, where the procedure under (i) or (ii) cannot be adopted for reasons deemed sufficient by Government.—A Bill may be passed through the Legislative Council and submitted to His Highness. There will be no consultation of the Representative Assembly in such cases.

Government consider that the normal procedure as proposed in clauses (a), (b), (c), (d), (f), and (g) above requires the following modifications:—

(1) The statement to be placed before the Representative Assembly under clause (b) may or may not be accompanied by a draft Bill in each and every case. It will be within the discretion of the Government to place the Bill before the Assembly or not, according to circumstances.

(2) The rule regarding the moving of amendments will be revised as follows:—

“(d) Any member may propose an amendment to the general principles of any measure. The President may disallow an amendment if it relates not to general principles but to details.”

The exceptional procedure of introducing legislative measures in the Legislative Council prior to discussion in the Representative Assembly was indicated in the Dewan's announcement, but on a further consideration of the matter, it has been decided that all legislative measures involving important general principles should be placed before the Representative Assembly previous to their introduction in the Legislative Council, and that the only exception should be in the case of Bills which are of such extreme urgency that the Government consider that they should be placed before the Legislative Council for being passed at a single sitting by suspending the ordinary rules of business. The proposals contained in clause (e) of the Committee's recommendations thus become unnecessary.

2. *Taxation.*—At present the Representative Assembly has no recognised right of expressing its views as regards proposals for new or additional taxation, although in recent years Government have consulted that body in regard to certain important taxation measures. In the announcement it was stated that no new tax would be levied without previously consulting the Representative Assembly. In accordance with this announcement, the Committee have recommended:—

(1) that proposals for the levy of new taxes shall be laid before the Assembly for discussion and the opinion of the Assembly shall be ascertained by votes and that any

modification which may be suggested in the course of the discussion may, at the discretion of the President, be also put to the vote, and

(2) that in the case of new taxation involving legislation, the Representative Assembly should be consulted before legislation is introduced into the Legislative Council.

In accordance with the Committee's recommendation, new taxes have been defined in the Regulation as taxes which require for their imposition the passing of a new Regulation or the amendment of an existing one.

This has been provided for by Section 10 of the Representative Assembly Regulation.

3. *Budget*.—The annual Budget of the State is being now placed before the Representative Assembly for general discussion, and the representations made by the Assembly during the discussions are taken into consideration by the Government before the Budget is finally passed. In accordance with the announcement, the Assembly has now been given the right of moving resolutions on the Budget. But in keeping with the constitution and character of the Representative Assembly as a body voicing popular opinion on the general principles underlying the matters submitted to it without undertaking their detailed examination, the resolutions on the Budget to be moved in the Assembly will have reference only to the general principles and policy underlying the Budget and not to particular grants or appropriations. The items of expenditure under the following heads will be outside the purview of the Representative Assembly as of the Legislative Council :—

(1) The Palace, including the staff and household of His Highness the Maharaja ;

(2) the military forces of His Highness the Maharaja ;

(3) the pensions of public servants ;

(4) items of expenditure relating to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States and matters governed by treaties, conventions and agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;

(5) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans ; and

(6) expenditure prescribed or authorised by law.

4. *Resolutions*.—Under the existing rules there is no provision for the moving of resolutions in the Representative

Assembly. In the Dewan's announcement it was stated that the Assembly would be given the right to move resolutions on matters relating to the public administration as well as on the annual State Budget. This has been provided for by Section 12 (b) of the Regulation.

The Committee propose that the number of resolutions on the matters of public administration to be moved at the Dasara Session may be fixed at 25 and the number to be moved at the Budget Session (in addition to resolutions on the Budget) at 10. They also propose that these resolutions should be submitted to the Government direct and that the Government should refer them for selection to a Standing Committee of the House. The order in which the resolutions are to be moved has, according to the Committee, to be determined by ballot.

In regard to the Standing Committee referred to above, the Committee's proposal is that the Assembly should, once a year, elect from among its members a Standing Committee consisting of 15 members with its own President and Secretary, and that the function of selecting the resolutions, interpellations and representations to be brought up at the Assembly should be entrusted to this body. This proposal has been referred to in several of the representations received by the Government from individuals, public bodies, associations and conferences. While a few are in favour, opinion of a large number is strong that it is not a satisfactory arrangement to leave the work of selection of subjects to be brought up at the Assembly to a small body of 15 individuals who, on account of their insufficient acquaintance with local conditions, may fail to realise the significance or the importance of the subjects. Government accept this opinion and are pleased to direct that the selection of subjects to be brought up at the Assembly need not be left to a Standing Committee, but should be made, as at present, at a meeting at the district headquarters to which all the members of the Assembly residing in the district, including representatives of special interests and minorities, should be summoned. Rules will be framed accordingly for the purpose.

The number of resolutions that may be sent up from each district will be fixed as below :—

District	Dasara Session	Budget Session (in addition to resolutions on the Budget)
Bangalore and Mysore Districts.	4 each	2 each
Other Districts	3 "	1 "
R.A.E.R.		5*

As proposed by the Committee, the President may also admit additional resolutions relating to special interests and minorities. The order in which the resolutions are to be moved will be at the discretion of the President.

The Assembly does not at present possess the right to divide in respect of any matter before it, although Government have frequently taken the opinion of the Assembly on specific questions by votes. But in view of the increased powers which have been given to it in respect of legislation, taxation, Budget and resolutions, it has been decided that the Assembly shall have the right to divide on all questions on which its opinion is taken.

5. *Representations.*—The privilege of bringing up at the Assembly representations on matters of public importance for the consideration of the Government is being enjoyed by the members from the very commencement and has formed the characteristic feature of the Assembly. The number of representations which could be brought up at the Assembly has varied from time to time. At present it is limited to 450 subjects for the Dasara Session which are distributed as follows:—

Bangalore and Mysore Districts	...	...	75 each
Other Districts	...	...	50 „

For the Budget Session, the total number is fixed at 100, the maximum number for any district being limited to 20. The selection of subjects is made by the members themselves, assembled at a meeting at the district headquarters under the presidency of the Deputy Commissioner.

The Committee have proposed considerable changes in these matters. They recommend the reduction of the number of subjects from 450 to 150 for the Dasara Session and from 100 to 50 for the Budget Session. The distribution of subjects by districts is not retained and the selection of subjects is left to the Standing Committee recommended by them.

Government consider that in view of the privilege with which the Representative Assembly has been invested of moving resolutions on matters of public administration, representations are likely in future to play a smaller part in the proceedings of the Assembly than in the past and that a reduction in their number is therefore feasible. They are accordingly pleased to direct that the total number of representations that may be brought up at the Dasara and the Budget Sessions shall be fixed at 180 and 90 respectively.

They will be distributed as follows among the several districts for the two sessions :—

	Dasara Session	Budget Session
Bangalore and Mysore Districts	30 each	15 each
Other Districts ... ..	20 „	10 „

The President may, in addition, admit representations relating to minorities or special interests. The selection of the subjects will be made at the district meetings at which interpellations and resolutions are selected. Subjects of a purely local character will not ordinarily be included among the subjects to be discussed at the Representative Assembly but will be referred to local bodies. The order in which representations are to be taken up will be at the discretion of the President.

6. *Interpellations.*—The privilege of putting questions to Government in the form of interpellations on matters of public interest or importance was granted to the Representative Assembly in April 1918. The number of questions that could be asked was fixed at 3 per district so that the total number of interpellations admissible was 24.

The Committee have recommended that a maximum limit of 2 questions per member may be fixed, that the total number of interpellations admissible at a Session may be limited to 50 and that if more than 50 are received their selection should be made by the Standing Committee proposed by them.

These recommendations require modification as it is not proposed to have a Standing Committee of the Assembly. The interpellations, like representations and resolutions, will be selected at the district meetings, and the number that may be sent up for the Dasara and the Budget Sessions from each district will be fixed as follows :—

Bangalore and Mysore Districts	...	...	8 each
Other Districts	...	...	6 „

The President may admit, in addition to the limit of 52 interpellations above fixed, interpellations on behalf of special interests or minorities.

*Addresses.*—Under the present rules of the Assembly, addresses to the Dewan and President of the Assembly may be presented during the Dasara Session either by the Assembly as a whole or by a majority of the representatives of a district or of the Malnad area or by recognised associations. The Committee recommend that the practice of presenting addresses to the President either sectional or by the whole



Assembly may be discontinued, but that addresses by the whole House to His Highness the Maharaja should be permitted.

This recommendation is approved.

#### QUALIFICATIONS AND DISQUALIFICATIONS OF VOTERS AND CANDIDATES.

26. The Representative Assembly was not, at the time of its formation, an elected body. It consisted of a number of merchants, landlords and other persons selected on account of their standing and influence. In 1891, the principle of election was first introduced, constituencies were formed and qualifications for voters and candidates prescribed. These qualifications have varied from time to time but the general tendency has been to reduce the standard of qualifications so as to form a wider electorate.

(i) *Qualifications of Rural Voters and Candidates.*—At present, the following persons are qualified to elect members to the Representative Assembly and stand as candidates for rural areas :—

(a) “ Every person—

(i) who is the registered occupant of land assessed to land revenue of not less than Rs. 50 per annum payable to Government; or

(ii) who is a kadim tenant paying an annual rent of not less than Rs. 50 per annum to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(iii) who pays annually mohatarfa tax or municipal tax of not less than Rs. 10 to a Municipal Council;

(b) every person who is the owner of one or more entire inam villages with a total beriz of Rs. 250 per annum and who ordinarily resides in the constituency;

(c) every graduate of a University who ordinarily resides in the constituency;

(d) every person who is a retired or pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops.”

The Committee propose that these qualifications should be modified so as to reduce the property qualifications of voters and candidates by 50 per cent. This would entitle persons paying land revenue or rent of not less than Rs. 25

per annum or municipal or mohatarfa tax of not less than Rs. 5 per annum and persons who own one or more entire inam villages with a beriz of not less than Rs. 125 per annum to be voters and candidates. The Committee also recommend that all persons paying income-tax to Government should be qualified as voters and candidates and that sex disqualification should be removed so as to render women eligible to vote at Representative Assembly elections. The alterations proposed by the Committee which are in general conformity with the Dewan's announcement have been incorporated in the Proclamation.

(ii) *Qualifications of Urban Voters and Candidates.*—Regarding urban constituencies which, as already stated, have taken the place of municipal and other bodies, the Committee propose the following :—

“(a) The property qualifications of voters to the Representative Assembly in urban constituencies will be the same as those of voters for the municipal elections in the constituencies concerned. The other qualifications shall be the same as for the rural constituencies.

(b) Qualifications for membership and voting shall be the same.

(c) Voters for urban constituencies are not entitled as such to vote at elections in rural constituencies. To entitle them to vote, they must possess the property or other qualifications prescribed for rural constituencies.

(d) Graduates and military pensioners who vote in urban constituencies are not entitled to vote as such in rural constituencies in which the urban area is situated unless otherwise qualified.”

These recommendations are approved.

(iii) *Qualifications of Voters and Candidates in the case of Special Interests and Minority Communities.*—The special interests recognised by Government for purposes of representation in the Assembly are mentioned in the third schedule to the Regulation and the constituencies through which they will be represented are mentioned in paragraph 16 above. In respect of these as also in respect of associations representing minority communities, the qualification of voters and candidates will be the membership of the association or other institution concerned except that in the case of the Mysore University only Fellows will be eligible to stand as candidates for the Representative Assembly.

*General Qualifications Applicable to All Classes of Voters and Candidates.*—In addition to the above qualifications, the Committee have made the following proposals as

regards the general qualifications for all classes of voters and candidates:—

“(1) That no literacy qualifications need be prescribed in the case of voters and candidates for the Representative Assembly;

(2) that voters and candidates for the Representative Assembly should be subjects of Mysore by birth or domicile; and

(3) that in addition, the voters and candidates for the Representative Assembly should have resided in the Mysore State (outside the Civil and Military Station, Bangalore) for at least three years:

“Provided that in the case of persons possessing the prescribed property qualifications within the jurisdiction of Mysore, residence in the Civil and Military Station, Bangalore, shall not disqualify for voting or for candidature.

“Provided further that in the case of Mysoreans by birth or persons who have already acquired a Mysore domicile by residence of not less than five years, residence in the Mysore State of six months prior to the date fixed for the preparation of the Register shall be deemed sufficient.

“*Exception.*—In the case of candidates and members for special interests, the Government may grant exemption in special case.”

As the language in which the proceedings of the Assembly are conducted is mainly Kannada, Government agree with the committee that it is not necessary to prescribe any special literacy qualifications. Government also agree that the qualifications requiring a voter or a candidate to be a subject of the Mysore State and to possess certain residential qualifications are necessary and they are therefore pleased to approve of these qualifications. As proposed by the Committee, Government will be prepared to grant exemption from the operation of this rule in the case of special interests.

*Disqualifications of Voters and Candidates.*—The present rules relating to disqualifications of candidates are as follows:—

(i) “No person who has not completed 18 years of age, no person who is of unsound mind or has been convicted of any such offence or subjected by a criminal court to any such order as implies in the opinion of Government a defect of character which unfits him to be a member of the Representative Assembly and no dismissed official shall be eligible to be returned as a member of the Assembly.”

(ii) The above rule applies also to voters.

(iii) "Females also are not entitled to vote for or be returned as members of the Assembly."

The Committee have submitted the following rules as regards voters :—

"No person can vote who is—

- (1) under 21 years of age; or
- (2) of unsound mind; or
- (3) an undischarged insolvent or bankrupt; or
- (4) sentenced by a criminal court to imprisonment for six months or more or convicted of an offence punishable with imprisonment for seven years or more;
- (5) a dismissed Government servant."

It is also proposed that the fourth and fifth grounds of disqualification should not operate after 10 years from the date of release (or dismissal) unless they are removed earlier by an order of Government.

As regards the disqualifications of candidates the Committee propose the following :—

"No person is eligible as a candidate or member who is—

- (1) under 21 years of age; or
- (2) of unsound mind; or
- (3) an undischarged insolvent or bankrupt; or
- (4) sentenced by a criminal court to imprisonment for six months or more, or convicted of an offence punishable with imprisonment for seven years or more; or
- (5) a dismissed Government servant;

Provided that in (4) and (5) the disqualification will cease to operate after 10 years from date of release (or dismissal) unless the same is removed earlier by an order of Government;

- (6) a female; or
- (7) a Government servant."

The term "Government servant" will not include a Shanbhogue, Patel or other hereditary officer.

These proposals are approved.

#### LENGTH AND FREQUENCY OF THE SESSIONS AND THE BUSINESS TO BE TRANSACTED THEREIN.

27. From the year 1881, when the Representative Assembly was formed, till the year 1916 it used to be held once a year during the Dasara season. In 1916, when the privilege of discussing the State Budget was given to the

Assembly, a second session was ordered to be held in April every year for the purpose of considering the Budget. From the year 1917 this second session is being held in connection with the Birthday of His Highness the Maharaja.

The Committee recommend that normally there should be two sessions of the Assembly, one to be called the "Dasara Session" and held during the Dasara and the other called the "Budget Session" and held at such time of the year as may be most convenient for the proper consideration of the Budget. They also propose that provision may be made for the holding of one or more special sessions when the state of public business requires it.

These proposals are approved.

A special session will be summoned only for Government business.

The Committee propose that the order and the nature of business to be transacted at the different sessions of the Assembly may be as follows :—

(i) " *At the Dasara Session—*

- (a) The Address of the Dewan-President. Interpellations and balloting for precedence of resolutions.
- (b) Government business.
- (c) Discussion of representations.
- (d) Resolutions.

(ii) " *At the Budget Session—*

- (a) Opening speech of the President and presentation of the Budget. Interpellations, balloting for resolutions.
- (b) Government business.
- (c) Budget discussion—
  - (i) Resolutions on the Budget.
  - (ii) General debate on the Budget.
- (d) Representations.
- (e) Other resolutions.

(iii) " *At a Special Session—*

The arrangement of business at a special session shall be as the President may direct."

The Committee also propose that Government may for sufficient reasons re-arrange the items of business or the order of business but not so as to reduce the time allotted for private members' business, except with the assent of the Assembly.

With reference to these recommendations of the Committee, Government observe that in the Committee's proposals in connection with the Budget discussion, the moving of resolutions comes before the general debate on the Budget. They consider that, according to the natural and usual order of Budget business, the general debate should precede the moving of resolutions. Further, in conformity with the orders of Government on the subject of resolutions in the Representative Assembly, there will be no necessity for a ballot to decide the order in which resolutions should be moved as the order will be decided by the President. With these modifications the Committee's proposals are approved.

The Dasara Session lasts at present for about 6 to 7 days and the Budget Session for about 5 days. The Committee recommend that the maximum duration of the Dasara Session should be fixed at 15 sitting days, that of the Budget Session at 10 sitting days and that of a Special Session at 5 sitting days. After a careful consideration, Government are of opinion that the work of the Assembly in each session should be completed in a shorter time than that proposed by the Committee, specially as local subjects are ordinarily to be excluded, and they are accordingly pleased to fix the duration as a general rule of the Dasara Session at 8 sitting days and that of the Budget Session at 6 sitting days. The distributon of business within these periods will be as follows:—

(1) *Dasara Session*—

(a) Dewan's Address, interpellations and Government business	...	...	2 days.
(b) Representations	...	...	Not more than 3 days.
(c) Resolutions	...	Do	3 days.

(2) *Budget Session*—

(a) Dewan's Address, interpellations, and Government business	...	...	1 day.
(b) General discussion of the Budget	...	...	Not more than 2 days.
(c) Resolutions on the Budget	...	Do	1 day.
(d) Representations	...	Do	1 day.
(e) Other resolutions	...	Do	1 day.

The length and the order of business of a Special Session will be settled by Government in each case.

The time fixed may be extended at the discretion of the President. Any business other than Government business left unfinished within the period fixed for it will lapse.

## PART II.

## Legislative Council.

## STRENGTH AND COMPOSITION OF THE LEGISLATIVE COUNCIL.

28. The Legislative Council was established in the year 1907 with a view to associate with the Government a certain number of non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to assist Government in making laws and regulations. In addition to the Dewan President and the Members of Council who were *ex-officio* members, the Council was to consist of not less than 10 and not more than 15 additional members to be nominated by the Government and of this number not less than two-fifths were required to be non-officials. The minimum and maximum number of additional members was increased to 15 and 21 respectively by Regulation I of 1914 and the maximum was further increased to 30 by Regulation II of 1919.

29. The actual composition of the Council as last constituted was as follows.—

*Nominated members.*—

(a) Official	...	...	...	12
(b) Non-official	...	...	...	5
				—
				17
				—

*Elected members.*—

(a) by District constituencies	...	...	...	8
(b) by the Representative Assembly	...	...	...	4
(c) by the Mysore University	...	...	...	1
				—
				13

30. In the Dewan's announcement it was stated that the strength of the Council would be raised, that the number of members to be returned by the Representative Assembly to the Council would be increased and that provision would also be made for the representation of special interests such as those relating to industries and commerce, planting and education and of minorities.

31. The Committee have recommended that exclusive of the *ex-officio* members, the strength of the Legislative Council may be fixed at 50, that not less than 50 per cent of this total strength should consist of non-official members and

that not more than one-third of the non-official members should be nominated, the other non-official members being elected representatives of various constituencies.

32. The Committee also recommend that in addition to the strength of 50 members as fixed above not more than two persons having special knowledge or experience of the subject matter of any particular Bill may be temporarily nominated to the Legislative Council for the purpose of such Bill.

33. The above recommendations have been approved with the modification that the proportion of non-official members has been fixed at not less than 60 per cent instead of 50 per cent as proposed by the Committee so as to ensure a decided non-official majority.

34. The Committee's proposals with regard to the distribution of the 50 seats are as follows :—

*Nominated members.—*

(a) Official	...	...	...	20
(b) Non-official	...	...	...	8

28

*Elected members.—*

(a) Elected by urban areas, viz., the City Municipal areas of Bangalore and Mysore— —one each	...	...	...	2
(b) Elected by rural areas, viz., the eight district constituencies as now existing except that the cities of Bangalore and Mysore will not form part of the respective district constituencies— —one each	...	...	...	8
(c) Elected representatives of the following special interests :—				
1. Mysore University	...	...	...	1
2. Commerce and Trade	...	...	...	1
3. Planting	...	...	...	1
4. Labour	...	...	...	1
(d) Elected representatives of the Representative Assembly	...	...	...	8

22

Total ... 50

35. The proposals of the Committee in regard to the constituencies and the number of members to be elected by the Representative Assembly have been incorporated in the Legislative Council Regulation. The proposals as regards the distribution of seats are approved in exercise of the power



vested in Government by Section 6 of the Legislative Council Regulation.

36. As regards the constituencies representing special interests, the Mysore University constituency will consist of the Fellows of the University. The member to represent Commerce and Trade will for the present be returned by the Mysore Chamber of Commerce. The member representing the Planting interest will be elected by a constituency consisting of owners of estates of not less than 50 acres under coffee, tea, cardamom or rubber. If the member returned by this constituency does not represent European planting interests, one of the eight seats reserved for the nomination of non-official members may be given to a representative of the European Planters' Associations in the State. Labour will be represented by one member who, pending the formation of a proper electorate, will be nominated by Government.

37. The members deputed to the Council by the Representative Assembly shall be elected by the Assembly voting as a whole and without any restriction as to the candidates representing particular districts or divisions.

38. As regards the eight seats reserved for nomination of non-official members, Government generally approve of the Committee's proposal that these nominations may be made with a view to secure the representation of depressed classes, child and woman welfare, minorities, education, etc. In regard to minorities, in accordance with the principles and the policy indicated in paragraph 20, Government are pleased to direct that two seats on the Council shall be guaranteed to the Mahomedan community. In the event of no Mahomedans being returned by election, two out of the eight seats will be filled up by the nomination of two Mahomedan representatives deputed by recognised associations. In the event of one Mahomedan being returned by election, the number nominated will be reduced to one. There will be no nomination of a Mahomedan if two or more Mahomedan members are returned by election. The same principle will apply in the case of the Indian Christian community except that only one seat shall be guaranteed to it. One seat will also be guaranteed to the depressed classes on the same principle.

#### POWERS OF THE LEGISLATIVE COUNCIL.

39. "(1) *Legislation.*—The Legislative Council was constituted for the purpose of making laws and regulations. Although other powers and functions have since been

assigned to it, legislation still remains the principal function of the Council. The main provisions of the existing Legislative Council Regulation in respect of the Council's powers of legislation are the following:—

(i) No measure of any description may be introduced into the Council without the previous sanction in writing of the Dewan and the leave of the Council duly obtained.

(ii) It is not competent to the Council to pass any measure affecting—

- (a) the Ruling Family of Mysore ;
- (b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;
- (c) matters governed by treaties, conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;
- (d) extradition of criminals ;
- (e) European vagrants ;
- (f) European British subjects ;
- (g) the Post Office, Telgraphs and Railways ;
- (h) the Mysore military forces ; or
- (i) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

(iii) In the cases of subjects excluded from the purview of the Council, the Government may frame any Regulation that may be required and any such Regulation, if assented to by His Highness the Maharaja, becomes law.

(iv) In cases not excluded from the purview of the Legislative Council in which legislation is urgently required, Government may frame emergent regulations which, if assented to by His Highness the Maharaja, will have the same force as a Regulation passed through the Council for a period of six months from the date of its promulgation in the official gazette.

The Reforms Committee have not proposed any material modifications in the present position and powers of the Council in respect of legislation. A majority of the Committee have proposed that the power of Government to frame Regulations independently of the Council should be extended to measures required for the safety and tranquillity of the State. The Committee by a majority also recommend that it should be made clear that His Highness the Maharaja reserves to himself the prerogative to pass Regulations

independently of the Legislative Council and that this may find a place in the Proclamation or in the Legislative Council Regulation or in both. The Committee consider that the Legislative Council will not be a legislature competent to amend the constitution, at any rate in regard to the essential matters which will find a place in the Proclamation except in so far as powers may be expressly reserved to the Council.

The opinion of the Committee that changes in the constitution should be outside the scope of the Council, has been accepted. By a notification dated the 14th August 1923, questions affecting the constitution, powers and privileges of the Legislative Council and the Representative Assembly have been removed from the scope of the Council under clause (i) of the proviso to Section 12 of the Legislative Council Regulation which was till now in force. It has now been expressly provided in the new Regulation that the Legislative Council Regulation and the Representative Assembly Regulation shall be subjects excluded from the purview of the Council, and thus the constitution, powers and functions of the Legislative Council and of the Representative Assembly will be outside the cognisance of the Council. Changes in the constitution will therefore be possible only by means of Proclamations or Regulations promulgated by His Highness the Maharaja independently of the Council.

It is not considered necessary to reserve any special powers to Government in respect of measures that may be required for the safety and tranquillity of the State. The co-operation that the Government have received from the Legislative Council and the sense of responsibility which has characterised its deliberations in the past justify the Government in the belief that, when the safety and tranquillity of the State require it, the necessary measure of legislation will be passed by the Council. In the unlikely event, however, of the measures approved by the Council being considered by the Government to be not adequate for the due discharge of their responsibility, the deadlock thus created could be removed by the exercise by His Highness, at his pleasure, of his powers to frame laws independently of the Council. Similarly, in the event of the Legislative Council adopting, in any Bill, provisions or amendments prejudicial to the safety and tranquillity of the State, the situation thus arising will be one to be met by recourse to the inherent powers of His Highness.

The power of Government as regards emergent regulations which will be in force for six months will continue as proposed by the Committee.

As regards the subjects which will be outside the cognisance of the Legislative Council in respect of legislation, it was stated in the Dewan's announcement that the present list of subjects that are excluded from the purview of the Legislative Council (as well as the Representative Assembly) would be curtailed so as to admit of the discussion of all matters relating to the internal administration of the State, the only subjects to be excluded being those relating to the Palace, the relations of His Highness the Maharaja with the Paramount Power and with other States and matters governed by treaties, conventions and agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power.

Section 9 of the Legislative Council Regulation of 1923 enumerates the excluded subjects as follows:—

- (a) the Ruling Family of Mysore;
- (b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States;
- (c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
- (d) the provisions of the Legislative Council Regulation;
- (e) the provisions of the Representative Assembly Regulation No. XVIII of 1923;
- (f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

(2) *Budget*.—One of the most important of the measures contemplated in connection with the scheme of constitutional developments is in respect of the powers and position of the Legislative Council in regard to the State Budget. The privilege of discussing the State Budget, subject to certain conditions, was given to the Legislative Council in the year 1914 by Regulation No. I of that year. The power extended only to a general discussion of the Budget and the Council had no power to submit or propose any resolutions on it.

In the announcement it was stated that the Legislative Council would be given the power of voting on the annual State Budget by major heads in respect of all items of

expenditure except those affecting the Palace, the Military, the pensions of public servants and the relations of the State with the British Government under the treaty, with the proviso that if the Council refused its assent to a provision in the Budget or reduced it, it would be competent to the Government to restore the provision if they considered it necessary for the carrying on of any department.

The grant of the power to vote on the State Budget to the Legislative Council is a measure of far-reaching importance and significance. While resolutions adopted by the Council can have effect only as recommendations, voting (or refusing) a grant has, under the terms of the announcement, a binding effect on the Government, which, as observed by the Committee, "can be annulled only by the exercise of a specific power of the Government for a specified reason, *viz.*, the power of restoration if the Government consider the grant necessary for the carrying on of any department." Further, "voting by major heads" imposes an important limitation of the Government's powers of reappropriation of sanctioned expenditure. Since the grant will be sanctioned by the Council under major heads, reappropriation by the Government from one major head to another will no longer be permissible. The Legislative Council in future, with its statutory non-official majority, will therefore exercise a large measure of control over the financial policy of the Government.

The Committee have discussed the questions involved with great thoroughness and lucidity. The Committee point out that as in British India the Government should have power in cases of emergency to authorise such expenditure as may be necessary for the safety and tranquillity of the State or for carrying on of any department. As regards the list of items of expenditure excluded from the vote of the Council, the Committee point out that in the corresponding provisions of the Government of India Act, interest and sinking fund charges on loans, expenditure of which amount is prescribed by or under any law, and the salaries as well as pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State are non-votable. The Government do not consider it necessary or desirable to exclude the salaries of any classes of public servants from the vote of the Council as this would result in a considerable curtailment of the control over financial policy and administration which it is proposed to vest in the Council. Interest charges have now been definitely excluded

from the vote of the Council by Section 13 of the Legislative Council Regulation, as also charges on account of loan sinking funds in cases where such funds have been guaranteed at the time of raising the loans. Provision has also been made in the Regulation enabling Government in cases of emergency to authorise expenditure considered necessary for the safety and tranquillity of the State or for the discharge of the Government's responsibility, without submitting it to the vote of the Council.

The Committee have submitted detailed rules for the discussion of the Budget by the Legislative Council including rules for supplementary and excess grants, and also specifying the major heads which they propose for adoption for voting purposes. The rules proposed by the Committee are approved with the modification that the expenditure relating to the staff and household of His Highness the Maharaja now appearing under General Administration is included among non-votable items. This is in accordance with Section 13 of the Legislative Council Regulation. The rules as approved will be issued separately.

(3) *Resolutions*.—The right to discuss matters of general public interest under such conditions and restrictions as may be prescribed by rules made by Government was given to the Legislative Council by Regulation VI of 1919, and rules on the subject were issued in Notification No. G. 3931—Legis. 22-18-5, dated the 15th August 1919. Any member of the Council may ordinarily move not more than one resolution at any session of the Council and not more than twelve resolutions in all can be moved at any session.

The right of moving resolutions has not hitherto been availed of by the Council to any very large extent. The number of resolutions brought up at any session has rarely exceeded half the number admissible. This was doubtless due to the fact that practically all matters of general public interest can be and are brought up in the Representative Assembly as "representations" and are fully discussed in the Assembly. Nevertheless, in keeping with the enlargement of the functions of the Council under the announcement, it was promised that the number of resolutions that may be brought forward at a session of the Legislative Council would be substantially increased.

The Committee have recommended that the maximum number of resolutions on matters of general public interest which can be brought forward at a session of the Legislative Council should be fixed at 20 and that the selection should

be by ballot. The Committee have also proposed detailed rules in the matter.

The Government have examined the above recommendations and rules and they are of opinion that in view of the fact that the number of non-official members of the Legislative Council has been increased from 18 to 30, a maximum limit of 20 resolutions is somewhat inadequate. They consider that instead of fixing a limit of 20 as proposed by the Committee, the existing rule under which a member shall ordinarily be allowed to bring up not more than one resolution at any one session of the Legislative Council may be retained, thereby raising the maximum number of resolutions at any session to 30.

The order in which resolutions are to be taken up for discussion will be settled by ballot, by post and otherwise if necessary, provided that the President may give priority to any resolution or postpone the moving of any resolution for sufficient reasons. With these modifications the rules proposed by the Committee are approved and will be separately issued.

(4) *Interpellations*.—The power to ask questions on matters of public interest or importance was given to the Legislative Council by Section 12 A of the Legislative Council Regulation as amended by Section 7 of Regulation I of 1914. The maximum number of interpellations that could be sent up by any member was fixed at 3 and the maximum number that could be answered at a session was originally fixed at 12. In December 1915 permission was given to any member who had asked a question to put a supplementary question for the purpose of further elucidating the matter. In February 1916 the total number of questions that could be asked at a single session was raised from 12 to 20. The present rules relating to interpellations are contained in Notification No. J. 425—Legis. 7-17-1, dated 8th August 1917, as amended by Notification No. G. 11444—Legis. 33-18-1, dated the 20th November 1919.

In the announcement it was promised that the number of interpellations that may be brought forwarded at a session of the Legislative Council would be substantially increased.

In the recommendations and rules made by the Committee in regard to interpellations they have proposed that no member shall be allowed to send up more than two questions for any session of the Council. They have also proposed that if more than 20 questions are received the

number of questions to be answered should be selected with reference to the importance of the questions, the priority of their receipt and the measure of support which they may have received from other non-official members. Government consider that there need be no restrictions as to the total number of interpellations that may be put at a session, except that no member shall put more than two questions, thereby raising the maximum number of interpellations that may come up at any session to 60. With this modification the rules proposed by the Committee are accepted and will be separately issued.

#### QUALIFICATIONS OF VOTERS AND CANDIDATES TO THE LEGISLATIVE COUNCIL.

40. Under the existing rules, the qualifications of voters to the Legislative Council are identical with those of voters of the Representative Assembly. In view of the difference in the functions and the powers of the two bodies, the Reforms Committee consider that the franchise also should be different and they propose to fix the property qualifications of voters to the Legislative Council twice as high as those of voters to the Representative Assembly. They are also of opinion that while in respect of the Representative Assembly there need be no difference in the qualifications of voters and candidates, the qualifications of candidates should be higher than those of voters in the case of the Legislative Council. In conformity with these views, the Committee have proposed detailed rules regarding the qualifications and disqualifications of voters, candidates and members in connection with the several constituencies of the Legislative Council.

41. *Qualifications of Voters in Rural Constituencies.*—The Committee recommend that in rural constituencies the following persons should be qualified to elect members to the Legislative Council:—

“(a) Every person—

- (i) who is the registered occupant of land assessed to land revenue of not less than Rs. 50 per annum payable to Government; or
- (ii) who is a kadiin tenant paying an annual rent of not less than Rs. 50 per annum to the holder of an alienated village (the Jaghirs of Yelandur and Sringeri excepted) to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or



(iii) who pays annually mohatarfa tax or municipal tax of not less than Rs. 10 to a Municipal Council;

(b) every person who is the owner of one or more entire inam villages with a total beriz of Rs. 250 per annum and who ordinarily resides in the district;

(c) every graduate of a University who ordinarily resides in the constituency;

(d) every person who is a retired and pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops;

(e) every person who pays income-tax to Government."

"NOTE.—If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof or the member authorised by a majority of a family and in other cases by the member or partner authorised in that behalf by a majority of a family or the partnership concerned."

"Explanation.—'Partnership' includes a company, firm, association, body of two or more guardians or trustees or the joint pattadars or other body possessing joint rights."

42. These rules are based, as stated above, on the view that the electorate to the Legislative Council should be different from the electorate to the Representative Assembly. Government accept this view and are pleased to approve of the proposal with the modification that as the franchise has been extended to the Jaghirs of Yelandur and Sringeri, the exception relating to these areas in clause (a) (ii) may be omitted.

43. *Qualifications of Voters in Urban Constituencies.*—As regards urban constituencies, the Committee propose that the qualifications of voters may be the same as those of voters in rural constituencies except that, in respect of property qualifications, the qualifications laid down for voters at municipal elections shall be accepted in lieu of those prescribed for voters in rural constituencies of the Legislative Council. Government approve of this recommendation.

44. *Special Interests.*—The constituencies representing special interests and their electorates have been referred to in para 36 above.

45. *Qualification of Candidates and Members in Rural and Urban Constituencies.*—At present, the following persons are qualified to stand for election to the Legislative Council:—

(a) Any person who holds lands situated in the district, for which he pays an annual assessment to Government of Rs. 100 or holds inam lands similarly situated having a beriz of Rs. 150 or more, or pays an assessment of not less than Rs. 100 to an inamdar for lands so situated or mohatarfa or municipal taxes within the said area of not less than Rs. 15 and also possesses a sufficient knowledge of the English language to be able to take part in the proceedings of the Legislative Council.

(b) A Graduate of any Indian or English University of not less than ten years' standing, who has been resident in the district for at least three years previous to the election.

46. The Committee propose that the following persons should be eligible to stand for election to the Council:—

“(a) Any person—

(i) who holds lands, situated in the constituency, for which he pays an annual assessment to Government of Rs. 100; or

(ii) who pay assessment of not less than Rs. 100 to an inamdar for lands so situated; or

(iii) who pays mohatarfa or municipal taxes within the said area of not less than Rs. 15; or

(b) any person who holds inam lands situated in the constituency, having a beriz of Rs. 250 or more; or

(c) a graduate of any Indian or English University of not less than ten years' standing, who has been resident in the district for at least three years previous to the election; or

(d) any person who pays an income-tax of Rs. 100”

47. In proposing these qualifications, the Committee have proceeded on the view that the property qualifications of candidates and members should be higher than those of voters. In the case of the Representative Assembly no such difference exists or is proposed and Government see no reason why in the case of the Legislative Council a distinction should be made which would have the effect of restricting the choice of the voters and narrowing down the class of persons from among whom the Legislative Council draws its members. For these reasons, Government are pleased to order that in lieu of the property qualifications proposed in clauses (a) and (b) above, the following shall be substituted:—

“(a) Every person—

(i) who is the registered occupant of land assessed to land revenue of not less than Rs. 50 per annum payable to Government; or

- (ii) who is a kadim tenant paying an annual rent of not less than Rs. 50 per annum to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or
- (iii) who pays annually mohatarfa tax or municipal tax of not less than Rs. 10 to a Municipal Council;

(b) every person who is the owner of one or more entire inam villages with a total beriz of Rs. 250 per annum and who ordinarily resides in the district."

48. As proposed by the Committee, only graduates of an Indian or English University of not less than ten years' standing who have been resident in the constituency for at least three years previous to the date of election shall be eligible for membership as also persons paying an income-tax of Rs. 100 and above.

49. As regards candidates standing for election in connection with the representation of special interests and the Representative Assembly, the qualification will be the membership of the body returning the candidates.

#### NOMINATION TO THE DISTRICT BOARD OF THE MEMBER ELECTED TO THE LEGISLATIVE COUNCIL BY A DISTRICT CONSTITUENCY.

50. In connection with the composition of the Legislative Council, the Committee suggest that the member elected by a District constituency to the Legislative Council should be nominated by the Government as a member of the District Board concerned if he is not already a member of such Board.

51. Government recognise that there are certain advantages in linking up the legislature with local bodies. The suggestion of the Committee however refers only to the Legislative Council and does not extend to the Representative Assembly. Further, it relates only to District Boards and does not take Municipal Councils into consideration. Government also observe that there are certain inconveniences involved in giving effect to the Committee's proposal. It would mean the nomination of a member of a provincial body to a local body and the nomination would be independent of the member's desire or qualifications to serve on such local body. Difficulties of a practical character would also arise in the event of the term of the two bodies not synchronising with each other. For these reasons, Government consider that the object which the Committee have in view in making

the suggestion can, for the present, be achieved by the suitable exercise by the Government of the power, which they possess under the present rules, of nominating members to District Boards.

### PART III.

#### Standing Committees.

52. Government have for a long time past recognised the desirability of associating representatives of the people with officials in the consideration of important measures, and committees consisting of officials and non-officials have been constituted to deal with a great variety of subjects. The present Budget Finance Committee consisting of officials and non-officials was constituted in pursuance of this policy. The Government considered however that permanent committees constituted on a popular basis and possessing defined powers and functions would be more useful and, accordingly, in the announcement made by the Dewan last year, it was stated that in order to enlarge the opportunities of non-official representative of the people to influence the every day administration of the State, one or more Standing Committees consisting of members of the Legislative Council and the Representative Assembly would be appointed in an advisory capacity on the model of the Standing Committees of the Indian Legislature; that the members would be selected from a panel to be elected by the members of the Representative Assembly and the Legislative Council respectively from among themselves; that meetings of the Standing Committees would be held under the Chairmanship of a Member of Government and summoned at such times and as frequently as may be decided by the Dewan, and that all major questions of general policy on which the Member in charge of the department concerned desired the advice of the Committee would be placed before it.

53. The Committee have submitted the following recommendations in order to give effect to this announcement:—

(a) That Standing Committees should be constituted to advise on the following departments or groups of departments:—

- (1) Medical, Sanitation and Public Health,
- (2) Education,
- (3) Local Self-Government, and
- (4) Railways, Industries and Commerce.

(b) That Government may at their discretion appoint

additional Committees for other departments or add other departments to the above Committees.

(c) That the election of the panel by each House shall take place by ballot.

(d) That the number of members for each Standing Committee shall be six—three representing the Legislative Council and three the Representative Assembly.

(e) That the panel will consist of ten members from each House for each Committee.

54. The recommendations of the Committee have been carefully considered by Government and they are pleased to order that for the present three Standing Committees may be formed, one in connection with the Railway, Electrical and Public Works Departments, one in connection with Local Self-Government and the Department of Medicine, Sanitation and Public Health and the third in connection with Finance and Taxation. Government may at their discretion appoint additional Committees for other departments or add other departments to the above Committees. In view of the formation of a Standing Committee of Finance and Taxation, the present Budget Finance Committee becomes superfluous and is abolished. As there will be separate Development Boards for Education, Agriculture and Industries and Commerce, Government consider it unnecessary to have Standing Committees in connection with them.

55. Each Standing Committee will consist of six members as proposed by the Committee, but having regard to the larger strength of the Assembly and its preponderantly non-official character as compared with the Legislative Council, four of the members will represent the Representative Assembly and the remaining two the Legislative Council. These members will be selected by Government out of a panel of fifteen members elected by ballot by the Representative Assembly and ten members elected in the same manner by the non-official members of the Legislative Council.

56. Detailed rules\* regarding the formation and working of these Committees will be separately issued.

#### FORMATION OF A COMMITTEE OF THE LEGISLATIVE COUNCIL ON PUBLIC ACCOUNTS.

57. The Committee have recommended the constitution of a committee of the Legislative Council on Public Accounts

---

\*Detailed rules regarding the working of the Standing Committees have been issued in G.O. No. P 6526—R.A. 41-23-1, dated 28th May 1924, (*vide* Appendix F) and subsequently modified in Notification No. Rel. 5011—R.A. 30-32-2, dated 6th February 1933.

in addition to the Standing Committee on Finance and Taxation now sanctioned. This latter committee consists of members from the Representative Assembly and the Legislative Council and its main function is to advise Government on their proposals for the appropriation of revenue and other money in connection with the preparation of the annual State Budget. When the Budget is placed before the Legislative Council, that body in voting on the demands for appropriations, exercises control in respect of the objects on which Government moneys may be spent and the amounts that may be spent on each object. Government agree that the Council should also be in a position to know to what extent its wishes, as expressed in its grant of demands, have been complied with. The formation of a Committee of the Legislative Council which will scrutinise the Audit and Appropriation Reports of the Audit Department of Government and bring to the notice of the Council all deviations from its intentions is necessary for this purpose, and Government are accordingly pleased to sanction the Committee's proposal. Rules regarding the formation and working of the Committee will issue separately.

#### **PART IV.**

##### **Economic Development Work.**

58. The Mysore Economic Conference was started in the year 1911 with the object of associating men of enlightenment, public spirited citizens, prominent agriculturists, merchants, etc., with officers of Government in their deliberations connected with the economic development of the State. The constitution and functions and the personnel of the Conference have changed from time to time and are at present regulated by Government Order No. 514-66—E.C. 15-19-1, dated 12th July 1919. Under this order, the Conference was made a permanent adjunct to the administration with a strong and compact organization consisting of (1) a Central Economic Development Board for organizing and co-ordinating the work of all agencies, (2) three Provincial Boards dealing with Education, Agriculture, and Industries and Commerce, and (3) a Board of Scientific Research and Advice. As regards work in the districts, economic development work was made an integral part of the functions of the local self-governing bodies. All the Boards were reconstituted so as to provide for the adequate representation of the Representative Assembly as well as of the agencies working

in the districts, and of semi-official and private bodies devoted to economic work of any importance and of special interests. Provision was made for periodical meetings of these Boards as also for the meeting of the Conference as a whole.

59 When the scheme of constitutional reforms was being considered by Government, the question arose as to the place of the Economic Conference and the connected Boards in the constitutional arrangements contemplated by them. The matter was referred to the Committee with the request that the whole position may be carefully examined and suitable proposals submitted to the Government.

60. The Committee propose that there should be an Economic Development Board with three Central Boards of Education, Agriculture and Industries and Commerce respectively and that these Boards should be assigned a definite place in the constitution either by mention in the Proclamation as permanent institutions in the State or by statutory recognition. They also suggest that a connection may be established between the Central Boards on the one hand and the Representative Assembly and the Legislative Council on the other by making provision for economic development questions being referred to these Boards at the instance of the Representative Assembly or the Legislative Council by means of resolutions requesting Government to refer such questions to them. They also submit proposals regarding the composition of the various Boards referred to above.

61. In accordance with the announcement contained in His Highness' Proclamation, the Advisory Boards connected with Economic Development work will be reconstituted and continued in close relationship with the Representative Assembly and the Legislative Council. There will be three of these Boards, one for Education, one for Agriculture and the third for Industries and Commerce. The existing Board of Scientific Advice will be abolished as a separate entity and its work will be taken up by a sub-committee consisting of not more than seven members of the Industries and Commerce Board and such scientific experts from outside as may be co-opted by them. A Conference of these Boards will be held at least once a year under the presidency of the Dewan and all the members of the Boards, the Deputy Commissioners of Districts and such other persons as may be specially selected by Government shall be summoned for the Conference. The total number of members of the Conference shall not exceed 100.

62. As regards the composition of the three Central

Boards, Government are pleased to approve of the proposals of the Committee with a slight modification in the case of the Board of Industries and Commerce.

63. The Board of Education will consist of:—

- (1) The Inspector-General of Education (*Ex-officio*).
- (2) A representative of the Mysore University.
- (3) A representative of High School Teachers.
- (4) A representative of Missionary Schools.
- (5) A representative of Private Schools (aided and unaided).
- (6) A woman representative of Female Education.
- (7) A representative of Science Teaching.
- (8) A representative of Industrial and Technical Education.
- (9) A representative of Physical Education (including Medical inspection and Hygiene).
- (10) A representative of Mahomedan Education.
- (11) A representative of Education of the Backward Classes.
- (12) A representative of Depressed Classes.
- (13) A representative of Primary Education.
- (14) and (15) Two members to be elected by the Representative Assembly.
- (16) and (17) Two members to be elected by the Legislative Council.
- (18) and (19) Two nominees of the Government.

64. The Board of Agriculture will consist of:—

- (1) The Director of Agriculture.
- (2) The Chief Engineer for Irrigation.
- (3) The Revenue Commissioner.
- (4) The Superintendent of Animal Husbandry (Livestock Expert).
- (5) The Superintendent of Sericulture.
- (6) The Superintendent of Government Gardens.
- (7) The Registrar of Co-operative Societies.
- (8) One Deputy Commissioner to be nominated by the Government.
- (9) A representative of the Agricultural Union.
- (10) and (11) Two representatives of the Planting Interest (one European and one Indian).
- (12) The Agricultural Chemist.
- (13) The Conservator of Forests.
- (14) to (17) Two representatives each from the Representative Assembly and from the Legislative Council.
- (18) and (19) Two to be nominated by Government to represent Horticulture and Sericulture.
- (20) to (22) Three members to be nominated by Government to represent Agriculture who are large growers of sugar-cane, cotton and other important commercial crops.

65. The Board of Industries and Commerce will consist of—

- (1) The Director of Industries and Commerce.
- (2) The Conservator of Forests.



- (3) The Director of Geology.
- (4) The Chief Electrical Engineer.
- (5) The Agent, Mysore Railways.
- (6) and (7) Two representatives from the Representative Assembly.
- (8) and (9) Two representatives from the Legislative Council.
- (10) One representative of the Mysore Chamber of Commerce.
- (11) One representative of Banking Interests.
- (12) One representative of Mining and Factory Labour.
- (13) The Industrial Chemist.
- (14) The Government Director, Mysore Iron Works.
- (15) to (17) Three representatives of the principal industries like textiles, mining, tanning, oils, etc.
- (18) One representative of Industrial and Commercial Education.
- (19) and (20) Two to be nominated by Government to represent other interests.

66. The representatives of the various interests and agencies referred to above will, as far as possible, be elected. The Chairmen of the Boards will ordinarily be the Members of the Council of His Highness the Maharaja.

67. The rules regarding the meetings of the various Boards, the method of elections and other details relating to the working of the Boards will be separately issued.

## PART V.

### Decentralisation and Development of Local Self-Government.

68. According to the present rules relating to the Representative Assembly there is no restriction as to the nature of the representations that may be brought up before the Assembly. All representations, whether of a general or of a local nature, are ordinarily included in the business of the Assembly. This, under the scheme of constitutional developments giving larger powers and functions to the Assembly, would not be convenient on account of the large volume of business to be gone through and it was accordingly stated in the Dewan's announcement that local subjects would not, as a rule, be allowed to be brought up before the Representative Assembly but would be brought within the scope of District Boards by suitably enlarging the functions of these Boards.

69. The Reforms Committee have made a general examination of the announcement and, in view of the importance of the points involved, they suggest a further consideration of the subject by a special committee with a view to a complete revision of the constitution and functions

of the local bodies. They have also indicated some of the lines on which such revision may proceed. Their suggestions in the matter are contained in the following extract from the Report :—

“(1) Section 12 of the Local Boards Regulation should be amended so as to admit of the consideration by the District Board of all local subjects even if they do not fall within its purview under the existing Regulation.

(2) The Standing Committee of the Representative Assembly will refer subjects of a local nature to the District Board.

(3) All the communications of the District Board to the Heads of Departments and to Government on local or other subjects dealt with by it, the disposal of which does not fall within its powers, should pass through the Deputy Commissioner of the District.

(4) Subject to such further examination as may be necessary of the existing provisions of the Local Boards Regulation and of the rules thereunder, provision should be made for the exercise by the District Board of certain powers in the following three matters :—

(a) Provision should be specifically made in the Regulation authorising the President or any member deputed by the District Board to inspect institutions or works under the control of Government Departments for which contributions are made by the District Board; and to take necessary steps for bringing defects to the notice of the Heads of Departments concerned, or of Government.

(b) Whenever there is a departmental committee in respect of the administration of any institutions to which the District Board contributes, the District Board should be represented on such committee.

(c) The District Board may also be represented in respect of other committees which Government may consider necessary.

(5) In the case of local subjects relating to municipalities, municipal councils will consider and dispose of such subjects in the same manner as is laid down above for District Boards.”

70. His Highness the Maharaja has, in the Proclamation promulgated this day, been pleased to command that the constitution, functions and powers of Municipal Councils,

District and Taluk Boards and Village Panchayets should be revised so as to give them the largest possible measure of responsibility and autonomy in the administration of local affairs. This question has already been taken up and a special officer appointed to work out a scheme of further development of Local Self-Government with reference to the resolutions of the recent Local Self-Government Conference, and the Government will, in due course, undertake the necessary amendments to the existing Local Boards and Municipal Regulations in order to give full effect to the policy laid down above. Meantime, even under the existing Local Boards Regulation (Section 12), the District Board may pass a resolution on any question connected with the administration of the district. Rules will now be framed under this Regulation to facilitate discussion of these questions and submission of recommendations to Government. All local subjects hitherto brought up for the consideration of Government in the Representative Assembly will in future be dealt with to the extent provided for by such rules by the local bodies concerned, including municipalities.

71. The main features of the constitutional changes that have been introduced this day may now be briefly summarised. In some important particulars, the sanctioned scheme goes further than the Dewan's announcement of October 1922. Property qualifications of voters to the Representative Assembly have been reduced by one-half. A large number of urban constituencies have been created. The disqualification of women, on the ground of sex, from exercising the franchise has been removed. The result of these measures is that, in the case of the Representative Assembly, the total strength of the electorate is expected to increase from about 28,000 to over 100,000. The unscientific combination of direct and indirect elections in the Representative Assembly has been done away with. The representation of special interests has been systematised and labour has been recognised as one of the special interests to be represented both in the Representative Assembly and on the Legislative Council. Adequate provision has been made for the representation of minorities under a scheme that seeks to avoid the widening and perpetuation of the cleavage between communities. Communities which form distinct social groups and are not likely to obtain their due share of representation are afforded special protection by the guarantee of a fixed number of seats both in the Representa-

tive Assembly and in the Legislative Council. The Representative Assembly has been given a definite place in the Constitution and its position as a popular body placing before the Government the wants and wishes of the people and voicing public opinion in respect of legislation, taxation, finance and administrative measures generally has been recognised by Statute. The strength of the Legislative Council has been substantially raised and it has been given an increased elected element with a statutory non-official majority. By its power of voting on the State Budget, it will, in future, have an effective voice in determining the financial policy of the Government. The association of the representatives of the people in the every day administration of the principal departments of Government is secured by the formation of Standing Committees consisting of members of both Houses. The Development Boards formed some years ago to secure the co-operation of the people in promoting the economic progress of the State have been reconstituted and continued in close relationship to the Representative Assembly and the Legislative Council. Steps will be taken for granting to local bodies as large a measure of responsibility and autonomy as possible in the disposal of matters of local importance. Thus the existing institutions have been consolidated, their powers enlarged and their functions co-ordinated.

72. Government will now arrange for the immediate reconstitution of the Representative Assembly and the Legislative Council, and take all necessary measures required to give full effect to these developments.

K. MATTHAN,

*Chief Secretary to Government.*

To—Dr. B. N. Seal, M.A., PH.D., D.S.C.

Other Members of the Reforms Committee.

All Secretaries to Government.

All Heads of Departments.

Deputy Commissioners of Districts.

Press table.

The Compiler, *Mysore Gazette.*

## APPENDIX B.

### ANNEXURE No. I.

#### List of Rural Constituencies.\*

No.	Name of constituency	Extent of constituency	No. of members
<b>BANGALORE DISTRICT.</b>			
1	Bangalore	Bangalore taluk excluding the area comprised in the Bangalore City Municipality.	3
2	Hoskote	Hoskote taluk	2
3	Dodballapur	Dodballapur taluk excluding Dodballapur town municipal area.	2
4	Nelamangala	Nelamangala taluk	2
5	Kankanhalli	Kankanhalli taluk excluding Kankanhalli town municipal area.	3
6	Magadi	Magadi taluk excluding Magadi town municipal area.	2
7	Channapatna	Channapatna taluk excluding Channapatna town municipal area.	2
8	Anekal	Anekal taluk excluding Anekal town municipal area.	2
9	Devanhalli	Devanhalli taluk excluding Devanhalli town municipal area.	2
10	Closepet	Closepet taluk excluding Closepet town municipal area.	2
<b>KOLAR DISTRICT.</b>			
11	Kolar	Kolar taluk excluding Kolar town municipal area.	2
12	Bowringpet	Bowringpet taluk excluding the Kolar Gold Fields Sanitary Board area and Bowringpet municipal area.	2
13	Chintamani	Chintamani taluk excluding Chintamani town municipal area.	2
14	Mulbagal	Mulbagal taluk excluding Mulbagal town municipal area.	2
15	Sidlaghatta	Sidlaghatta taluk excluding Sidlaghatta town municipal area.	2
16	Chikballapur	Chikballapur taluk excluding Chikballapur town municipal area.	2

\* Vide G.O. No. Rel. 3207—R.A. 20-32-1, dated 29th November 1932.

No.	Name of constituency	Extent of constituency	No. of members
17	Bagepalli ...	Bagepalli taluk ...	2
18	Goribidnur ...	Goribidnur taluk ...	3
19	Malur ...	Malur taluk ...	2
20	Srinivasapur ...	Srinivasapur taluk ...	2
21	K.G.F. Sanitary Board Area.	The area comprised within the local jurisdiction of the Kolar Gold Fields Sanitary Board constituted under Section 35 of the Mysore Mines Regulation, IV of 1906.	2
22	Gudibanda (sub-taluk)	Gudibanda sub-taluk ...	1
<b>TUMKUR DISTRICT.</b>			
23	Tumkur ...	Tumkur taluk excluding Tumkur town municipal area.	3
24	Madhugiri ...	Madhugiri taluk excluding Madhugiri town municipal area.	2
25	Chiknayakanhalli ...	Chiknayakanhalli taluk excluding Chiknayakanhalli town municipal area.	2
26	Sira ...	Sira taluk excluding Sira town municipal area.	2
27	Gubbi ...	Gubbi taluk excluding Gubbi town municipal area.	3
28	Tiptur ...	Tiptur taluk excluding Tiptur town municipal area.	2
29	Pavagada ...	Pavagada taluk ...	2
30	Kunigal ...	Kunigal taluk excluding Kunigal town municipal area.	2
31	Koratagere ...	Koratagere taluk ...	2
32	Turuvekere (sub-taluk)	Turuvekere sub-taluk ...	1
<b>MYSORE DISTRICT.</b>			
33	Mysore ...	Mysore taluk excluding Mysore City municipal area.	2
34	Chamarajnagar ...	Chamarajnagar taluk excluding Chamarajnagar town municipal area.	3
35	Seringapatam ...	Seringapatam taluk excluding Seringapatam town municipal area.	2
36	Hunsur ...	Hunsur taluk excluding Hunsur town municipal area.	2
37	Yedatore ...	Yedatore taluk ...	2
38	Heggaddevankote ...	Heggaddevankote taluk ...	2
39	Gundlupet ...	Gundlupet taluk ...	2
40	Nanjangud ...	Nanjangud taluk excluding Nanjangud town municipal area.	3

No.	Name of constituency	Extent of constituency	No. of members
41	T.-Narsipur ...	T.-Narsipur taluk ...	3
42	Malvalli ...	Malvalli taluk excluding Malvalli town municipal area.	2
43	Mandya ...	Mandya taluk ...	2
44	Krishnarajpet ...	Krishnarajpet taluk ...	3
45	Nagamangala ...	Nagamangala taluk ...	2
46	Periapatna (sub-taluk)	Periapatna sub-taluk ...	1
47	Maddur ...	Maddur taluk ...	2
48	Yelandur (Jahgi) ...	Yelandur Jahgir ...	1
<b>HASSAN DISTRICT.</b>			
49	Hassan ...	Hassan taluk excluding Hassan town municipal area.	2
50	Manjarabad (Saklespur)	Manjarabad taluk ...	2
51	Arkalgud ...	Arkalgud taluk ...	2
52	Belur ...	Belur taluk ...	2
53	Channarayapatna ...	Channarayapatna taluk ...	3
54	Arsikere ...	Arsikere taluk excluding Arsikere town municipal area.	3
55	Hole-Narsipur ...	Hole-Narsipur taluk excluding Hole-Narsipur town municipal area.	2
56	Alur (sub-taluk) ...	Alur sub-taluk ...	1
<b>SHIMOGA DISTRICT.</b>			
57	Shimoga ...	Shimoga taluk excluding Shimoga town municipal area.	2
58	Channagiri ...	Channagiri taluk ...	2
59	Honnali ...	Honnali taluk ...	2
60	Shikarpur ...	Shikarpur taluk ...	2
61	Sorab ...	Sorab taluk ...	2
62	Sagar ...	Sagar taluk excluding Sagar town municipal area.	2
63	Nagar ...	Nagar taluk ...	2
64	Tirthahalli ...	Tirthahalli taluk ...	2
65	Kumsi (sub-taluk) ...	Kumsi-sub-taluk ...	1
<b>KADUR DISTRICT.</b>			
66	Chikmagalur ...	Chikmagalur taluk excluding Chikmagalur town municipal area.	2
67	Kadur ...	Kadur taluk excluding Birur town municipal area.	2
68	Tarikere ...	Tarikere taluk excluding Tarikere town municipal area.	2
69	Koppa ...	Koppa taluk ...	2
70	Mudgere ...	Mudgere taluk ...	2

No.	Name of constituency	Extent of constituency	No. of members
71	Narasimharajapura (sub-taluk).	Narasimharajapura sub-taluk ...	1
72	Sringeri (Jahgir) ...	Sringeri Jahgir ...	1
<b>CHITALDRUG DISTRICT.</b>			
73	Chitaldrug ...	Chitaldrug taluk excluding Chitaldrug town municipal area.	2
74	Challakere ...	Challakere taluk ...	2
75	Hiriyur ...	Hiriyur taluk ...	2
76	Holalkere ...	Holalkere taluk ...	2
77	Davangere ...	Davangere taluk excluding Davangere town municipal area.	2
78	Molkalmuru ...	Molakalmuru taluk ...	2
79	Jagalur ...	Jagalur taluk ...	2
80	Hosdurga ...	Hosdurga taluk ...	2
81	Harihar (sub-taluk) ...	Harihar sub-taluk excluding Harihar town municipal area.	1
Total ...			164

## ANNEXURE No. II.

## List of Urban Constituencies.

No.	Name of constituency	Extent of constituency	No. of members
-----	----------------------	------------------------	----------------

## CITY MUNICIPALITIES.

1	Bangalore City ...	Bangalore City Municipal area ...	4
2	Mysore City ...	Mysore City do ...	4

## TOWN MUNICIPALITIES.

## BANGALORE DISTRICT.

3	Channapatna ...	Channapatna town municipal area...	1
4	Dodballapur ...	Dodballapur do ...	1
5	Devanhalli ...	Devanhalli do ...	1
6	Kankanhalli ...	Kankanhalli do ...	1
7	Anekal ...	Anekal do ...	1
8	Closepet ...	Closepet do ...	1
9	Magadi ...	Magadi do ...	1



No.	Name of constituency	Extent of constituency	No. of members
<b>KOLAR DISTRICT.</b>			
10	Kolar	... Kolar town municipal area ...	1
11	Chikballapur	... Chikballapur do ...	1
12	Sidlaghatta	... Sidlaghatta do ...	1
13	Bowringpet	... Bowringpet do ...	1
14	Mulbagal	... Mulbagal do ...	1
15	Chintamani	... Chintamani do ...	1
<b>TUMKUR DISTRICT.</b>			
16	Tumkur	... Tumkur town municipal area ...	1
17	Sira	... Sira do ...	1
18	Chiknayakanhalli	... Chiknayakanhalli do ...	1
19	Madhugiri	... Madhugiri do ...	1
20	Gubbi	... Gubbi do ...	1
21	Tiptur	... Tiptur do ...	1
22	Kunigal	... Kunigal do ...	1
<b>MYSORE DISTRICT.</b>			
23	Seringapatam	... Seringapatam town municipal area ...	1
24	Nanjangud	... Nanjangud do ...	1
25	Chamarajnar	... Chamarajnar do ...	1
26	Malvalli	... Malvalli do ...	1
27	Hunsur	... Hunsur do ...	1
<b>HASSAN DISTRICT.</b>			
28	Hassan	... Hassan town municipal area ...	1
29	Hole-Narsipur	... Hole-Narsipur do ...	1
30	Arsikere	... Arsikere do ...	1
<b>SHIMOGA DISTRICT.</b>			
31	Shimoga	... Shimoga town municipal area ...	1
32	Sagar	... Sagar do ...	1
<b>KADUR DISTRICT.</b>			
33	Chikmagalur	... Chikmagalur town municipal area ...	1
34	Tarikere	... Tarikere do ...	1
35	Birur	... Birur do ...	1
<b>CHITALDRUG DISTRICT</b>			
36	Davangere	... Davangere town municipal area ...	1
37	Chitaldrug	... Chitaldrug do ...	1
38	Harihar	... Harihar do ...	1
Total			44

## ANNEXURE No. III.

## Special Interests.

No.	Interest	Constituency	No. of members
1	Mysore University ...	All Fellows and Registered Graduates of the Mysore University.	1
2	Legal Interest ...	All the enrolled Advocates of the High Court and Pleaders enrolled under the Mysore Legal Practitioner's Regulation, before the publication of the Electoral Roll.	1
3	European Planting Interest.	...	1
4	Indian Planting Interest.	...	1
5	Gold Mining ...	Members of the Kolar Gold Field Mining Board.	1
6	Inamdars ...	...	1
7	Trade and Commerce	...	2
8	Women's Interest ...	...	4
9	Mining Labour ...	...	1
10	Factory Do ...	...	1
11	Agriculture ...	...	1
12	Co-operation ...	...	2
13	Spinning and Weaving (Textile Industry).	...	1
14	Sericulture ...	...	1
		Total ...	19

## ANNEXURE No. IV.

## Rules Regarding Associations Representing Special Interests.

Under Proviso (b) to Section 3 (3) of the Mysore Representative Assembly Regulation, XVIII of 1923, the following rules are prescribed as regards associations representing special interests and desirous of deputing members to the Representative Assembly :—

(a) The association must have been formed for the furtherance of the special interest concerned or for its general advancement.

(b) It shall be registered under the Mysore Societies' Registration Regulation.

(c) When any special interest has an association with branches or has two or more such associations, two or more of them may, when necessary, be grouped together by Government for the election of the member or members to be returned by the interest.

(d) The number of members on the roll of the association or associations shall not be less than one hundred.

(e) Meetings of the general body or the Managing Committee shall be held at least twice a year and minutes of the meetings shall be kept with the records of the association. On a requisition from the Deputy Commissioner, the association shall submit an annual statement of the number of meetings held and the number of members present.

(f) Bye-laws of the association and all subsequent changes, as and when they are made, shall be submitted to Government.

(g) The privilege of representation given to an association shall expire at the end of the term of the Representative Assembly and shall be liable to be revoked during the term of an Assembly if the association ceases to exist or infringes any of the conditions.

(h) The Government may, for special reasons, exempt an association from the operation of the rules (b) and (d) on application made by it on that behalf.

(i) Application for enfranchisement shall be submitted to Government through the Deputy Commissioner at least three months before the date fixed for general elections to the Representative Assembly and shall be accompanied by a copy of the rules or bye-laws and the following particulars :--

- (i) Object of the association.
- (ii) A list of members.
- (iii) Income from membership and other sources.
- (iv) The assets of the association.

APPENDIX C.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA  
OF MYSORE

GENERAL AND REVENUE DEPARTMENTS

G.O. No. REL. 757-800—R.A., DATED 26TH FEBRUARY  
1ST MARCH 1927.

VOTING PAPERS.

Revises the form of — used for Representative  
Assembly and Legislative Council elections.

---

---

Official Memorandum.

ORDER NO. REL. 757-800—R.A., DATED 26TH FEBRUARY/1ST  
MARCH 1927.

As symbols have to be assigned to each approved candidate standing for election to the Representative Assembly and the Legislative Council (*vide* Government Order No. Rel. 492-502—R.A. 25-26-1, dated 22nd December 1926), the voting papers prescribed in the Official Memorandum No. P. 2422-62—Legis. 14-23-6, dated 12th November 1923, are revised as in the annexed form, which may be bound in counterfoil for each constituency and dealt with according to the instructions given therefor.

By Order

B. NAGAPPA,

*Secretary to Government,  
Law Department.*

To—The Deputy Commissioners of Districts.  
The Presidents of Bangalore and Mysore City Municipalities.  
The Presidents of other municipalities concerned.  
The President, Sanitary Board, Kolar Gold Fields.  
The Superintendent, Government Printing.

No. REL. 757-800—R.A., DATED 26TH FEBRUARY/1ST MARCH 1927.

Serial No. ....

ಸಂಖ್ಯೆ ನಂಬರ್ .....

MYSORE  
REPRESENTATIVE  
ASSEMBLY

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತೀದಿ ಸಭೆ

.....Constituency.

.....ಚುನಾವಣೆ ಸ್ಥಾನ.

No. of Elector on the roll

.....

ಪಟ್ಟಿಯಲ್ಲಿ ಚುನಾವಣೆದಾರನ ನಂಬರ್

.....

.....

Signature of identifier if any  
ಗುರುತಿಸುವವರು ಇದ್ದರೆ ಅವರ ರುಜು

.....

Signature or thumb  
impression of elector.

ಚುನಾಯಿಸುವವರ ರುಜು ಅಥವಾ  
ಹೆಜ್ಜೆ ಟ್ಪಿನ ಗುರುತು



Serial No. ....

ಸಂಖ್ಯೆ ನಂಬರ್ .....

MYSORE REPRESENTATIVE  
ASSEMBLY

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತೀದಿ ಸಭೆ

.....Constituency.

.....ಚುನಾವಣೆ ಸ್ಥಾನ.

Names of candidates.  
ಉಪೇಕ್ಷಿಸುವವರ ಹೆಸರು.

Symbol.  
ಚಿಹ್ನೆ.

1. Mr. A ...

ಎಂ. ಎ ...



2. Mr. B ...

ಎಂ. ಬಿ ...



3. Mr. C ...

ಎಂ. ಸಿ ...



4. Mr. D ...

ಎಂ. ಡಿ ...



5. Mr. E ...

ಎಂ. ಇ ...



## INSTRUCTIONS

ತಿಳುವಳಿಕೆ.

(1) The number of seats to be voted for the constituency is .....  
Do not therefore vote for more.

ಚುನಾವಣೆಯ ಪ್ರದೇಶಕ್ಕೆ ವೋಟು ಕೊಡಬೇಕಾಗಿರುವ ಸ್ಥಾನಗಳ ಸಂಖ್ಯೆ .....  
ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಉಮೇದುದಾರರಿಗೆ ವೋಟು ಕೊಡಬೇಡಿ.

(2) Place a cross mark thus × against the name or symbol of the  
candidate  
each of the candidates for whom you wish to vote.

ನೀವು ಯಾರಿಗೆ ವೋಟು ಕೊಡಬೇಕೋ ಅವರ ಹೆಸರು ಅಥವಾ ಚಿಹ್ನೆಯ ಪಕ್ಕದಲ್ಲಿ ×  
ಗುರುತಿಸಿ ಹಾಕಿ.

*N.B.*—In the case of voters who are unable to read or write or are by reason of blindness or other physical defect incapacitated from recording their vote in their own hand, polling officers should mark the voting papers for such voters in accordance with their wishes. Polling officers should certify to such marking on the counterfoil.

ಪರಾ.—ಓದುವುದಕ್ಕೆ ಅಥವಾ ಬರೆಯುವುದಕ್ಕೆ ಬಾರದವರಿಂದಲೋ ಅಥವಾ ಕುರುಡತನದಿಂದಲೋ ಇತರ ಅಶಕ್ತತೆಯಿಂದಲೋ ತಮ್ಮ ವೋಟುಗಳನ್ನು ತಾವೇ ಗುರುತಿಸುವುದಕ್ಕೆ ಅಗದಿರುವ ವೋಟರುಗಳ ವೋಟುಗಳನ್ನು ವೋಟು ತೆಗೆದುಕೊಳ್ಳುವ ಅಧೀನರು ಗುರುತಿಸುವುದು. ಈ ವಿಧವಾಗಿ ಗುರುತಿಸಿದವುಗಳಿಗೆ counterfoil ನಲ್ಲಿ ತೋರಿಸಬೇಕು.

## APPENDIX D.

### Rules for the Holding of Elections according to the Principle of Proportional Representation by means of the Single Transferable Vote.

Definitions.

1. In these rules—

(1) “continuing candidate” means any candidate not elected and not excluded from the poll;

(2) “first preference” means the figure “1,” “second preference” means the figure “2,” “third preference” means the figure “3,” set opposite the name of any candidate, and so on;

(3) “non-transferable paper” means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate :

Provided that a paper shall be deemed to be a non-transferable paper in any case in which —

(a) the names of two or more candidates ( whether continuing or not) are marked with the same figure, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked—

(i) by a figure not following consecutively after some other figure on the ballot paper; or

(ii) by two or more figures\* ;

\* The fact that a voter has not marked every preference correctly does not invalidate the whole of his preferences. His paper is only treated as non-transferable when the wrongly marked preference is reached. The following are examples :—

A 1	A 1
(1) B 2	(2) B 2
C 3	C 3
D 3	D 5
E 4	E 6
	F 0

In case (1), the preferences for A and B would be valid. If the third preference were reached the paper would be treated as non-transferable, as it would be impossible to say for which candidate the voter really intended to give his third preference. In case (2), the preferences for A, B and C would be valid, but not the later ones, whether D had been elected or excluded or was still a continuing candidate. It is possible that the voter meant to give a fourth preference for some other candidate, e.g., F, but omits to do so. It would not be possible to treat 5 as being meant to be 4.

(4) "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate ;

(5) "surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota ;

(6) "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate ;

(7) "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

2. The returning officer shall, subject to these rules, do all things necessary for the conduct of the election. Conduct of election.

3. The voting shall be by ballot. The polling officer shall ascertain that the person desiring to vote is an elector who has not already voted, and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and hand it to the elector. Every ballot paper shall contain the names of all the candidates for election arranged alphabetically in the form annexed to these rules. Ballot paper.

4. (1) Every elector shall have one vote only. Method of voting.

(2) An elector in giving his vote—

(a) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes ;

(b) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3, and 4, and so on, in the squares opposite the names of other candidates in the order of his preference.

5. A ballot paper shall be invalid—

(a) upon which a member signs his name or writes any word, or makes any mark by which it becomes recognizable ; or Invalid ballot papers.

(b) on which the figure 1 is not marked ; or

(c) on which the figure 1 is set opposite the name of more than one candidate ; or

(d) on which the figure 1 and some other figure is set opposite the name of the same candidate ;

(e) which is unmarked or void for uncertainty.

6. (a) After the close of the poll, the polling officer, if he is also the returning officer, shall forthwith have the 21  
Scrutiny and arrangement of ballot papers.



voting papers scrutinised and the votes counted and announce the results, provided that where this is not practicable or the ballot box has to be sent to the returning officer who is elsewhere for counting, the polling officer shall have the box sealed with his own seal, as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody and thereafter take up, at the appointed time and place the scrutiny and counting of votes or despatch the box to the returning officer.

(b) The returning officer shall as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to the candidates or their election agents.

(c) The box or boxes aforesaid shall be opened in a place to which candidates or their agents shall have access.

(d) The returning officer shall examine the ballot papers and, after rejecting any that are invalid, shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

7. The returning officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

8. The returning officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate (hereinafter called the "quota").

9. If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

10. (1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being next in order of the voters' preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the returning officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

Counting of  
votes.

Ascertainment of  
quota.

Candidates  
with quota  
elected.

Transfer of  
surplus.

- (b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon.
- (c) In either case, the returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.
- (3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.
- (4) (a) If the total number of transferable papers is greater than the surplus, the returning officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.
- (b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcels by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.
- (c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.
- (d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.
- (e) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

- (5) (a) If more than one candidate has a surplus, the largest surplus shall be first dealt with.
- (b) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the returning officer shall decide by lot which surplus shall be dealt with first.
- (c) The returning officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

Exclusion of candidates lowest on the poll.

11. (1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred), and one or more vacancies remain unfilled, the returning officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the returning officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the returning officer shall decide by lot which shall be excluded.

12. (1) Whenever any transfer is made under any of the preceding rules, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

Disposal of papers after any transfer.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in Rule 10, before any other candidate is excluded.

13. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

Filling the last vacancies.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When the last vacancies can be filled under this rule, no further transfer of votes need be made.

14. Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the returning officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the returning officer shall forthwith re-examine and recount the same accordingly. The returning officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provision for recounts.

Provided that nothing herein shall make it obligatory on the returning officer to recount the same votes more than once.

15. The returning officer shall prepare and certify a return setting forth—

Return to be prepared by returning officer.

- (i) the number of valid votes given to each candidate ;
- (ii) the number of votes declared invalid and rejected ;
- (iii) the names of the persons declared elected.

16. If any question arises as to the interpretation and working of these rules otherwise than in connection with an election enquiry held under the rules thereof, the question shall be referred for the decision of Government and that decision shall be final.

Interpretation in case of doubt.

FORM I.

Form of Ballot Paper.

Election for .....

Counterfoil

No.

Serial Number	Names of candidates	Symbol	Mark order of preference in spaces below
Number of Polling Station.	A		
Number of elector on electoral roll.	B		
	C		
	D		
	E		
	F		

INSTRUCTIONS TO ELECTERS.

- A. Each elector has one vote and one vote only.
  - B. The elector votes—
    - (a) by placing the figure "1" opposite the name of his first choice.
- He is also invited to place—
- (b) the figure "2" opposite the name of his second choice;
  - (c) the figure "3" opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies.

*N.B.*—The vote will be spoilt, if the figure "1" is placed opposite the name of more than one candidate.

**Example of an Election conducted on the System of the  
Single Transferable Vote set out above.**

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I, K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1. Arrangement of ballot papers, Rule 6 (d).

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him. Counting the votes, Rule 7.

The result of the count may be supposed to be as follows:—

				Votes.
A	...	...	...	2,009
B	...	...	...	952
C	...	...	...	939
D	...	...	...	746
E	...	...	...	493
F	...	...	...	341
G	...	...	...	157
H	...	...	...	152
I	...	...	...	118
K	...	...	...	93
			Total	6,000

### THE QUOTA.

It is found that the total of all the valid votes is 6,000. This total is divided by six (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 1,001 (*i.e.*, the quotient 1,000 increased by one) is the "quota," or the number of votes sufficient to elect a member. Ascertainment of quota, Rule 8.

A's votes exceed the quota and he is declared elected. Candidate with quota elected, Rule 9.

### FIRST TRANSFER.

A has 1,008 surplus votes (*i.e.*, A's total 2,009 less the quota 1,001) and it is necessary to transfer this surplus [Rule 10 (1)]. Transfer of surplus votes of elected candidate, Rule 10.

All A's 2,009 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon [Rule 10 (2) (a)].

A separate sub-parcel is also formed of those papers on

which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable [Rule 10 (2) (c)].

The result is found to be as follows:—

A next available preference is shown for D on	257	papers.
Do	do	E on 11
Do	do	F on 28
Do	do	G on 1,708
Total of transferable papers	...	2,004
Total of non-transferable papers	...	5
Total of A's papers	...	2,009

Proportion of papers to be transferred, Rule 10 (4) (a).

Since the total number of transferable papers (2,004) exceeds the surplus (1,008), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

How numbers to be transferred are ascertained, Rule 10 (4) (b).

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 1,008 (the surplus), and dividing the result by 2,004 (the total number of transferable papers).

The process is as follows:—

D's sub-parcel contains 257 papers and his share of the surplus is therefore

$$257 \times \frac{1,008}{2,004} \text{ or } 129 \frac{540}{2,004}$$

E's sub-parcel contains 11 papers and his share of the surplus is therefore

$$11 \times \frac{1,008}{2,004} \text{ or } 5 \frac{1068}{2,004}$$

F's sub-parcel contains 28 papers and his share of the surplus is therefore

$$28 \times \frac{1,008}{2,004} \text{ or } 14 \frac{168}{2,004}$$

G's sub-parcel contains 1,708 papers and his share of the surplus is therefore

$$1,708 \times \frac{1,008}{2,004} \text{ or } 859 \frac{228}{2,004}$$

$$\text{Total} \quad \dots \quad 1,008$$

Treatment of fractions in transferring surplus votes Rule 10 (4) (c).

The number of papers to be transferred as determined by the preceding process contain fractions, and since only whole papers can be transferred, so many of the largest of these

fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the *whole* numbers determined above amount to only 1,007, *viz.* (129 + 5 + 14 + 859), or one short of the surplus 1008, the largest fraction  $\frac{859}{1008}$  is reckoned as unity, and the numbers of papers to be transferred are as follows:—

To D ... ..	129 papers
To E ... ..	6 ..
To F ... ..	14 ..
To G ... ..	859 ..
<hr/>	
Total being A's surplus ... ..	1,008 ..

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

These papers are added in separate sub-parcels to the parcels of D, E, F and G.

The totals of the votes credited to these candidates then become:—

D ... ..	746 + 129 = 875	Votes
E ... ..	493 + 6 = 499	"
F ... ..	341 + 14 = 355	"
G ... ..	157 + 859 = 1,016	"

The remainders of the papers in the sub-parcels (*i.e.*, those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1,001), and those papers are set aside as finally dealt with. The parcel is made up as follows:—

The remainder of—	
D's sub-parcel, ... ..	257 less 129 = 128
E's " ... ..	11 less 6 = 5
F's " ... ..	28 less 14 = 14
G's " ... ..	1,708 less 859 = 849
Non-transferable papers ... ..	5
<hr/>	
Total being A's quota ... ..	1,001

The operations involved in this transfer are summarised in the following table:—

<i>Transfer of A's surplus.</i>			
Surplus ... ..	..	..	1,008
Number of transferable papers ... ..	..	..	2,004
Proportion to be transferred is $\frac{\text{Surplus}}{\text{Number of transferable papers}}$			$\frac{1,008}{2,004}$



Names of candidates marked as the next available preferences				Number of original papers	Number of papers transferred	Number of papers retained for A's quota
B	...	...	...	...	...	...
C	...	...	...	...	...	...
D	...	...	...	257	129	128
E	...	...	...	11	6	5
F	...	...	...	28	14	14
G	...	...	...	1,708	859	849
H	...	...	...	...	...	...
I	...	...	...	...	...	...
K	...	...	...	...	...	...
Total number of transferable papers ... ..				2,004	1,008	996
Number of non-transferable papers ... ..				5	...	5
Totals ... ..				2,009	1,008	1,001

State of poll after first transfer.

The state of the poll on the conclusion of the transfer is as follows:—

A	...	...	...	...	1,001	elected
G	...	...	...	...	1,016	
B	...	...	...	...	952	
C	...	...	...	...	939	
D	...	...	...	...	875	
E	...	...	...	...	499	
F	...	...	...	...	355	
H	...	...	...	...	152	
I	...	...	...	...	118	
K	...	...	...	...	93	
Total					...	6,000

Election of candidate as a result of transfer, Rule 9.

G now has 1,016 votes, a number which is more than the quota. He is accordingly declared elected.

### SECOND TRANSFER.

Surplus not transferred in special cases, Rule 10 (5) (c).

G's surplus (1,016 less 1,001, or 15) would have to be transferred were it not for the provision of Rule 10 (5) (c). Under the latter rule the returning officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two

candidates, even if the whole surplus were transferred to the lowest candidate. In this case, the difference between I and K, the two lowest candidates, is 25 (118 less 93), and therefore G's surplus need not be transferred.

The returning officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is therefore examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Therefore 89 papers are transferred to F and 4 to C, being marked so as to indicate the transfer [Rule 10 (4) (e)].

Transfer of votes of candidate lowest on the poll, Rule 11 (1).

State of poll after second transfer.

The poll now stands as follows:—

				Votes	
A	...	...	...	1,001	elected
G	...	...	...	1,016	"
B	...	...	...	952	"
C	...	...	...	943	"
D	...	...	...	875	"
E	...	...	...	499	"
F	...	...	...	444	"
H	...	...	...	152	"
I	...	...	...	118	"
Total				6,000	

### THIRD TRANSFER.

The poll shows that as a result of the second transfer no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

The difference between I and H (152 less 118, *i.e.*, 34) exceeds G's surplus (15), which, therefore, is still allowed to remain untransferred [Rule 10 (5) (c)].

Candidate I is lowest on the poll, and his papers have to be distributed in the same manner as K's [Rule 11 (1)]. But as the combined totals of H and I together with G's surplus (152 + 118 + 15 = 285) are less than 444, the total of F, the next highest candidate, the returning officer avails himself of Rule 11 (2), and distributes the papers of both H and I in one operation.

The papers (152 + 118, or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

B is marked next preference on	119	papers
D do do do	107	"
Non-transferable papers	44	"
Total	270	"

Transfer in special case of the votes of the two lowest candidates in one operation, Rule 11 (2).

It should be stated that on some papers some or one of the candidates A, G, I, H, and K, may have been marked as next in order of preference on the papers examined, but, as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers duly marked [Rule 10 (4) (e)] to B, and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The poll now stands as follows:—

			Votes
A	...	...	... 1,001 elected
G	...	...	... 1,016
B	...	...	... 1,071 "
D	...	...	... 982
C	...	...	... 943
E	...	...	... 499
F	...	...	... 444
Non-transferable papers	...	...	... 44
Total			... 6,000

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

Election of candidate as the result of a transfer., Rule 9.

#### FOURTH TRANSFER.

Transfer of surplus votes arising from a previous transfer, Rule 12 (2).

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is, therefore necessary to distribute it.

(For this purpose, only the sub-parcel of papers last transferred, containing 119 papers, is taken into account).

Sub-parcel of votes last transferred examined, Rule 10 (2) (b).

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged) with the following result:—

A next preference is shown for E on 84 papers.

No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70), and the proportion to be transferred is  $\frac{70}{84}$ . But there is only one candidate, E entitled to participate in the transfer.

E accordingly receives the whole of the surplus and the 70 papers last filed in E's sub-parcel are, therefore, transferred to him, after being marked so as to indicate their transfer from B to E [Rule 10 (4) (e)].

The remainder of the papers in E's sub-parcel, together with non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota and these papers are set aside as finally dealt with [Rule 12 (1)].

B's quota is made up as follows :—

Original parcel	...	...	952
Remainder of E's sub-parcel	...	...	14
Non-transferable papers	...	...	35
			1,001

The poll now stands as follows :—

			Votes	
A	...	...	1,001	elected
G	...	...	1,016	"
B	...	...	1,001	"
D	...	...	982	
C	...	...	949	
E	...	...	569	
F	...	...	444	
Non-transferable papers	...	...	44	
			6,000	

State of poll after fourth transfer.

#### FIFTH TRANSFER.

No candidate is elected as the result of the transfer, and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates [Rule 10 (5) (c)].

F is lowest and his papers have to be distributed.

On examination it is found that of F's 444 papers, 353 show a next preference for C, and the remainder 91, contain no further preference.

The votes of the lowest candidate distributed, Rule 11 (1).

The operation is completed by the transfer of 353 papers duly marked [Rule 10 (4) (c)] to C, whilst the 91 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The poll now stands as follows :—

			Votes	
A	...	...	1,001	elected
G	...	...	1,016	"
B	...	...	1,001	"
C	...	...	1,296	"
D	...	...	982	
E	...	...	569	
Non-transferable papers	...	...	135	
			6,000	

State of poll after fifth transfer.

Candidate  
elected as a  
result of  
transfer,  
Rule 9.

C has now 1,296 votes, a number which exceeds the quota, and he is accordingly declared elected.

No further transfer is necessary, for, even if all C's surplus (295) and all G's surplus (15) were transferred to E, his total would only amount to 859.

Filling the  
last vacancy,  
Rule 13 (2).  
Final result.

But D's total (982) exceeds this number and he is therefore declared elected [Rule 13 (2)].

The final result is that A, G, B, C and D are elected.

Result sheet,  
Rule 15.

The details of the various operations in this election are shown in the sub-joined form of public notice or "result sheet."

Result of the Poll and of the Transfer of Votes.

Name of candidate	Votes	Transfer of A's surplus	Result	Transfer of K's votes	Result	Transfer of H's and I's votes	Result	Transfer of H's surplus	Result	Transfer of K's votes	Final result showing the names of candidates elected, and the order of their election
A	2,009	-1,008	1,001	..	1,001	..	1,001	..	1,001	..	1,001 (elected) A (1)
B	952	..	952	..	952	+119	1,071	-70	1,001	..	1,001 " B (2)
C	939	..	939	+4	943	..	943	..	943	+353	1,296 " C (4)
D	746	+129	875	..	875	+107	982	..	982	..	982 " D (5)
E	493	+6	499	..	499	..	499	+70	569	..	569 " E (6)
F	341	+14	355	+89	444	..	444	..	444	-444	..
G	157	+859	1,016	..	1,016	..	1,016	..	1,016	..	1,016 (elected) G (2)
H	152	..	152	..	152	-152	..	..	..	..	..
I	118	..	118	..	118	-118	..	..	..	..	..
K	93	..	93	-93	..	..	..	..	..	..	..
Non-transferable papers not transferred.	..	..	..	..	..	+44	44	..	44	+91	185
Total	6,000	..	6,000	..	6,000	..	6,000	..	6,000	..	6,000

## FORM III.

**Form of Directions for the Guidance of the Voter in Voting.**

The voter will go into one of the compartments, and, with the pencil provided there, mark his ballot paper by writing the number 1 opposite the name of the candidate for whom he votes. He may also write the figures 2, 3 and so on, in accordance with the order of his choice or preference opposite the names of other candidates (that is to say) :—

He must write 1 in the square space opposite to the name of the candidate for whom he votes.

He may also write 2 in the square space opposite to the name of the candidate he likes second best, and 3 in the square space opposite to the name of the candidate he likes third best.

And so on.

If the voter does not mark the figure 1 on his ballot paper, or marks the figure 1 opposite more than one name, or marks the figure 1 and some other figure opposite the same name, or places any mark on the paper by which he may be identified, his ballot paper will be invalid and will not be counted.

After marking the ballot paper, the voter will put the paper into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

**NOTE.**—These directions shall be illustrated by examples of valid ballot papers, such as the following :—

**Examples of Ballot Papers validly marked.****A.**

Mark order of preference in spaces below	Names of candidates
3	A
4	B
2	C
5	D
1	E
6	F

B.

Mark order of preference in spaces below	Names of candidates
	A
1	B
	C
	D
	E
	F

C.

Mark order of preference in spaces below	Names of candidates
	A
3	B
	C
1	D
	E
2	F



APPENDIX E.

Forms.

FORM I.

ELECTORAL ROLL FOR THE LEGAL INTERESTS CONSTITUENCY.

Serial No.	Name	Father's name or other identifying particulars	Address

## FORM II.

The preliminary electoral roll of voters for the Legal Interests Constituency is herewith published for general information.

Any person who claims to be entered on the roll and who is not entered on it or is entered in an incorrect manner or place or with incorrect particulars may put in a claim to the revising authority to have his name entered or the entry corrected. Claims for registration shall be preferred in the form attached hereto.

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 whose name is on the roll may prefer an objection to the revising authority. Objectors should furnish full particulars of the grounds of objection.

Claims and objections may be presented to the Registrar at any time during office hours or sent by post but must reach him on or before the ..... (to be filled in by the Registrar).

Claims and objections which are not received by the date prescribed will be rejected.

All claims and objections received in time will be heard by the revising authority at the ..... (to be filled in by the Registrar).

.....  
*Registrar.*

## CLAIM FOR REGISTRATION—LEGAL INTEREST.

Name of applicant	Father's name or other identifying particulars	Address	Where practising and year of enrolment as Advocate or Pleader	Details of claim
1	2	3	4	5

I declare that I am a subject of His Highness the Maharaja by  $\frac{\text{birth}}{\text{domicile}}$

Station....., .....

Date ..... 193 .

Signature.

## FORM III.

ELECTORAL ROLL FOR THE MYSORE UNIVERSITY  
CONSTITUENCY.

Serial No.	Name (with degree, if any)	Year of graduation	Father's name or other identify- ing particulars	Address
1	2	3	4	5

## FORM IV.

The preliminary electoral roll of voters for the University Constituency is herewith published for general information.

Any person who claims to be entered on the roll and who is not entered on it or is entered in an incorrect manner or place or with incorrect particulars may put in a claim to the revising authority to have his name entered or the entry corrected. Claims for registration shall be preferred in the form attached hereto.

Any person whose name is on this roll and who objects to the inclusion of his own name or of the name of any person whose name is on the roll may prefer an objection to the revising authority. Objectors should furnish full particulars of the grounds of objection.

Claims and objections may be presented to the Registrar at any time during office hours or sent by post, but must reach him on or before the .....  
(to be filled in by the Registrar).

Claims and objections which are not received by the date prescribed will be rejected.

All claims and objections received in time will be heard by the revising authority at the.....  
(to be filled in by the Registrar).

.....  
*Registrar.*

## CLAIMS FOR REGISTRATION—(UNIVERSITY).

Name of applicant	Father's name or other identifying particulars	Address	Qualification: (1) Degree taken, if any, (2) Whether a Fellow	Date of the Convocation at which the earliest Degree was taken	Details of claim
1	2	3	4	5	6

\* I declare that I am a subject of His Highness the Maharaja by birth.  
domicile.

.....  
*Signature.*

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, *viz.*,

(i) who is not a subject of His Highness the Maharaja by birth or domicile and who has not resided in the Mysore State for six months prior to the preparation of the electoral roll.

\* \* \* \* \*

Provided also that in the case of electors of representatives of Special Interests, the Government may grant exemption from the operation of this rule in special cases.

\* Notification No. P. 2397—Legis. 12-23-4, dated 7th November 1923.

## FORM V.

ELECTORAL ROLL FOR .....

(Here enter the name of the Interest.)

CONSTITUENCY.

Serial No.	Name	Father's name or other identifying particulars	Address	Name of the association of which the person is a member

## FORM VI.

The preliminary electoral roll of voters for the .....  
 ..... (here enter the nature of the  
 Interest) relating to the Representative Assembly is herewith  
 published for general information.

Any person who claims to be entered on the roll and  
 who is not entered on it or is entered in an incorrect manner  
 or place or with incorrect particulars, may put in a claim to  
 the revising authority to have his name entered or the entry  
 corrected. Claims for registration shall be preferred in the  
 form attached hereto,

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 whose name is on the roll may prefer an objection to  
 the revising authority. Objectors should furnish full parti-  
 culars of the grounds of objection.

Claims and objections may be presented to the revising  
 authority at any time during office hours or sent by post, but  
 must reach him on or before the .....  
 (to be filled in by the special officer).

Claims and objections which are not received by the  
 date prescribed will be rejected.

All claims and objections received in time will be heard  
 by the revising authority at the .....  
 (to be filled in by the special officer).

**CLAIM FOR REGISTRATION** .....

(Here enter the nature of the Interest.)



## REPRESENTATIVE ASSEMBLY.

(Here enter the name of the Association.)

Name of applicant	Father's name or other identifying particulars	Address	Details of claim

I declare that I am a subject of His Highness the Maharaja by  $\frac{\text{birth}}{\text{domicile}}$ .

*Or*

The association of which I am a member has been exempted under proviso 2 to para 1 of Rule 1 of the rules regarding the qualifications of voters to the Representative Assembly issued with Notification No. P. 2397—Legis. 12-23-4, dated 7th November 1923.

Station .....

Date ..... 193 ,

.....  
Signature.

FORM VII.

No,

Dated ..... 193

To

THE OFFICER IN CHARGE OF THE TREASURY

AT .....

Sir,

I have the honour to apprise you that I have authorised the Deputy Commissioner of ..... District to treat the sum of Rs. 150 deposited by me in the Savings Bank at your treasury as security to Government, on behalf of myself/A. B. I agree that the same will not be payable to me until I shall produce to you the express written sanction of the Deputy Commissioner of ..... District for payment of the same. I have also agreed not to object to the payment by you of the whole or part of this deposit to the Deputy Commissioner of ..... District upon his claiming it, and not to make any claim for interest from the date on which interest has ceased to accrue owing to the payment of the principal to the Deputy Commissioner of ..... District or from the date on which the Deputy Commissioner of ..... District shall have revoked the authority to your treasury to pay me/A.B. the interest.

I have the honour to be,

Sir,

Your most obedient servant,

Place ....., (Signature of depositor) .....

Date ..... (Designation of depositor).....

## FORM VIII.

[*Vide* para 88 (v).]FORM OF DECLARATION TO BE MADE BY VOTERS TO WHOM  
VOTING PAPERS ARE SUPPLIED BY POST.

I (name in full with occupation and place of residence)  
..... declare  
that I am an elector for .....  
Constituency, that my name is registered under Serial No.  
..... in the electoral roll for the  
Constituency, that I have used no other voting paper at the  
election for the said Constituency and that I have now  
marked my vote on the voting paper No. ....  
supplied to me by post by the returning officer of the said  
Constituency.

2. I also declare that I am a subject of His Highness  
the Maharaja by  $\frac{\text{birth}}{\text{domicile}}$ .

*Or*

That I have been exempted under proviso 2 to  
Rule 1 (i) of the rules relating to qualifications and disquali-  
fications of voters to the Representative Assembly,

## FORM IX.

[*Vide* para 88 (v).]

## VOTING PAPER.

Constituency :

Election :

Names of candidates,

1. The number of members to be elected is .....
2. Place a cross mark thus × against the name of the  
candidate for whom you wish to vote.  
each of the candidates
3. The mark should be placed against not more than  
.....  $\frac{\text{name}}{\text{names}}$

## FORM X.

[*Vide* para 88 (vii).]

## FORM OF FACE OF ENVELOPE.

Representative Assembly election .....

Constituency .....

Poll on .....

To

THE RETURNING OFFICER,

..... Constituency,

..... (Station and Address).

No.

APPENDIX E—*contd.*

15

Between pages 139 and 140, insert the following forms:—

## THE MYSORE REPRESENTATIVE ASSEMBLY.

## APPENDIX E.

## University Constituency.

## FORM I.

[*Vide* para 89 (vii).]FORM OF DECLARATION TO BE MADE BY VOTERS OF  
THE MYSORE UNIVERSITY CONSTITUENCY.

Serial No.... ..

I (name in full with occupation and place of residence).....

.....declare that I am an elector for the Mysore University Constituency, that my name is registered under Serial No ... .. in the electoral roll for the Constituency, that I have used no other voting paper at the election for the said Constituency, and that I have now marked my vote on the voting paper No.... .. supplied to me by post by the returning officer of the said Constituency.

Date.....

Signature .....

Station .....

Address.....

FORM X.

[*Vide* para 88 (vii) ]

APPENDIX E—*contd.*

## FORM II.

[*Vide* para 89 (vii).]

## VOTING PAPER.

Names of candidates	Mark showing the elector's choice

Please see instructions on the back.

## (BACK OF THE VOTING PAPER).

1. The number of members to be elected is.....
2. Place a cross-mark thus X against the name of the candidate for whom you wish to vote.
3. The mark should be placed against not more than.....



APPENDIX E--*contd.*

## FORM III.

[*Vide* para 89 (ix).]

## FORM OF FACE OF ENVELOPE.

Representative Assembly Election.

Constituency.....

Poll on.....

To

*THE REGISTRAR,*  
*Mysore University Constituency,*  
*University Office,*  
*Mysore.*

Serial No.....

## FORM IV.

[*Vide* para 89 (ix).]

## FORM OF LETTER OF INTIMATION.

Serial No..... Constituency.

SIR,

The persons whose names are printed on the voting paper sent herewith have stood as candidates for the Representative Assembly. Should you desire to vote at this election, I have to request that you will—

- (a) sign the declaration paper,
- (b) mark your vote in the column provided for the purpose in the voting paper.
- (c) enclose the voting paper in the smaller envelope and stick it up; and

APPENDIX E—*concl'd.*

- (d) put the smaller envelope and the declaration paper in the cover addressed to me and return it to me by registered post so as to reach me not later than.....A.M.—P.M. on ..... the.....day of 19 .... or deposit or cause to be deposited the cover addressed to me in the voting box provided for the purpose in.....(place) between..... and.....on .....

Station.....

Date.....

*Registrar.*

## FORM V.

[*Vide* para 89 (xiv).]

FORM SHOWING THE RESULT OF THE POLLING OF THE  
MYSORE UNIVERSITY CONSTITUENCY.

Name of candidate	Number of votes recorded in his favour

Number of valid votes.....

Number of invalid votes.....

I declare that.....has been  
duly elected.

Signature.....

*Registrar.*

Representat:  
Constituenc  
Poll on.....

To

*THE*  
*M*

Serial No....

Serial No....

SIR,

The pe  
paper sent  
Representat  
this electior

(a) e

(b) r

(c) e

l

## FORM XI.

[Vide para 88 (vii).]

## FORM OF LETTER OF INTIMATION.

No. ....

..... Constituency.

Voting by persons supplied with voting papers by post:—

(i) The electors to whom voting papers have been supplied by post may record their votes before any Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar in the service of the Government of Mysore or any polling officer for any constituency between the hours and on the date fixed for the election.

(ii) Such officer shall, after satisfying himself as to the identity of the elector, allow the elector to record his vote.

(iii) Every such elector shall, in the presence of the said officer, fill in the declaration paper and affix his signature thereto. He shall then enclose the voting paper in the smaller envelope and stick it up and enclose the smaller envelope and the declaration paper in the larger envelope and hand it over to the said officer who shall then forward such declaration papers and sealed covers forthwith in a sealed envelope to the returning officer of the constituency concerned."

SIR,

The persons whose names are printed on the voting paper sent herewith have stood as candidates for the Representative Assembly. Should you desire to vote at this election, I have to invite your attention to the marginally noted rule and to request that you will—

(a) first sign the declaration paper and hand it over to the officer before whom you vote for inspection;

(b) then mark your vote in the column provided for the purpose in the voting paper;

(c) enclose the voting paper in the smaller envelope; and

(d) put the smaller envelope and the declaration paper in the envelope addressed to me and hand it over to the officer before whom you record your vote.

.....

*Returning Officer.*

*Station* .... ,

*Dated* ..... 193 .

## FORM XII.

[*Vide* para 95 (b).]

## FORM SHOWING THE RESULT OF THE POLLING.

Name of candidate	Number of votes recorded in his favour

Total number of valid votes .....

Total number of invalid votes .....

I declare that ..... has been  
duly elected.

.....  
*Returning Officer.*

## APPENDIX F.

### LOCAL AND LEGISLATIVE SECRETARIAT.

No. P. 6526—R. A. 41-23-1, DATED 28TH MAY 1924 AS AMENDED BY NOTIFICATION NOS. REL. 5011—R. A. 30-32-2, DATED 6TH JANUARY 1933 AND REL. 3215—R. A. 30-32-4, DATED 10TH MARCH 1933.

The Government of His Highness the Maharaja are pleased to direct that the Standing Committee formed under paragraph 54 of Government Order No. 1367-1426--C.B. 100-23-1, dated 27th October 1923, shall be governed by the following rules:--

1. The Member of Council of His Highness the Maharaja in charge of the departments to which the committee is attached shall be the Chairman of each committee provided that where the departments relate to the portfolios of different Members or to the portfolio of the Dewan such one of the Members as may be appointed by Government shall be the Chairman.

2. The Secretary to Government in the departments concerned or such other officer as may be appointed by Government shall act as Secretary to the committee.

3. Exclusive of the Chairman and the Secretary, each Standing Committee will consist of six members of whom four shall be members of the Representative Assembly and the remaining two of the Legislative Council. The members will be selected by Government out of a panel of fifteen members to be elected by ballot by the Representative Assembly and ten members to be similarly elected by the non-official members of the Legislative Council. The election of these members for the panels shall be made according to the principle of proportional representation by the single transferable vote, and votes shall be given and counted and the result determined in accordance with the rules framed for the election of eight members from the Representative Assembly to the Legislative Council and appended as Appendix A to Notification No. Rel. 5010--L. C. 12-32-1, dated 6th February 1933. The Chairman may require any Head of a Department or other officer to be present at a meeting of the Standing Committee if he considers it necessary to do so.

4. The term of office of the members of the committee will be one year.

5. The following subjects will be placed before the Standing Committees, except when on account of urgency or some other reason a reference to the committee has been dispensed with by the Government.

(a) STANDING COMMITTEE FOR RAILWAYS, ELECTRICAL AND PUBLIC WORKS DEPARTMENTS.

*Railways.*—

1. Extension of railways and railway programme.
2. Rates for goods and passenger traffic and facilities in respect of such traffic.
3. Railway finance.

*Electrical Department.*—

1. Development of the hydro-electric resources of the State; Electrification of railways and extension of electricity supply to other parts of the State besides Bangalore, Mysore and Kolar Gold Fields; Urban and inter-urban telephone communications; City Tramways.
2. Training of higher technical staff.
3. Fixing rates for the various classes of power consumers, rates, concessions, audit, commercialising, etc.

*Public Works Department.*—

1. Economic utilisation of existing irrigational resources and further development of irrigational facilities.
2. Improvement and extension of communications.
3. Public Works finance.
4. Krishnarajasagara Works developments.

(b) STANDING COMMITTEE FOR LOCAL SELF-GOVERNMENT, MEDICAL, SANITATION AND PUBLIC HEALTH DEPARTMENTS.

*Local Self-Government.*—

1. Proposals involving legislation.
2. Important matters, which in the opinion of the Member in charge, are fit to be placed before the committee.
3. Improvement of local resources.

*Medical, Sanitation and Public Health Departments.*—

1. Measures required to induce people to have recourse to duly qualified medical men.
2. Development of indigenous system of Medicine.
3. Important measures of sanitation and public health.

(c) STANDING COMMITTEE FOR FINANCE AND TAXATION.

1. Budget.
2. Measures to taxation.
3. Proposals for improving the State's finances.
4. Proposals for retrenchment.

6 In addition to the foregoing subjects the following may also be placed before the Standing Committee whenever the Government deem it desirable to do so:—

(i) Reports of special committees appointed by the Government on departments coming within the purview of the Standing Committee.

(ii) Annual reports.

(iii) All Bills introduced or proposed to be introduced in the Legislative Council and relating to the departments within the purview of the committee.

(iv) Any question of policy on which the Member in charge of a department concerned desires the opinion of the Standing Committee.

7. The functions of the Standing Committees will be purely advisory and their proceedings will be strictly confidential. No press representatives will be allowed to attend any meeting of the committee.

8. Meetings of the Standing Committees will be summoned by the Secretaries at such times and as frequently as may be decided by the Dewan. The agenda of each meeting will be drawn up and circulated by the Secretary together with a memorandum explaining each item of business, and copies of such papers as the Member in charge of the department directs to be furnished to the committee. The proceedings of the committee will be confined to items of business entered in the agenda and any request for further information will be dealt with under the order of the Member in charge.

9. At a meeting of the Standing Committee, the Secretary may be requested by the Chairman to explain each item of business. The Chairman will then invite a discussion and the Secretary will note on the departmental file the general opinion of the committee.





# INDEX

Subject	Page	Para- graph
<b>A</b>		
<b>ADDRESS—</b>		
See " Notice "		
<b>APPEAL (S)—</b>		
— in an election petition to the High Court shall lie only on a point of law and period of — in such cases.	35	109
<b>Rural and Urban—</b>		
Preferring of — against the Electoral Rolls and the authority to whom — are to be made.	12	26
<b>APPENDICES—</b>		
Forms ... ..	126-140	...
Government Order of 1923 <i>re.</i> Constitutional reforms in the Mysore State.	52-97	...
Government Order <i>re.</i> Constitution and functions of Standing Committees.	141-143	...
Government Order <i>re.</i> revised form of the voting papers.	105-107	...
List of recognised Special Interests ...	103	...
List of Rural Constituencies ...	98-101	...
List of Urban Constituencies ...	101-102	...
Proclamation of His Highness the Maharaja of 27th October 1923.	36-38	...
Rules <i>re.</i> Holding of elections according to the Principle of Proportional Representation by means of the Single Transferable Vote with an example.	108-125	...
Rules <i>re.</i> Recognition of Associations representing Special Interests.	103-104	...
The Mysore Legislative Council Regulation, 1923.	45-51	...
The Mysore Representative Assembly Regulation, 1923.	39-44	...
<b>APPLICATIONS—</b>		
<b>Special Interests—</b>		
Submission of — for enfranchisement of Associations representing Special Interests to the Government through the Deputy Commissioner, etc.	4 103-104	7 ...

Subject	Page	Para- graph
<b>AREAS—</b>		
— recognised to elect members to the Assembly.	2-3	3
<b>ASSEMBLY—</b>		
Definition of —	1	1
<b>ASSOCIATES—</b>		
Nomination of —	20	63
<b>ASSOCIATION (S)—</b>		
Rules <i>re.</i> Conduct of elections from more than one — or an — with branches representing Special Interests or Minorities.	26-28	88
Rules <i>re.</i> Conduct of elections from a single — representing Special Interests or Minorities.	25-26	87
Rules <i>re.</i> Holding of elections from more than one — or an — with branches representing Special Interests or Minorities.	16-17	48-54
Rules <i>re.</i> Holding of elections from single — representing Special Interests or Minorities.	15	47
Rules <i>re.</i> Recognition of — representing Special Interests.	103-104	...
<b>Minorities—</b>		
Conditions for the recognition by Government of — representing Minorities.	5-6	13
Election of representatives of Minorities through — recognised by Government.	4	8, 9, 10
Qualifications of voters of representatives of Minorities through —.	10	19
<b>Special Interests—</b>		
Conditions for the recognition of — to represent any Special Interest.	3-4	7
Grant of exemptions from certain conditions to — representing Special Interests.	4	7
Submission of applications for enfranchisement of — to the Government through the Deputy Commissioner, etc.	4 103, 104	7 ...
Term of an — recognised by Government to represent Special Interests.	4	7
See "Single Associations"		

Subject	Page	Para- graph
<b>B</b>		
<b>BALLOT BOX—</b>		
Construction of ——— ... ..	21	70
Sealing of the ——— by the Polling Officer.	21	70
<b>BLINDNESS—</b>		
See " Voting "		
<b>BUDGET —</b>		
Definition of ——— ... ..	1	1
<b>BYE LAWS—</b>		
See " Associations "		
<b>C</b>		
<b>CANDIDATE (S)—</b>		
Cancellation of withdrawal of candida- ture of ——— not allowed.	19	61
Election to be void and deposits forfeited if the choice of a constituency is not made by a ——— returned from more than one constituency.	22	77
Forfeiture of deposits of ——— ...	19	60
Notifying at the polling station the names of ——— who become disqualified or die or withdraw their candidature before commencement of the poll.	18-19	59
Procedure <i>re.</i> Choice of a constituency by ——— who are elected from more than one constituency.	22	75
Qualifications of ——— for election to any constituency.	10	20
Return of deposit to ——— if disqualified or dies before the commencement of the poll	19	60
Return of deposits to ——— who have with- drawn their candidature.	18	58
<b>Associations (more than one or with branches)—</b>		
Intimation of standing as ——— and publi- cation of the list of ——— .	26	88
<b>Legal Interests—</b>		
Intimation of standing as ——— and publi- cation of list of ——— .	29	90
<b>Rural—</b>		
Assignment of symbols to ——— ...	18	57
Intimation of standing as ——— ...	17	56
Preparation of list of ——— ... ..	18	57
Preparation of list of ——— withdrawn ...	18	57

Subject	Page	Para- graph
<b>CANDIDATE (S) (concl'd.).</b>		
Procedure for giving notice of standing as — for election.	17	56
Publication of list of eligible — ...	18	57
Withdrawal of — from election ...	18	57
<b>Single Associations—</b>		
Intimation of desire to stand as — ...	25	87
Preparation of list of — ...	25	87
<b>University —</b>		
Intimation of standing as — and publication of list of — .	28	89
<b>Urban—</b>		
Notifying intention to stand as — for election.	24	86
See " Deposit "		
<b>CERTIFICATE—</b>		
— to a voter employed in election work for exercising his vote.	20	66
<b>CHRISTIANS—</b>		
Recognition of Indian — as a Minority with the number of seats allotted.	5	12
<b>CITY MUNICIPALITIES—</b>		
Appointment of Revising Authority for — .	12	25
Preferring of appeals against the Electoral Rolls of the — and the authority to whom appeals have to be made.	12	26
<b>CLAIMS AND OBJECTIONS—</b>		
<b>Legal Interests—</b>		
Disposal of — ... ..	14	34
Period for making — ... ..	13	31
Preferring of — ... ..	13	31
<b>Rural and Urban—</b>		
Disposal of — ... ..	12	24
Period for making — ... ..	12	24
Preferring of — ... ..	12	24
<b>Special Interests or Minorities—</b>		
Disposal of — ... ..	17	53
Period for making — ... ..	16	50
Posting of — by voters ... ..	16	52
Preferring of — ... ..	16	51
<b>University Constituency—</b>		
Disposal of — ... ..	15	43
Period for making — ... ..	14, 15	39, 40
Preferring of — ... ..	14	38

Subject	Page	Para- graph
<b>COMPOSITION—</b>		
— of the Assembly ... ..	2-3	3
<b>CONSTITUENCIES—</b>		
Constitution of — to represent Rural and Urban areas and Special Interests.	3 98-104	5 ...
— of the Assembly ... ..	2-6 98-104	3-13 ...
Making of rules by Government as regards the constitution of — and the number of members to be returned.	3	4
<b>CONSTITUTIONAL REFORMS—</b>		
Government Order of 1923 <i>re.</i> — in the Mysore State,	52-97	...
<b>CORRUPT PRACTICE—</b>		
Definition of — ... ..	32-33	104
Invalidity of an election if — is com- mitted by the candidate or at his instance.	32	103
<b>COUNCIL—</b>		
Definition of — ... ..	1	1
<b>CROSS MARK—</b>		
Marking a vote by placing a — ...	20	67
<b>D</b>		
<b>DEATH—</b>		
<i>See</i> "Candidates"		
<i>See</i> "Deposits"		
<b>DECLARATION PAPER (S)—</b>		
Associations (more than one or with branches)—		
Form of —	26 136	88 ...
Postal Voting—		
Rejection of —	30	93
Scrutiny of — ... ..	30	92
University—		
Issue of voting and — ... ..	28, 29	89, 90
<b>DEFINITIONS—</b>		
Assembly ... ..	1-2	1
Budget ... ..		

Subject	Page	Para- graph
<b>DEFINITIONS</b> ( <i>conclud.</i> ).		
Council	...	...
Gazette	...	...
Member	...	...
New Tax	...	...
Non-Official	...	...
Official	...	1
Regulation	...	1-2
Rule	...	...
Secretary	...	...
Session	...	...
Standing Order	...	...
Corrupt Practice	...	32-33
Depressed Classes	...	5
Domicile	...	7
Minority	...	4-5
Partnership	...	8
Registered Graduates	...	9
Registered Occupant	...	7
Votes Polled	...	23
		104
		12
		15
		9-10
		16
		18
		16
		78
<b>DEPOSIT (S)—</b>		
— by persons eligible to stand as candidates for election to the Assembly.	17	56
— to accompany every election petition	34	107
Exemption from making — by Government in special cases from candidates representing Depressed Classes and those standing on behalf of Special Interests and Minorities.	31	96
Forfeiture of — in cases of failure to make the Oath of Allegiance.	23	80
Forfeiture of — in cases where the candidates fail to choose a constituency when returned from more than one constituency.	22	77
Forfeiture of — of candidates who fail to poll the minimum number of votes.	22-23	78
Procedure <i>re.</i> return of — in cases of non-election and whose deposits have not been forfeited.	23	79
Return of — after candidates take their seats in the Assembly.	23	81
Return of — to candidates if disqualified or die before the commencement of the poll.	19	60
Return of — to candidates who have withdrawn their candidature.	18	58

Subject	Page	Para- graph
<b>DEPOSIT (S) (concl'd.).</b>		
<b>Single Associations—</b>		
Return of ——— not forfeited only with the sanction of the Deputy Commissioner of the district where the election was held.	31	96
<b>DEPRESSED CLASSES—</b>		
Definition of ——— ... ..	5	12
Recognition of ——— as a minority with the number of seats allotted.	5	12
See "Exemptions"		
<b>DEPUTY COMMISSIONER—</b>		
<b>Single Associations—</b>		
Return of deposits not forfeited only with the sanction of the ——— of the district where the election was held.	31	96
See "Appeals"		
See "Applications"		
See "Polling Officers"		
See "Revising Authority"		
<b>DISQUALIFICATION—</b>		
Effect of ——— of any elected or nominated member.	32	100
See "Deposits"		
<b>DISTRICT JUDGE—</b>		
See "Election Petition"		
<b>DISSOLUTION—</b>		
——— of the Assembly ... ..	6	14
<b>DOMICILE—</b>		
Definition of ——— ... ..	7	15
<b>E</b>		
<b>ELECTION (S)—</b>		
Decision of doubts and disputes as to the validity of ———.	32-35	103-109
——— to be void and deposits forfeited if the choice of a constituency is not made by a candidate returned from more than one constituency.	22	77
Holding of fresh ——— by Government in cases where the elected candidate has chosen to serve another constituency.	22	76



Subject	Page	Para- graph
<b>ELECTION (S) (contd.).</b>		
Invalidity of an — if corrupt practice is committed by a candidate or at his instance.	32	103
Preservation of voting papers after publication of results of —.	23	82
Procedure <i>re.</i> Choice of a constituency by a candidate who is elected from more than one constituency in the —.	22	75
Procedure <i>re.</i> Notifying the results of —.	22	74
Rules for the holding of — according to the Principle of Proportional Representation by means of the Single Transferable Vote—with an example.	108-125	...
<b>Associations (more than one or with branches)—</b>		
Declaration of results of — ...	28	88
Non-receipt of voting papers shall not invalidate the —.	27	88
Publication of date, time and place of —.	26	88
<b>Legal Interests—</b>		
Declaration of results of — ...	29	90
Non-receipt of voting and declaration papers shall not invalidate the —	29	90
Publication of the date, time and place of —.	29	90
<b>Rural—</b>		
Date of — and publication thereof by Government.	17	55
Declaration of results of — ...	19	62
<b>Single Associations—</b>		
Declaration of results of — ...	26	87
— of a member at a General Meeting	25	87
Publication of date and time of holding of general meeting for — of members.	25	87
<b>University—</b>		
Declaration of the results of — ...	28, 29	89, 90
Non-receipt of voting papers shall not invalidate the —.	28	89
Publication of the time, place and date of —.	28	89
<b>Urban—</b>		
— by the system of Proportional Representation by means of the Single Transferable Vote in Bangalore and Mysore Cities.	24	86

Subject	Page	Para- graph
<b>ELECTION (S) (concl'd.).</b>		
Intimation of candidature ... ..	24	86
Report of result of — to Government See " Lot "	25	86
<b>ELECTION DISPUTES—</b>		
Procedure <i>re.</i> Deciding of — ...	32-35	103-109
<b>ELECTION PETITION—</b>		
Contents of the — and its verification.	33-34	106
Deposit to accompany every — ...	34	107
Destruction of voting papers after disposal of — by the District Judge.	23	83
Directing the preservation of voting papers by the District Judge on presentation of an — .	24	84
Posting for hearing of the — ...	34	108
Procedure <i>re.</i> Disposal of the — by the District Judge.	34-35	109
Procedure <i>re.</i> Presentation of — and the authority to whom it has to be presented.	33	105
<b>ELECTORAL ROLL (S)--</b>		
Availability of the — for public inspection and to the public on payment.	13	29
Language of the — ... ..	11	21
Term of effectiveness of the — ...	13	28
<b>Legal Interests—</b>		
Preparation of — and officer responsible for preparing and publishing the same.	13	30
Publication of amendments to — ...	125-128	...
Publication of amendments to — ...	14	35
<b>Rural and Urban—</b>		
Preparation of — and the officer responsible for preparing the same.	11	21, 22
Publication of — and the officers authorised to do so.	11	23
Publication of amendments to the —	12	27
<b>Special Interests or Minorities—</b>		
Nomination by Government of Revising Authority for — of Associations.	16	51
<b>University Constituency—</b>		
Availability of the — for public inspection and to the public on payment.	15	45

Subject	Page	Para- graph
<b>ELECTORAL ROLL (S) (concl'd.).</b>		
Preparation of the — and the officer responsible for the preparation and the publication of the same.	14 129-131	36, 37 ...
Publication of amendments to the — <i>See</i> "Special Officer"	15	44
<b>ELECTORAL RULES—</b>		
Final decision <i>re.</i> Interpretation of — vested in Government,	35	110
<b>ELECTORS—</b>		
<i>See</i> "Voters"		
<b>EXAMPLE OF PROPORTIONAL REPRESENTATION—</b>		
<i>See</i> "Proportional Representation"		
<b>EXEMPTION (S)—</b>		
— from making deposits by Government in special cases from candidates representing Depressed Classes and those standing on behalf of Minorities and Special Interests.	31	96
Grant of — by Government to representatives of Special Interests from rule <i>re.</i> domicile.	7	15
<b>Special Interests—</b>		
Grant of — from certain conditions to Associations representing Special Interests.	4	7
<b>EXTENSION—</b>		
— of the term of the Assembly ...	6	14
<b>F</b>		
<b>FORFEITURE OF DEPOSITS—</b>		
— if candidates withdraw their candidature after the prescribed time limit. <i>See</i> "Deposits"	19	60
<b>FORMS—</b>		
— to be used ... ..	126-140	...
<b>G</b>		
<b>GAZETTE—</b>		
Definition of — ... ..	1	1

Subject	Page	Para- graph
<b>GOLD MINING—</b>		
Qualification of voters of representatives of ———.	10	18
<b>GOVERNMENT—</b>		
Apportionment of seats to Minority Groups by ———	5	11
Conditions for the recognition by ——— of Associations representing Minorities.	5-6	13
Conditions for the recognition by ——— of Associations representing Special Interest.	3-4 103-104	7 ...
Declaration by ——— that a certain group is a Minority.	5	10
Definition of "Official" in cases of doubt by ——— to be final.	2	1
Election of representatives of Minorities through Associations recognised by ———	4	8
Final decision <i>re.</i> Interpretation of Electoral Rules vested in ———.	35	110
Grant of exemption by ——— to representatives of Special Interests from rule <i>re.</i> domicile.	7	15
Making of rules by ——— as regards the constitution of constituencies and the number of members to be returned.	3	4
Nomination by ——— of the Revising Authority for preparation of Electoral Rolls of more than one Association or an Association with branches representing Special Interests or Minorities.	16	51
Recognition by ——— of Associations to elect representatives of Minorities or nomination by ——— in the absence of such Associations.	3	3
Recognition by ——— of constituencies to elect representatives of Special Interests or nomination by ——— in the absence of such constituencies.	3	3, 5
<b>Postal Voting —</b>		
Submission of result of counting of votes to ——— and declaration of the result by ———.	30-31	95
<i>See</i> "Exemption"		
<b>GUARANTEED SEATS—</b>		
——— to Minorities                    ...                    ...	5	12

Subject	Page	Para- graph
<b>I</b>		
<b>INSPECTION --</b> Availability of the Electoral Rolls for public — and to the public on payment.	13	29
<b>INTERPRETATION OF RULES—</b> Final decision <i>re.</i> — (Electoral) vested in Government.	35	110
<b>INTIMATION—</b> <i>See</i> "Candidates"		
<b>INVALID VOTES—</b> Declaration of — — — ... ..	21	67, 68
How votes become — — — ... ..	21	68
<b>J</b>		
<b>JOINT FAMILY—</b> Exercise of vote in the case of — — — ...	8	16
<b>K</b>		
<b>KOLAR GOLD FIELDS SANITARY BOARD AREA—</b> Appointment of Revising Authority for — — —	12	25
Preferring of appeals against the Electoral Roll of the — — — and the authority to whom the appeals are to be made. <i>See</i> "Polling Officers"	12	26
<b>L</b>		
<b>LANGUAGE—</b> — — — of the Electoral Rolls ...	11	21
<b>LEGAL INTERESTS CONSTITUENCY—</b> Preparation of the Electoral Rolls of the — — — and officers responsible for preparing and publishing the same.	13 125-128	30 ...
Qualification of voters of the representatives of the — — — .	10	18
Rules <i>re.</i> Conduct of elections from the — — — .	29	90
<b>LEGISLATIVE COUNCIL—</b> Government Order of 1923 <i>re.</i> Constitutional Reforms and the place of the — — — in the constitution. <i>See</i> "Council"	76-89	...

Subject	Page	Para- graph
<b>LEGISLATIVE COUNCIL REGULATION—</b>		
The Mysore — of 1923 ... ..	45-51	...
<b>LOT—</b>		
Drawing by — in cases where the votes of candidates are equal in number.	22	73
<b>M</b>		
<b>MAHOMEDANS—</b>		
Recognition of — as a Minority with the number of seats allotted.	5	12
<b>MEMBER (S)—</b>		
Definition of — ... ..	1	1
Making of rules by Government as regards the constitution of constituencies and the number of — to be returned by each.	3	4
Number of — to be returned to the Assembly from the various constituencies.	2-3	3
<b>MEMBERSHIP—</b>		
— of the Assembly ... ..	2	2
Period of — of members elected in Bye-elections.	31	27
<b>Single Associations—</b>		
— of a single Association ... ..	15	47
<b>Special Interests or Associations—</b>		
— of Associations recognised ... ..	17	54
<b>MINORITY (IES)—</b>		
Appointment of a Special Officer for preparing the Electoral Roll and conducting the elections from more than one Association or an Association with branches representing Special Interests or —.	16	48
Apportionment of seats to — groups by Government.	5	11
Conditions for the recognition by Government of Associations representing —.	5-6	13
Declaration by Government that a certain group is a —.	5	10
Definition of a — ... ..	4-5	9
Election or nomination of representatives to represent —.	4	8
List of recognised — with number of seats allotted to each.	5	12

Subject	Page	Para- graph
<b>MINORITY (IES) (concl'd.).</b>		
Mode of fixing the number of guaranteed seats to ---.	5	12
Qualification of voters of representatives of ---.	10	19
Rules <i>re.</i> Conduct of elections from Associations representing --- or Special Interests.	25-28	87-88
Rules <i>re.</i> Election of members from single Associations representing Special Interests and ---.	15	47
Rules <i>re.</i> Holding of elections from more than one Association or an Association with branches representing Special Interests or ---.	16-17	48-54
See "Exemptions"		
See "Term"		
<b>MISTAKES---</b>		
<b>Legal Interests---</b>		
Correction of accidental and clerical --- in the Electoral Rolls of the Legal Interests Constituency.	13-14	32
<b>University Constituency---</b>		
Correction of accidental and clerical --- in the Electoral Rolls of the University Constituency.	15	41
<b>N</b>		
<b>NEW TAX---</b>		
Definition of --- ... ..	1	1
<b>NOMINATION (S)---</b>		
--- by Government in the case of Minorities.	3, 4	3, 8
--- by Government in the case of Special Interests.	3	3, 6
--- by Government of the Revising Authority for Electoral Rolls of Associations representing Special Interests or Minorities.	16	51
--- of Polling Officers and Associates...	19-20	63
<b>NON-OFFICIAL (S)---</b>		
Association of --- as Associates with the Polling Officer.	20	63
Candidate for election to the Assembly should be a ---.	10	20

Subject	Page	Para- graph
<b>NON-OFFICIAL (S) (concl'd.)</b>		
Definition of ——— ... ..	1-2	1
Limitation of membership of the Assem- bly to ———.	2	2
<b>NOTICE—</b>		
<b>Rural—</b>		
Procedure for giving ——— of candidature	17	56
<b>University Constituency—</b>		
Posting of any ——— to voters of the Uni- versity Constituency.	15	46
<b>O</b>		
<b>OATH OF ALLEGIANCE—</b>		
Effect of failure to make the prescribed ———.	31-32	99
Forfeiture of deposits in cases of failure to make the ———.	23	80
Form of the ——— ... ..	31	98
Making of the prescribed ——— ...	31	98
<b>OBJECTIONS—</b>		
See " Claims and Objections "		
<b>OFFICER (S) —</b>		
<b>Rural and Urban—</b>		
——— responsible for the preparation and publication of the Electoral Roll of Rural and Urban Constituencies.	11	22, 23
<b>Rural—</b>		
——— to whom intimation of candidature has to be sent.	17	56
See " Polling Officers "		
<b>OFFICIAL (S) —</b>		
Definition of ——— ... ..	1-2	1
Definition of ——— in cases of doubt ...	2	1
Deputation of ——— to attend the Assembly and take part in the proceed- ings but with no right to vote.	2	2
<b>P</b>		
<b>PARTNERSHIPS —</b>		
Definition of ——— ... ..	8	16
Exercise of vote in the case of ——— ...	8	16
<b>PATELS—</b>		
Classification of ——— as non-officials ...	2	1



Subject	Page	Para- graph
<b>PHYSICAL DEFECT—</b> <i>See</i> " Voting "		
<b>POLLING—</b> Fixing the hours and centres of ---- ...	19	63
<b>POLLING CENTRES—</b> Number of ---- for a constituency ...	19	63
<b>POLLING OFFICER (S)—</b> Duties of ---- at voting time ... Nomination of ---- ... Securing of voting papers by the ---- Sealing of the ballot box by the ---- ...	21 19-20 21 21	71 63 72 70
<b>Single Associations—</b> Appointment of ---- ... Duties of ---- ...	25 25	87 87
<b>Urban—</b> Appointment of ---- ...	24	86
<b>POLLING STATION—</b> <b>Rural—</b> Notifying at the ---- the name of candi- date who becomes disqualified or dies or withdraws his candidature before commencement of the poll.	18-19	59
<b>POST—</b> <i>See</i> " Claims and Objections " <i>See</i> " Notice "		
<b>POSTAL VOTING—</b> Rules <i>re.</i> ---- ... <b>Associations (more than one or with branches)—</b> ---- in the above ...	29-31 26	91-95 88
<b>PREPARATION—</b> <i>See</i> " Electoral Rolls "		
<b>PROCEEDINGS—</b> Officials permitted to take part in the ---- of the Assembly.	2	2
<b>PROCLAMATION—</b> ---- of His Highness the Maharaja of 27th October 1923.	36-38	...

Subject	Page	Para- graph
<b>PROPORTIONAL REPRESENTATION—</b>		
Election by the system of — by means of the Single Transferable Vote in Bangalore and Mysore City Urban Constituencies.	24 108-125	86 ...
Rules <i>re.</i> Holding of elections according to the principle of — by means of the Single Transferable Vote—with an example.	108-125	...
<b>PUBLICATION —</b>		
<b>Rural—</b>		
Date of election and — thereof by the Government.	17	55
<b>Special Interests or Minorities—</b>		
— of Electoral Roll of more than one Association or an Association with branches by the Special Officer.	16	49
— of amendments to the above Electoral Roll.	17	53
<i>See</i> " Electoral Rolls "		
<b>PUBLIC PROSECUTORS—</b>		
Classification of — as non-officials ...	2	1
<b>Q</b>		
<b>QUALIFICATION (S)—</b>		
General — of voters ... ..	6-7	15
— of voters in Urban Constituencies	8-9	17
— of voters of representatives of Special Interests (with number of seats).	9-10	18
<b>Legal Interests—</b>		
— of voters ... ..	10	18
<b>University—</b>		
— of voters ... ..	9	18
<i>See</i> " Sringeri Jahgir " ... ..	8	16
<i>See</i> " Yelandur Jahgir " ... ..	8	16
<b>QUORUM—</b>		
<b>Single Associations—</b>		
— at a general meeting for the holding of election from Single Associations representing Special Interests and Minorities.	15	47

Subject	Page	Para- graph
<b>R</b>		
<b>REFORMS—</b>		
Government Order of 1923 <i>re.</i> the Constitutional — in the Mysore State.	52-97	...
<b>REGISTERED GRADUATES—</b>		
Definition of — ... ..	9	18
<b>REGISTERED OCCUPANT—</b>		
Definition of —	7	16
<b>REGISTRAR, HIGH COURT OF MYSORE—</b>		
<b>Legal Interest—</b>		
Functions of the — ... ..	29	90
Power of — to remove names of dead persons and to correct purely accidental and clerical mistakes in the Electoral Roll of the Legal Interests Constituency.	13-14	32
Preparation of Electoral Roll of the Legal Constituency by the — ...	13 125-128	30 ...
<b>REGISTRAR, UNIVERSITY OF MYSORE—</b>		
<b>University Constituency—</b>		
Functions of the — ... ..	28	89
Preparation of Electoral Rolls, etc., by the —	14-15	36-37 39, 41, 43, 44
<b>REGULATION (S) —</b>		
Definition of — ... ..	1	1
The Mysore Legislative Council — of 1923.	45-51	...
The Mysore Representative Assembly —, 1923.	39-44	...
<b>REPRESENTATIVE ASSEMBLY—</b>		
Government Order of 1923 <i>re.</i> Constitutional Reforms and the place of the — in the constitution.	55-75	...
<b>REPRESENTATIVE ASSEMBLY REGULATION—</b>		
The Mysore — of 1923 ... ..	39-44	...
<b>RESULTS OF ELECTION—</b>		
Notifying the — ... ..	22, 25, 26, 28, 29, 30	74, 86, 87, 88, 89, 90, 95

Subject	Page	Para- graph
<b>RESULTS OF ELECTION</b> ( <i>concl.d.</i> ) <i>See</i> " Election "		
<b>RETURNING OFFICER—</b>		
Certifying the results of election by the —— and forwardal to Government.	22	73
Forwarding voting papers to the ——	21-22	72-73
Preservation of voting papers by the ——	23	82
Procedure <i>re.</i> Counting of votes by the ——.	22	74
<b>Associations (more than one or with branch- es)—</b>		
Points to be noted by —— when issuing, declaration and voting papers.	27	88
<b>Postal Voting—</b>		
Functions of ——	29-31	91-95
<b>RETURN OF DEPOSITS—</b>		
<i>See</i> " Deposits "		
<b>REVISING AUTHORITY—</b>		
<b>Rural and Urban—</b>		
Appointment of the ——	12	25
<b>Legal Interests—</b>		
Appointment of —— for Legal Interests Constituency.	14	33
<b>Special Interests or Minorities—</b>		
Nomination of the —— by Government	16	51
<b>University Constituency—</b>		
Appointment of —— ... ..	15	42
<b>RULES—</b>		
Applicability of —— relating to conduct of elections in Rural Constituency to other constituencies.	24	85
Definition of —— ... ..	2	1
<b>RURAL CONSTITUENCY (IES)—</b>		
Annexure <i>re.</i> List of —— ... ..	98-101	...
Description, extent and number of mem- bers to be returned by the —— ... ..	3	5
Members elected from the —— ... ..	98-104	...
Preparation of Electoral Roll of the —— and the officer responsible for preparing the same.	2-3	3
Preparation of Electoral Roll of the —— and the officer responsible for preparing the same.	11	21-22
Qualifications of voters in —— ... ..	7-8	16
Rules <i>re.</i> Candidates for the —— ... ..	18	57
Rules <i>re.</i> Conduct of elections in ——	17-24	55-85

Subject	Page	Para- graph
<b>§</b>		
<b>SAVINGS BANK DEPOSITS—</b>		
Permitting the — to be accepted as deposits from candidates.	17	56
<b>SCHEDULES—</b>		
— to the Mysore Legislative Council Regulation, 1923.	51	...
— to the Mysore Representative Assembly Regulation, 1923.	44	...
<b>SECRETARY—</b>		
Definition of — ... ..	1	1
<b>SESSION—</b>		
Definition of — ... ..	1	1
<b>SHANBHOGS—</b>		
Classification of — as non-officials ...	2	1
<b>SINGLE ASSOCIATIONS—</b>		
Rules for the election of members from — representing Special Interests or Minorities.	15	47
<b>SPECIAL INTERESTS—</b>		
Annexure <i>re.</i> List of recognised — ...	103	...
Appointment of a Special Officer for preparing the Electoral Roll and conducting elections from more than one Association or an Association with branches representing — or Minorities.	16	48
Conditions for the recognition of Associations to represent — ...	3-4 103-104	7 ...
Description, extent and number of members to be returned by —.	3, 98-104	5 ...
Grant of exemption by Government in the case of representatives of — from rule regarding domicile.	7	15
Members elected from the — ...	2-3	3, 5
Qualifications of voters of representatives of — (with number of seats).	9-10	18
Rules <i>re.</i> Conduct of elections from Associations representing —.	25-28	87-88
Rules <i>re.</i> Election of members from Single Associations representing — or Minorities.	15	47

Subject	Page	Para- graph
<b>SPECIAL INTERESTS (concl'd.).</b>		
Rules <i>re.</i> Holding of elections from more than one Association or an Association with branches representing — or Minorities.	16-17	48-54
Rules <i>re.</i> Recognition of Associations representing —.	103-104	...
Term of an Association recognised by Government to represent —.	4	7
See "Applications"		
See "Exemptions"		
<b>SPECIAL OFFICER—</b>		
<b>Associations (more than one or with Branches)—</b>		
Appointment of a — for preparing the Electoral Roll and conducting elections from more than one Association or an Association with branches representing Special Interests or Minorities.	16	48
Appointment of the — and publication of list of candidates by the —.	26	88
Counting of votes and submission of report to Government by the —.	27	88
<b>SRINGERI JAHGIR—</b>		
Qualifications of voters in the — ...	8	16
<b>STANDING COMMITTEES—</b>		
Government Order of 1923 <i>re.</i> Constitutional Reforms and the formation of —.	89-91	...
Government Order <i>re.</i> Constitution and functions of —.	141-143	...
<b>STANDING ORDER—</b>		
Definition of — ... ..	2	1
<b>STATE LOAN BONDS—</b>		
Permitting the — to be accepted as deposits from candidates.	17	56
<b>STRENGTH—</b>		
— of the Assembly ... ..	2	3
<b>SYMBOLS—</b>		
— for candidates (G.O.)... ..	105-107	...
— recognised by Government ...	18	57

Subject	Page	Para- graph
<b>SYMBOLS (concl'd.).</b>		
<b>Rural—</b>		
Assignment of ——— ... ..	18	57
<b>Urban—</b>		
Assignment of ——— to candidates ...	24	86
<b>T</b>		
<b>TERM—</b>		
—— of an Association recognised by Government to represent Minorities.	5-6	13
—— of an Association recognised by Government to represent Special Interests.	4	7
—— of effectiveness of the Electoral Roll.	13	28
—— of the Assembly ... ..	6	14
<b>TREASURY RECEIPT—</b>		
See "Deposit"		
<b>U</b>		
<b>UNIVERSITY CONSTITUENCY—</b>		
Preparation of the Electoral Roll of the ——— and the officer responsible for the preparation and the publication of the same.	14 129-131	36, 37 ...
Qualifications of candidates for election to the ———.	10	20
Rules <i>re.</i> Conduct of elections from the ———.	28	89
Qualifications of voters of representatives of the ———.	9	18
<b>URBAN CONSTITUENCIES—</b>		
Annexure <i>re.</i> List of ——— ... ..	101-102	...
Description, extent and number of members to be returned by the ———.	3 98-104	5 ...
Members elected from the ——— ...	2-3	3
Preparation of Electoral Roll of the ——— and the officer responsible for preparing the same.	11	21, 22
Qualifications of voters in ——— ...	8-9	17
Rules <i>re.</i> Conduct of elections in ——— ...	24-25	86
<b>V</b>		
<b>VACANCY—</b>		
Filling up of ——— caused by the disqualification of any elected or nominated members.	32	101

Subject	Page	Para- graph
<b>VACANCY (concl'd).</b>		
Filling up of ——— caused by the failure of an elected member to make the prescribed Oath of Allegiance.	31-32	99
Rules <i>re.</i> Filling up of any casual ———, either of an elected or nominated member.	32	102
<b>VOTE (S)—</b>		
Drawing by lot in cases where ——— of candidates are equal in number.	22	73
Exercise of a ——— by a voter employed in election work.	20	66
Mode of recording a ——— by the voter...	20-21	67
Number of ——— to which a voter is entitled.	20	65
Procedure regarding counting of ——— ...	22	73
Right of ——— in the Assembly limited to non-officials only.	2	2
Right to ——— of every member on the roll of an Association recognised to represent Special Interests or Minorities.	17	54
Scrutiny of ——— ... ..	21-22	72, 73
Secrecy of the ——— ... ..	20-21	67
Voters to ——— in person ... ..	20	64
<b>Associations (more than one or with branches)—</b>		
Counting of ——— and submission of report to Government.	27	88
<b>Legal Interests—</b>		
Counting of ——— and report to Government.	29	90
<b>Postal Voting—</b>		
Counting of ——— and report of result to Government.	30-31	94, 95
Recording of ——— ... ..	29-30	91
<b>Single Associations—</b>		
Counting of ——— ... ..	25-26	87
<b>University—</b>		
Counting of ——— and submission of report of election to Government.	28-29	89, 90
<b>VOTES POLLED—</b>		
Definition of ——— ... ..	23	78
<b>VOTER (S)—</b>		
Exercise of a vote by a ——— employed in election work.	20	66



Subject	Page	Para- graph
<b>VOTER (S) (concl'd.)</b>		
General qualifications of ——— ...	6-7	15
Number of votes to which a ——— is entitled.	20	65
Mode of recording a vote by the ——— ...	20-21	67
Qualifications of ——— in the Sringeri and Yelandur Jahgirs.	8	16
——— to vote in person ... ..	20	64
<b>Legal Interests—</b>		
Qualifications of ——— ... ..	10	18
<b>Minorities—</b>		
Qualifications of ——— of representatives of Minorities.	10	19
<b>Rural—</b>		
Qualifications of ——— in Rural Constituencies.	7-8	16
<b>Special Interests—</b>		
Qualifications of ——— of representatives of Special Interests (with number of seats).	9-10	18
<b>University—</b>		
Qualifications of ——— ... ..	9	18
<b>Urban—</b>		
Qualifications of ——— in Urban Constituencies.	8-9	17
<b>VOTING—</b>		
Duties of Polling Officer at ——— time ...	21	71
Maintenance of secrecy of ——— ...	20	67
Mode of ——— and assistance thereat ...	20-21	67
Securing of ——— papers by the Polling Officer.	21	72
——— by voters employed in election work.	20	66
——— to be in person ... ..	20	64
<b>Associations (more than one or with branches)—</b>		
——— in person before the Special Officer or by post.	27 29-30	88, 91 ...
<b>University—</b>		
——— to be in person or by post ...	28 29-31	89, 90, 91 ...
<b>VOTING BOXES—</b>		
Keeping ——— in safe custody ...	21-22	72
Opening of ——— and scrutiny of votes...	22	73
<b>VOTING BY POST—</b>		
Rules regarding ——— ... ..	29-31	91-95

Subject	Page	Para- graph
<b>VOTING PAPERS—</b>		
Destruction of — after disposal of Election Petition by the District Judge.	23	83
Directing the preservation of — by the District Judge on presentation of an Election Petition.	24	84
Government Order <i>re.</i> Revised form of the — .	105-107	...
Preservation of — after publication of results of election.	23	82
Replacing spoilt — \ ...	21	69
<b>Associations (more than one or with branches) —</b>		
Non-receipt of — shall not invalidate the election.	27	88
Procedure <i>re.</i> Issue of declaration and — by post to the voters.	26-27 136, 137	88 ...
Procedure <i>re.</i> Issue of duplicate declaration and — .	27	88
<b>Postal Voting—</b>		
Forwardal of declaration and — after recording of votes.	30	91
Scrutiny of declaration and — ...	30	92
<b>Single Associations—</b>		
Forwardal of — to Government ...	25-26	87
Issue of — by the Polling Officer ...	25	87
<b>University—</b>		
Issue of declaration and — ...	28, 29	89, 90
Non-receipt of — shall not invalidate the election.	28, 29	89, 90
<b>W</b>		
<b>WITHDRAWAL—</b>		
Cancellation of — of candidature not allowed.	19	61
— of candidates and preparation of list of candidates withdrawn.	18	57
<b>Y</b>		
<b>YELANDUR JAHGIR—</b>		
Qualifications of voters in the — ...	8	16



Government of His Highness the Maharaja of Mysore.

THE MYSORE REPRESENTATIVE ASSEMBLY



**RULES OF BUSINESS**  
AND  
**STANDING ORDERS**



BANGALORE :

PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS

1937

Price 0-3-0



## TABLE OF CONTENTS.

---

	PAGES
I. Rules of Business	1-18
(i) Definitions	1
(ii) Meetings of the Assembly	1-2
(iii) Length of Sessions and order of Business	2-3
(iv) Motions for adjournment for purposes of debate	3-4
(v) Discussion of Legislative Measures in the Assembly.	5
(vi) Budget and Taxation	5-7
(vii) Questions	7-9
(viii) Resolutions on matters relating to Public Administration	9-11
(ix) Representations	11-12
(x) Oath of Allegiance	12-13
II. Standing Orders	14-18
(i) Definitions	14
(ii) Meetings of the Assembly	14-15
(iii) Motions generally	15
(iv) Adjournment for purposes of debate	16
(v) Legislative Measures	16
(vi) Questions	16
(vii) Discussion of Representations	16-17
(viii) Amendment of Standing Orders	17-18
(ix) Duties of the Secretary	18
(x) General	18
III. Appendices—	
Proclamation of His Highness the Maharaja	19-22
The Mysore Representative Assembly Regulation, XVIII of 1923 (Amended)	23-28
The Mysore Legislative Council Regulation, XIX of 1923 (Amended)	29-35



# THE MYSORE REPRESENTATIVE ASSEMBLY.

---

## RULES OF BUSINESS.<sup>(1)</sup>

---

### PART I.—DEFINITIONS.

#### 1. Definitions :—

- (1) "Assembly" means the Mysore Representative Assembly.
- (2) "Budget" means the statement of the estimated annual revenue and expenditure of the State.
- (3) "Council" means the Mysore Legislative Council.
- (4) "Gazette" means the *Mysore Gazette*.
- (5) "Session" means a Session of the Representative Assembly.
- (6) "Secretary" means the Secretary of the Representative Assembly and includes any person who may be appointed by the Government to perform all or any of the functions and duties of the Secretary.
- (7) "Member" means a Member of the Representative Assembly.

### PART II.—MEETINGS OF THE ASSEMBLY.

2. *Frequency of the Sessions.*—There shall ordinarily be two Sessions of the Representative Assembly every year, namely, (1) the Dasara Session and (2) the Budget Session.

Provided that, besides, the above two Sessions, it shall be competent to the Government to convene one or more Special Sessions for the disposal of Government business.

---

<sup>(1)</sup> These rules were issued with Notification No. P. 3039—Legis. 12-23-9, dated 8th December 1923.



The Dasara Session shall be convened in connection with the Dasara Season and the Budget Session on such date as may be fixed by the Government as being convenient for the consideration of the Budget. A special session may be held at such time as the Government may direct.

3. *Preservation of Order.*—(a) The President shall preserve order and shall have all powers usual and necessary for the purpose of enforcing his decision on all points of order.

(b) Any member may draw the attention of the President to a violation of order and while he is doing so all other members shall remain silent.

(c) The President may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's sittings.

(d) All speeches and observations shall be addressed to the President.

### PART III.—LENGTH OF SESSIONS AND ORDER OF BUSINESS.

4. (1) *Duration of Sessions.*—The maximum duration of the Sessions shall not exceed a period of eight sitting days in the Dasara Session, and six sitting days in the Budget Session, provided that it shall be open to the President to extend the term of any Session for the completion of Government business.

(2) *Order of Business.*—The arrangement of business shall be as follows :—

#### I. *Dasara Session.*

(a) Address of the Dewan-President, Questions and Government business	...	2 days.
(b) Representations	...	Not more than 3 days.
(c) Resolutions	....	Do

#### II. *Budget Session.*

(a) Dewan's Address, Questions and Government business	....	1 day.
--	------	--------

(b) General discussion of the Budget	....	....	Not more than 2 days.
(c) Resolutions on the Budget	....	Do	1 day.
(d) Representations	....	Do	1 day.
(e) Other resolutions	....	Do	1 day.

It shall be competent to the President to re-arrange the business of any Session but not so as to reduce the maximum limit of time allotted for private members' business. Any business other than Government business left over beyond the maximum period fixed for it will lapse.

### III. *Special Session.*

5. A Special Session shall be summoned only for Government business and the length of the Session and the order of business to be transacted therein shall be settled by the Government.

### PART IV.—MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

6. *Adjournment.*—(1) A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

- (i) The Dewan should give his consent to the motion being made.
- (ii) It should be supported by not less than 50 members present.
- (iii) Not more than one such motion shall be made at the same sitting.
- (iv) Not more than one matter can be discussed in the same motion and the motion must be restricted to a specific matter of recent occurrence.
- (v) The motion should not relate to a matter not within the competency of the Assembly to discuss.
- (vi) The motion must not revive discussion on a matter which has been discussed in the same Session.
- (vii) The motion must not anticipate a matter, which has been appointed for consideration; or with

reference to which a notice of motion has been previously given.

- (viii) Leave for making the motion should be asked for at the commencement of the day's proceedings. The member must, before the commencement of the sitting of the day, leave with the Secretary a written statement of the matter proposed to be discussed.
- (ix) If the motion is accepted, the President will fix the time for the discussion of the subject.
- (x) After the member who moves has spoken, other members who wish to speak to the motion may do so in such order as the President may decide upon. If any such member does not speak, when he is called upon to do so he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by rules, no member shall speak more than once except, with the permission of the President, for the purpose of making a personal explanation but in that case no debatable matter may be brought forward.

(3) A member who has moved a motion may speak again by way of reply and the Member of the Council of His Highness the Maharaja who is in charge of the Department to which the matter relates shall have the right to speak (whether he has previously spoken or not) after the mover has replied. It will also be open to such Member of the Council to authorise any of the officers of Government deputed to attend the Assembly to speak on his behalf.

(4) The President may in all cases address the Assembly before putting a question to vote.

7. *Closure.*—When any motion is under discussion any member may move "that the question be now put" provided he does not interrupt a speaker. Unless it appears to the President that the request is an abuse of the rules of the Assembly or an infringement of the rights of reasonable debate, the motion "that the question be now put" shall be put forthwith. There shall be no debate on such motion. If such motion be carried, the question shall be put accordingly.

## PART V.—DISCUSSION OF LEGISLATIVE MEASURES IN THE ASSEMBLY.

8. *Mode of Consultation.*—The general principles of all legislative measures about which the Assembly is to be consulted shall be placed before the Assembly in the form of a statement embodying such general principles accompanied, if the Government consider it necessary, by a draft Bill.

9. *Notice.*—A copy of the statement to be placed before the Assembly under Rule 8 shall be sent to every member with or without the Bill at least ten days before the date on which it is proposed to be taken up for discussion in the Assembly.

(<sup>2</sup>)The Assembly may on a motion and at any time suspend the operation of this rule.

10. *Discussion.*—The discussion will be confined to the general principles of the measures as given in the statement.

11. *Opinion of the Assembly.*—The opinion of the Assembly in respect of the general principles of any measures placed before it shall be ascertained by taking votes.

12. *Amendments.*—Any member may propose an amendment to the general principles of any measure, provided that the President may disallow an amendment if he considers that it relates not to general principles but to details.

## PART VI.—BUDGET AND TAXATION.

13. *Time for supplying copies to Members.*—A copy of the Budget shall be despatched to each member not less than ten days before the date fixed for the opening of the Budget Session.

14. *Budget Session.*—The Budget will be discussed by the Assembly at the Budget Session in two stages:—

- (i) a general discussion, and
- (ii) the moving of resolutions.

The Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein.

---

(<sup>2</sup>) Sub-rule to Rule 9 was added by Notification No. Rel. 99—R. A. 13-29-1, dated 15th October 1929.

15. *Resolutions.* A resolution on the Budget shall comply with the following conditions:—

- (i) It shall be in the form of a specific recommendation addressed to the Government.
- (ii) It shall be clearly and precisely expressed and shall raise a definite issue.
- (iii) It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of any person except in his official capacity.
- (iv) It shall be confined to the general principles and policy underlying the Budget and shall not have reference to particular grants or appropriations.
- (v) It shall not have reference to matters excluded from the cognizance of the Representative Assembly under the proviso to sub-section (i) of Section 11 of the Representative Assembly Regulation, XVIII of 1923.

16. *Disallowance of Resolutions.*—The Dewan may disallow any resolution which does not comply with the conditions laid down in Rule 15 above or which or any part of which cannot, in his opinion, be moved consistently with the public interests and the ruling of the Dewan shall be final and shall not be brought under discussion.

17. *Notice of Resolutions.*—Notice of resolutions on the Budget shall be given so as to reach the Financial Secretary to Government three days before the date fixed for the opening of the Session.

18. *Order of Resolutions.*—The President shall determine the order in which the resolutions on the Budget shall be discussed.

19. *Time Limit.*—In the general debate on the Budget under the above rule no member shall speak for more than fifteen minutes: provided that the President may at his discretion extend the time.

20. *Effect of Resolutions.*—Any resolution, if carried, shall have effect only as a recommendation to the Government.

21. *Communication to the Legislative Council.*—The resolutions of the Representative Assembly on the Budget shall be communicated to the members of the Legislative Council for their information.

22. *New Taxes.*—Proposals for the levy of new taxes shall be laid before the Assembly for discussion and the opinion of the Assembly shall be ascertained by taking votes, and any modification which may be suggested in the course of the discussion may at the discretion of the President be also put to the vote.

### PART VII.—QUESTIONS.

23. *Number of Questions.*—The maximum number of questions that may be put at the Dasara and Budget Sessions shall be as follows :—

Sessions	Bangalore and Mysore Districts	Other Districts
Dasara Session	8 each	6 each
Budget Do	8 each	6 each

(3)\*

\*

\*

24. *Selection of Questions.*—The selection of questions will be made by taking votes at a meeting to be held in the district headquarters of each district under the presidency of the Deputy Commissioner at which all the members of the Representative Assembly residing in the district including representatives of special interests and minorities shall be invited to attend.

(4)24A. In addition to the number so selected, not more than two questions concerning any Minority or Special Interest may be sent up direct to the Secretary by a member representing such Interest.

25. *Form.*—(1) In order that a question may be admissible, it must satisfy the following conditions, namely :—

(5)(i) it should not relate to any matter referred to in clauses (a) to (d) and (f) of proviso (ii) to Section 9 of the Mysore Legislative Council Regulation XIX of 1923,

(3) and (4). The second sentence of Rule 23, viz., "The President may at his discretion admit in addition to the number above fixed any other interpellations on behalf of special interests or minorities" was omitted and Rule 24A was added by Notification No. Rel. 1090—R.A. 76-29-1, dated 12th April 1930.

(5). Sub-rule 25 (i) was amended by Notification No. Rel. 524—R.A. 37-29-1, dated 2nd January 1930.

- (ii) if it contains a statement of fact, the member must make himself responsible for the accuracy of the statement,
- (iii) questions must be so framed as to be merely requests for information and must not be in argumentative or hypothetical form or defamatory of any person or section of the community, <sup>(6)</sup> or of *excessive length* and each question must deal with a single subject though it may be divided into convenient subordinate questions,
- (iv) it must not be asked as to the character or conduct of any person except in his official or public capacity,
- (v) (a) it shall not bring in any matter not strictly necessary to make the question intelligible,
  - (b) it shall not relate to subjects relating to or within the competence of a local authority or a private company.

<sup>(8)</sup> (2) (a) When any question is not framed in accordance with the above conditions, the President may cause it to be returned to the member concerned for the purpose of amending it so as to make it admissible or he may himself amend it and ask the member if he accepts the amendment, provided that, if the amendment is of a verbal character, it shall not be necessary to ask the member if he accepts it.

(b) If the member does not, within such time as the President may fix in this behalf, resubmit the question duly amended, or intimate his acceptance of the President's amendment, the question shall be deemed to have been withdrawn.

26. *Disallowing Questions.*—The President may disallow any question, as not satisfying the conditions hereinbefore laid down or as not being in the public interest.

27. *Disposal.*—Questions shall be put and answers given in such manner as the President may in his discretion determine.

---

<sup>(6)</sup> The words in italics were inserted by Notification No. Rl. 400—R. A. 36-30-1, dated 13th June 1931.

<sup>(7)</sup> Sub-rule 25 (V) (a) and (b) were inserted by Notification No. Rl. 677—R. A. 27-36-2, dated 18th January 1927.

<sup>(8)</sup> Sub-rule 25 (2) (a) and (b) were inserted by Notification No. Rel. 45—R. A. 8-25-1, dated 7th September 1925.

28. *Supplementary Questions.*—The President may, in his discretion, permit any member to put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

29. *No Debate on Questions.*—No discussion shall be permitted in respect of any question or of any answer given to a question.

#### PART VIII.—RESOLUTIONS ON MATTERS RELATING TO PUBLIC ADMINISTRATION.

30. *Form.*—<sup>(9)</sup>(i) Every resolution shall be in the form of a specific recommendation addressed to the Government,

(ii) it shall be clearly and precisely expressed and shall raise a definite issue,

(iii) it shall not contain arguments, inferences, ironical expressions, or defamatory statements nor shall it refer to the conduct and character of any person except in his official capacity,

<sup>(10)</sup>(iv) it shall not relate to matters referred to in clauses (a) to (d) and (f) of proviso (ii) to Section 9 of the Mysore Legislative Council Regulation, XIX of 1923.

31. *Admissibility.*—The President shall decide whether a resolution is inadmissible as relating to a subject not within the competence of the Assembly.

32. *Dissallowance.*—The President may also disallow any resolution, or any part of a resolution, on the ground that it cannot be moved without detriment to the public interests, and his decision shall be final and shall not be brought under discussion.

<sup>(11)</sup>32.A.—(i) When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year.

(ii) When a resolution has been disallowed under the rules or has been withdrawn with the leave of the

<sup>(9)</sup> Each resolution must deal with a single subject (*vide* Circular letter No. 4750-7, dated 14th May 1930).

<sup>(10)</sup> Sub-rule 30 (iv) was amended by Notification No. Rel. 524—R. A. 37-29-1, dated 2nd January 1930.

<sup>(11)</sup> Rule 32A was inserted by Notification No. Rel. 231—R.A. 26-30-1, dated 7th January 1931.



Assembly, no resolution raising substantially the same question shall be moved within one year.

33. *Number or Limit of Resolutions.*—The maximum number of resolutions that may be moved from each district for the Dasara and Budget Sessions shall be as follows:—

	Dasara Session	Budget Session
Bangalore and Mysore Districts ...	4 each	2 each
Other Districts ...	3 do	1 do

(12) \* \* \*

34. *Selection of Resolutions.*—The selection of resolutions to be moved at a meeting of the Assembly will be made by taking votes at a meeting to be held at the district headquarters of each district under the presidency of the Deputy Commissioner to which all the members of the Representative Assembly residing in the district including the representatives of the special interests and minorities, shall be invited to attend.

(13) 34A. In addition to the number so selected, not more than one resolution concerning any Minority or Special Interest may be sent up direct to the Secretary by a member representing such Interest and the admission of such resolution shall be subject to the provisions of Rules 30, 31 and 32.

35. *Order of Resolutions.*—The order in which resolutions have to be moved shall be at the discretion of the President.

36. *Copies.*—Copies of resolutions duly admitted other than those specially admitted by the Dewan under (14) Rule 34A above shall be supplied to the members at least a week before the date fixed for the meeting.

(12) The second sentence of Rule 33, viz., "The President may, at his discretion, admit in addition to the number above fixed any other resolutions on behalf of special interests or minorities," was omitted by Notification No. Rel. 1090—R.A. 76-29-1, dated 12th April 1930.

(13) Rule 34A was inserted by Notification No. Rel. 1090—R.A. 76-29-1, dated 12th April 1930.

(14) Rule 36 was amended by Notification No. Rel. 1210—R. 76-29-2 dated 16th May 1930.

37. *Amendments and Notice thereof.*—Notice of amendments to be moved to resolutions shall be given at least three days before the opening of the Assembly.

38. *Order of Amendments.*—Amendments shall be taken into consideration in such order as the President may determine.

39. *Withdrawal.*—Resolutions which have been moved and amendments thereto which have been moved shall only be withdrawn with the leave of the House. No discussion will be permitted on a motion for leave to withdraw except with the permission of the President.

40. *Time Limit.*—The mover of a resolution shall be allowed twenty minutes and the same time shall be allowed to the speaker replying on behalf of the Government and all other speeches shall be limited to ten minutes. The President may extend the time limit of a speech at his discretion.

41. *Submission to Government.*—Copies of all resolutions passed by the Assembly shall be submitted to Government.

42. *Effect of Resolutions.*—Any resolution, if carried, shall have effect only as a recommendation to Government.

#### PART IX.—REPRESENTATIONS.

43. <sup>(15)</sup> *Form.*—Representations which are intended to be brought before the Assembly shall state clearly the subject matter and nature of the representation and shall not contain matters which cannot be discussed without detriment to the public interests or for other valid reasons.

44. *Admissibility.*—The President shall decide as to whether a representation is admissible or not.

<sup>(16)</sup> 44-A. *Disallowance.*—When a representation has been disallowed or withdrawn with the leave of the Assembly or has been discussed in the Assembly and the opinion of the Government has been given thereon, no representation raising substantially the same question shall be moved within one year.

---

<sup>(15)</sup> Each representation must deal with a single matter (*vide* Circular letter No. 4750-7 dated 14th May 1930.)

<sup>(16)</sup> Rule 44A was inserted by Notification No. Bl. 680—R.A. 27-36-5, dated 18th January 1937.

45. *Number of Representations.*—The maximum number of representations that may be brought forward for discussion at the Dasara and Budget Sessions from each district, shall be as follows:—

	Dasara Session	Budget Session
Bangalore and Mysore Districts ...	30 each	15 each
Other Districts ...	20 do	10 do

46. *Selection of Representations.*—The selection of representations shall be made by taking votes at a meeting held in the headquarters of each district under the presidency of the Deputy Commissioner to which all the members residing in the district including the representatives of special interests and minorities residing in the district, shall be invited to attend.

(<sup>17</sup>) 47. *Additional Representations.*—In addition to the number so selected, not more than two representations concerning any Minority or Special Interest may be sent up direct to the Secretary by a member representing such Interest and the admission of such representations shall be subject to the provisions of Rules 43, 44 and 49.

48. *Order of discussion.*—The representations shall be discussed in such manner or order as may be laid down by the Standing Orders on the subject.

49. *Representations relating to the Administration of Local Affairs.*—Subjects within the competence of a Municipal Council or District Board or other local body shall not ordinarily be brought up for discussion by the Assembly. They will be discussed in the Municipal Councils or district or other bodies concerned and sent up for orders of Government in the respective departments through the Deputy Commissioner of the District.

### (<sup>18</sup>) IX. OATH OF ALLEGIANCE.

1. Every person who is elected or nominated to be a member of the Mysore Representative Assembly shall, before taking his seat, make at a meeting of the Represen-

(<sup>17</sup>) Rule 47 was amended by Notification No. Rel. 1090—R. A. 76-29-1, dated 12th April 1930.

(<sup>18</sup>) These rules were inserted by Notification No. Rel. 193—R. A. 26-28-1, dated 8-9th January 1929.

tative Assembly an oath or affirmation of his allegiance to His Highness the Maharaja of Mysore, in the following form, *viz.*,

“ I,..... having been <sup>elected</sup><sub>nominated</sub> a member of this Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter.”

2. If any person having been elected or nominated fails to make the oath or affirmation prescribed by Rule 1, within such time as the Government of His Highness the Maharaja consider reasonable, the Government shall, by notification in the Official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another person to fill up the vacancy within such time as may be prescribed by such notification or shall nominate another person as the case may be.

## THE MYSORE REPRESENTATIVE ASSEMBLY.

### STANDING ORDERS. <sup>(19)</sup>

#### PART I.—DEFINITIONS.

##### i. Definitions.—

- (1) "Assembly" means the Mysore Representative Assembly.
- (2) "Budget" means the statement of the estimated annual revenue and expenditure of the Mysore State.
- (3) "Council" means the Legislative Council of Mysore.
- (4) "Gazette" means the *Mysore Gazette*.
- (5) "Session" means a Session of the Representative Assembly.
- (6) "Secretary" means the Secretary of the Representative Assembly and includes any person who may be appointed by the Government to perform all or any of the functions and duties of the Secretary.
- (7) "Member" means a member of the Representative Assembly.

#### PART II.—MEETINGS OF THE ASSEMBLY.

2. *Notice of Meetings.*—The Government shall cause a notification of the date, time and place of meeting of every session to be published in the *Mysore Gazette* at least two weeks before the day fixed for the Dasara and Budget Sessions and ten days in the case of any other Session and shall cause to be sent to each member a summons to attend the meeting.

---

<sup>(19)</sup> These standing orders were issued with Notification No. P. 3886—Legis. 12-23-17, dated 12th January 1924.

3. *Language of the Assembly.*—The language of discussion in the Assembly shall ordinarily be Kannada; but members may also speak in English or Hindustani, or with the permission of the President, in any other recognised vernacular of the State.

4. *Visitors.*—Visitors will be admitted to the place of meeting of the Assembly on the production of tickets to be issued under the directions of the President. They will sit in the places allotted to them. The President may direct a visitor to withdraw for interruption of the proceedings or indecorous behaviour. The President may also, at his direction, direct the withdrawal of all visitors

### PART III.—MOTIONS GENERALLY.

5. After the member who moves has spoken, other members who wish to speak to the motion may do so in such order as the President may decide upon. If any such member does not speak, when he is called upon to do so, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate.

6. Except in the exercise of a right of reply or as otherwise provided by rules, no member shall speak more than once, except with the permission of the President, for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

7. A member who has moved a motion may speak again by way of reply and the Member of the Council of His Highness the Maharaja who is in charge of the Department to which the matter relates, shall have the right to speak whether he has previously spoken or not after the mover has replied. It will also be open to such Member of the Council to authorise any of the officers of Government deputed to attend the Assembly to speak on his behalf.

8. The President may in all cases address the Assembly before putting a question to vote.

9. Votes may be taken by voices or division, and shall be taken by division if any member so desires. The President shall determine the method of taking votes by division.

10. The result of a division shall be announced by the President and shall not be challenged.

#### PART IV.—ADJOURNMENT FOR PURPOSES OF DEBATE.

11. The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 6-30 P.M. and thereafter no question can be put.

12. No speech during the debate shall exceed fifteen minutes in duration provided that it shall be within the discretion of the President to allow the mover and the Member of the Council of His Highness the Maharaja answering him to exceed the said limit of time.

#### PART V.—LEGISLATIVE MEASURES.

13. Any member who desires to propose an amendment to the general principles of any Legislative Measures shall send notice of his intention to do so to the Secretary three days before the meeting of the Assembly.

#### PART VI.—QUESTIONS.

14. The Secretary shall call the name of each interpellator in order, specify the serial number of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

#### PART VII.—DISCUSSION OF REPRESENTATIONS.

15. In the discussion of subjects coming before the Assembly for consideration, members shall address the President from their seats.

16. Every subject will first be introduced and explained by the member or one of the members against whose name it stands in the printed list of subjects. Any other member who wishes to speak on the subject may do so, but no member shall speak twice on the same subject unless he applies for and obtains the previous approval of the President before he begins to speak on the second occasion.

17. The discussion will be confined to the subject which at the time is directly before the Assembly.

18. Whenever in the opinion of the President a subject has been fully discussed, he may close all further discussion.

19. The member introducing the subject will have the right of reply unless the discussion has been previously closed by the President.

20. Members may read their speeches and may also read as part thereof passages from books or papers bearing upon the question under discussion.

21. Discussion shall be confined to subjects included in the agenda supplied to members by Government.

22. Subjects shall ordinarily be taken up for discussion in the order in which they are printed. But the President may, at any time, take up for discussion any particular subject which, he deems, is urgent or important.

23. No speaker shall be allowed to speak for longer than ten minutes unless he applies for and obtains the previous approval of the President.

24. The time allowed for the consideration of any subject shall ordinarily be limited to 30 minutes.

25. The President may extend the time limit of a speech or the time allowed for the discussion of a representation.

26. The President, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

#### PART VIII.—AMENDMENT OF STANDING ORDERS.

27. Unless the President otherwise directs, not less than 15 days' notice of a motion for leave to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendment.

28. The motion shall be set down for such day as the President may direct.

29. When the motion is reached, the President shall read the draft amendments and ask whether the member has the leave of the Assembly. If objection is taken, the President shall request those members who support the motion to rise in their places and if <sup>(20)</sup> not less than

---

<sup>(20)</sup> The words "not less than fifty members" were inserted by Notification No. R1 151/R. A. 14-30-1, dated 11th November 1930.



fifty numbers rise accordingly, the President shall intimate that the member has the leave of the Assembly.

30. Where a member has the leave of the Assembly to proceed, the draft amendments shall be referred to a Special Committee of which one of the Members of the Council of His Highness the Maharaja shall be Chairman, and the <sup>(21)</sup> Secretary to Government, Law Department, a Member. The Special Committee members shall be nine in number and shall be elected by the Assembly in such manner as the President may determine.

31. After a draft has been referred to a Special Committee, the procedure in regard to Bills committed to the Select Committees of the Legislative Council shall, as far as may be, be followed with such necessary alterations as the President may direct.

#### PART IX.—DUTIES OF THE SECRETARY.

32. The Secretary shall be bound to perform the following duties in addition to those specified in the Standing Orders:—

- (1) to take charge of the records of the Assembly;
- (2) to attend all meetings and to maintain a correct record of the proceedings;
- (3) to communicate the resolutions of the Assembly on the State Budget, to the Secretary to the Legislative Council and all other resolutions to Government in the departments concerned;
- (4) to superintend the printing of all papers ordered to be printed;
- (5) to carry on correspondence under the orders of the Assembly; and
- (6) to generally assist the Assembly.

#### PART X.—GENERAL.

33. The Assembly may, on a motion and at any time, suspend the operation of any of the Standing Orders.

---

<sup>(21)</sup> The words "Secretary to Government, Law Department" were inserted by Notification No. Rel. 151—R. A. 14-30-1, dated 11th November 1930.

## III. APPENDICES.



## PROCLAMATION

OF

HIS HIGHNESS THE MAHARAJA

SRI KRISHNARAJENDRA WADIYAR BAHADUR IV OF MYSORE.

*This third day of Aswija Bahula of the Rudhirodgari Samvatsara being the year one thousand eight hundred and forty-six of the Salivahana Era, corresponding to the twenty-seventh day of October, one thousand nine hundred and twenty-three.*

WHEREAS it has been MY constant and earnest desire to provide for the increasing association of MY people with MY Government in the administration of the State, and

WHEREAS the various measures which, in accordance with this desire, I have taken from time to time have met with a gratifying response from the people and from their chosen representatives, and

WHEREAS MY resolve to take further substantial steps in the same direction has, by MY command, been announced by MY Dewan,

I hereby ordain as follows:—

1. The Representative Assembly, which was established forty-two years ago, by command of MY beloved Father, HIS HIGHNESS SRI CHAMARAJENDRA WADIYAR BAHADUR, of revered memory, shall henceforth be placed on a statutory basis with enlarged functions. The law relating to the constitution and functions of the Representative Assembly is now promulgated by ME as Regulation No. XVIII of 1923. The Assembly will have the privilege of being consulted on all

proposals for the levy of new taxes and also, except in cases of urgency, on the general principles of all measures of legislation within the cognisance of the Legislative Council. Subject to the exceptions specified in the Regulation, it will also have the right of passing resolutions on matters relating to public administration, and on the general principles and policy underlying the annual State Budget.

2. The Assembly will consist normally of two hundred and fifty members, power being reserved to MY Government to increase the number up to a maximum of two hundred and seventy-five for the purpose of removing inequalities, if any, of representation, and in order to provide for the representation of any new interests and constituencies that may develop in future. In determining the composition of the Assembly from time to time, provision will be made for the adequate representation, by nomination or otherwise, of special interests and minorities.

3. The Legislative Council which was established sixteen years ago under Regulation III of 1907, promulgated by ME will be enlarged and its constitution revised so as to increase the elected element, and ensure a statutory non-official majority. Provision will be made for the representation of special interests and of minorities. The Council will henceforth have the power of voting on the annual State Budget by major heads, in respect of all items of expenditure, save those specially excluded from its cognisance. Power will, however, be reserved to MY Government to restore a provision, wholly or partly disallowed by the Council, if they consider such restoration necessary for the carrying on of any department, or for the discharge of Government's responsibility, and also to authorise, in cases of emergency, such expenditure as may be necessary for the safety and tranquillity of the State, notwithstanding the absence of provision therefor in the Budget. The present law relating to the Legislative Council will be repealed and replaced by a new Regulation now promulgated by ME as Regulation No. XIX of 1923, providing adequately for the exercise by the Legislative Council of the larger powers with which I have now decided to invest it.

4. In addition to and simultaneously with the grant of enlarged powers and privileges to the Representative Assembly and the Legislative Council, I deem it necessary

to widen and increase the electorates for these Bodies. Accordingly, the representatives of the urban as well as the rural constituencies in the Legislative Council will be returned by direct election, and as regards elections to the Representative Assembly, the existing property qualifications will be reduced by one-half. The franchise will, in both cases, be extended to all persons paying income-tax. The franchise will also be extended to women possessing the qualifications prescribed for voters.

5. In order to ensure that the Representative Assembly may truly voice the wishes and sentiments of MY people, all members of the Assembly except those representing special interests and minorities will be returned by direct election.

6. With a view to enable the representatives of the people to maintain close touch with, and influence, the everyday administration of the State Standing Committees consisting of such number of members as may be prescribed, who will be elected by the Representative Assembly and the Legislative Council, will be formed to help MY Government in an advisory capacity.

7. The Economic Development Boards dealing with the subject of Education, Agriculture and Industries and Commerce will be continued in close relationship with the Representative Assembly and the Legislative Council and reconstituted on the lines which I have approved and which will be duly notified by MY Government.

8. It is MY desire that the constitution, powers and functions of Municipal Councils, District and Taluk Boards and Village Panchayets should be revised so as to give them the largest possible measure of responsibility and autonomy in the administration of local affairs.

9. MY Government will have power to make rules in regard to all matters of detail not provided for in this Proclamation or in the Representative Assembly Regulation or in the Legislative Council Regulation and to add, to amend, vary or rescind the same, whenever necessary or expedient, but not so as to curtail in any manner the powers and privileges hereby granted.

10. MY Government will take immediate steps to give effect to this Proclamation and adopt such measures as may become necessary from time to time to carry out MY intentions. I now invite MY people to utilise the larger opportunities of public service and usefulness to the State which I am now conferring upon them, and I

have every confidence that they will respond to MY call with the same loyalty and sense of responsibility as in the past and in a spirit of mutual toleration and good-will. It is MY earnest prayer that these measures now inaugurated may, under Divine guidance, promote the happiness and prosperity, and ensure the progress, of all classes of MY subjects.

KRISHNARAJA WADIYAR.

REGULATION NO. XVIII OF 1923.<sup>(1)</sup>*(Passed on the 27th day of October 1923.)***The Mysore Representative Assembly  
Regulation.**

WHEREAS His Highness the Maharaja has been pleased, under a Proclamation issued on the twenty-seventh day of October 1923, to ordain that the Mysore Representative Assembly shall be placed on a statutory basis; and

Preamble.

WHEREAS it is expedient to frame a regulation to give effect to this as well as to define the composition, powers and functions of the said Representative Assembly;

His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Representative Assembly Regulation, 1923.

Short title and commencement.

(2) It shall come into force from the date of its publication in the official Gazette.

2. In this Regulation, unless there be something repugnant in the subject or context—

Definitions.

(1) "Assembly" means the Mysore Representative Assembly,

(2) "Legislative Council" means the Council established under Regulation No. XIX of 1923,

(3) The term "non-official" where used in relation to any person shall mean a person who is not in the civil or military service of the Government: Provided that rules made under this Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be non-officials for all or any of the purposes of this Regulation,

(4) "New tax" means any tax which requires, for its imposition, the passing of a new Regulation or the amendment of an existing Regulation.

3. (1) There shall be a Representative Assembly for Mysore consisting of members elected or nominated

Composition of the Assembly.

(1) Sections 3 (3) and 9 (1) were amended by Regulation No. XI of 1936, which was passed on the 26th day of December 1936.

in accordance with the rules made under this Regulation.

(2) Membership of the Assembly shall be confined to non-official persons, provided that such officers of Government as may, from time to time, be deputed by Government for the purpose may attend the sittings of the Assembly and take part in the proceedings, but shall not have the right to vote.

(3) The total number of members of the Assembly shall ordinarily be two hundred and fifty, but Government shall have power to increase the strength of the Assembly up to a maximum of two hundred and seventy-five for the purpose of removing inequalities, if any, of representation, and in order to provide for the representation of any new interests or constituencies that may develop in future. Not less than one hundred and fifty members shall consist of representatives of rural areas in accordance with the first schedule hereto; not less than thirty and not more than fifty-five <sup>(2)</sup> members shall be representatives of urban areas in accordance with the second schedule hereto; not less than fifteen members shall be representatives of approved special interests in accordance with the third schedule hereto, and not less than thirty-five members shall be representatives of minorities; Provided that—

- (a) all members representing rural and urban areas shall be elected by persons duly qualified under rules made in this behalf;
- (b) the representatives of special interests shall be elected by constituencies recognised by the Government for the purpose or in the absence of constituencies thus recognised, be nominated by the Government; and
- (c) the representatives of minorities shall be elected by associations recognised by the Government under rules made in this behalf, or be nominated by the Government for the purpose of removing inequalities, if any, of representation.

(4) Subject to the above conditions and restrictions, the Government may make rules as regards the constitution of constituencies and the number of members to be returned by each.

---

<sup>(2)</sup> The word "fifty-five" was substituted for the word 'fifty' by Regulation XI of 1936.

4. The Dewan shall *ex-officio* be the President of the Assembly, and the Members of the Council of His Highness the Maharaja shall *ex-officio* be Vice-Presidents.

President and  
Vice-Presi-  
dents.

5. (1) Every Assembly constituted under Section 3 shall continue for three years from the date of its first meeting, provided that the said term may by notification in the official Gazette be extended by the Government by a period not exceeding one year.

Duration of  
the Assembly.

(2) After the dissolution of the Assembly the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Assembly.

6. (1) The Government shall have power from time to time to make rules not inconsistent with this Regulation to carry out all or any of the purposes of this Regulation.

Supplement-  
ary provi-  
sions.

(2) Such rules may, among other things, provide for the following matters, *viz.* —

- (a) the manner of filling casual vacancies occurring by reason of absence, death, acceptance of office, or resignation duly accepted, or otherwise ;
- (b) the conditions under which and the manner in which persons may be nominated as members of the Assembly ;
- (c) the representation of special interests and of minorities ;
- (d) the qualification of voters, the method of elections and any matters incidental or ancillary thereto ;
- (e) the qualification for membership of the Assembly ;
- (f) the final decision of doubts and disputes as to the validity of any election and the authorities by which they are to be decided ;
- (g) the place of the meetings of the Assembly, the length and frequency of the sessions and the order and conduct of business to be transacted therein ;
- (h) the preservation of order at the meetings of the Assembly.

7. (1) The Dewan shall preside at all meetings of the Assembly and, in his absence, the senior Vice-President or if there be only one such Vice-President, then such Vice-President, shall preside at the meetings of the Assembly and the powers vested in the Assembly shall

Who to  
preside.



Quorum.

be exercised only at the meetings of the Assembly at which the President or some one of the Vice-Presidents and not less than seventy members of the Assembly shall be present.

(2) The Assembly shall have the right to divide on all questions on which its opinion is taken.

(3) A meeting of the Assembly may be adjourned by the presiding authority.

Standing orders for the conduct of business.

8. (1) It shall be lawful for the Assembly to make, from time to time, standing orders for the conduct of business and for the procedure to be followed in the Assembly in so far as these matters are not provided for by rules made under this Regulation and so as not to be inconsistent with such rules. The first standing orders shall be made by the Government but may be altered by the Assembly.

(2) Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

Legislative measures.

9. (1) When any Bill is proposed to be introduced in the Legislative Council, the general principles underlying it may first be placed by the Government before the Assembly in the form of a statement and its opinion ascertained. Where the opinion of the Assembly has not been so ascertained, before the introduction of a Bill in the Legislative Council, the general principles underlying it shall be placed by the Government before the Assembly and its opinion ascertained at the earliest opportunity after its introduction in the Legislative Council and before its passing.<sup>(3)</sup>

(2) Sub-section (1) shall not apply in cases of extreme urgency in which the Government proposes that the ordinary rules of business of the Legislative Council should be suspended and the Bill passed at a single sitting of the Council.

ration.

10. No new tax shall be levied in Mysore unless the opinion of the Assembly as to the levy of such tax shall have been ascertained; and notwithstanding anything contained in Sub-section (2) of Section 9, no bill for the levy of a new tax or the enhancement of any existing tax shall be introduced in the Legislative Council unless the opinion of the Assembly shall have been ascertained under Sub-section (1) of Section 9.

(3) Section 9 (1) was amended by Regulation XI of 1936.

11. (1) The annual budget of the estimated expenditure and revenue of the State shall be laid before the Assembly in the form of a statement and the Assembly shall be at liberty to discuss the budget: Budget.

Provided that the proposals of the Government for the appropriation of revenues or other moneys for expenditure on the following heads shall not be open to discussion by the Assembly:—

(i) The Palace, including the staff and household of His Highness the Maharaja;

(ii) The Military Forces of H. H. the Maharaja;

(iii) The pensions of public servants;

(iv) Items of expenditure relating to or affecting—

(a) the relations of His Highness the Maharaja with the Paramount Power or with other States;

(b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(v) Interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;

(vi) Expenditure of which the amount is specified by or under any law.

(2) If any question arises whether any proposed appropriation of revenues or moneys does or does not relate to the above heads of expenditure, the decision of the Dewan-President or, in his absence, of the Vice-President presiding at the time shall be final.

(3) Any member may move a resolution in respect of the budget, provided that it shall have reference only to the general principles and policy underlying the budget and not to any particular grants or appropriations included in the budget. Resolutions on the Budget.

12. Subject to such conditions and restrictions as to subject and other matters as may be laid down by rules framed under this Regulation, a member of the Assembly may, at a meeting of the Assembly— Questions, resolutions and representations.

(a) ask questions,

(b) move resolutions, or

(c) submit representations for the consideration of Government,

on any matter of public interest or importance relating to the administration of the State.

## Schedules.

### FIRST SCHEDULE.

#### *Rural Areas.*

(i) Every Taluk excluding any area comprised under items (ii) and (iii) of this schedule, and any urban area mentioned in the second schedule.

(ii) Every Sub-Taluk excluding any area mentioned in the second schedule.

(iii) The area comprised within the local jurisdiction of the Kolar Gold Field Sanitary Board constituted under Section 35 of the Mysore Mines Regulation, IV of 1906.

### SECOND SCHEDULE.

#### *Urban Areas.*

(i) Every City Municipality.

(ii) Every Town Municipality having a population of 5,000 and upwards.

### THIRD SCHEDULE.

#### *Special Interests.*

(i) Mysore University.

(ii) Legal Interest.

(iii) European Planting Interest.

(iv) Indian Planting Interest.

(v) Gold Mining.

(vi) Trade and Commerce.

(vii) Inamdars.

(viii) Other special interests, such as Factory Labour, Mining Labour, Industries other than Gold Mining, etc., that may be recognised by Government from time to time in accordance with the rules made in this behalf.

---

## REGULATION No. XIX OF 1923. (\*)

*(Passed on the 27th day of October 1923.)***The Mysore Legislative Council Regulation.**

WHEREAS His Highness the Maharaja has been pleased under a Proclamation issued on the twenty-seventh day of October 1923, to ordain that the Legislative Council shall be invested with enlarged powers and functions, and

WHEREAS it is expedient to make due provision for this and for other purposes, Preamble.

His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 1923.

(2) It shall come into force from the date of its publication in the official Gazette.

2. The enactments mentioned in the first schedule hereto are hereby repealed. Short title.

But all acts done, orders and notifications issued and proceedings held under these enactments shall be deemed to have been done, issued and held under this Regulation. Commencement.

3. In this Regulation, unless there be something repugnant in the subject or context,— Regulations repealed.

(i) "Council" means the Mysore Legislative Council.

(ii) "Office" includes place and employment. Definitions.

(iii) The expressions "official" and "non-official" where used in relation to any person shall mean respectively a person who is or is not in the civil or military service of the Government:

Provided that rules made under this Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be non-officials for all or any of the purposes of this Regulation.

---

(\*) The words "by the Mysore Representative Assembly and" in Section 4 (3) and the first proviso thereto were deleted by Regulation No. XII of 1936 which was passed on the 26th day of December 1936.

4. (1) There shall be a Legislative Council for Mysore consisting of a President, *ex-officio* members and additional members, elected or nominated in accordance with the rules made under this Regulation.

(2) The Dewan shall *ex-officio* be the President of the Council, and the Members of the Council of His Highness the Maharaja shall *ex-officio* be members thereof.

(3) Exclusive of the Dewan and the *ex-officio* members, the total strength of the Council shall be fifty. Not less than 60 per cent of this number shall consist of non-official members, and the remainder of official members nominated by the Government. Not less than two-thirds of the non-official members shall be elected \* \* \* (5) by the urban, rural and non-territorial constituencies specified in the second schedule hereto, and the remainder shall be nominated by the Government for the representation of special interests and minorities or for any other cause.

Provided that—

\* \* \* \* \*

(ii) in the case of any of the special interests mentioned in the second schedule, in the absence of election by a constituency recognised by the Government, the Government may nominate a member to represent such special interest.

Provided further that the Government may, for the purpose of any Bill introduced or proposed to be introduced in the Council, nominate, in addition to the number fixed as aforesaid, not more than two persons having special knowledge or experience of the subject matter of the Bill, and such persons, shall, in relation to the Bill, and for the period for which they are nominated, have and exercise all the rights and privileges of members of the Council.

5. Every Council constituted under section 4 shall continue for three years from the date of its first meeting.

(i) Provided that the said term may, by notification in the official Gazette, be extended by the Government by a period not exceeding one year.

(5) The words "by the Mysore Representative Assembly and" were deleted by Regulation No. XII of 1936.

(6) The first proviso was deleted by Regulation No. XII of 1936.

(ii) After the dissolution of the Council, the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Council.

6. (1) The Government shall have power, from time to time, to make rules not inconsistent with this Regulation, to carry out all or any of the purposes of this Regulation. Supplement-  
ary provi-  
sions.

(2) Such rules may, among other things, provide for the following matters, namely:—

- (a) the distribution of seats on the Council between official and non-official and elected and nominated members;
- (b) the manner of filling casual vacancies occurring by reason of absence from Mysore, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise;
- (c) the conditions under which and the manner in which persons may be nominated as members of the Council;
- (d) the qualification of electors, the constitution of constituencies, the number of members to be returned by each constituency, the method of election and any matter incidental or ancillary thereto;
- (e) the qualification for being and for being nominated or elected as a member of the Council; and
- (f) the final decision of doubts or disputes as to the validity of any elections and the courts or other authorities by which they are to be decided.

7. (1) The Council shall assemble at such times and places as the Dewan may appoint.

(2) In the absence of the President, the Senior *ex-officio* Member present or, if there be only one *ex-officio* Member present, then such Member, shall preside at the meetings of the Council, and the powers vested in the Council shall be exercised only at the meetings of the Council at which the President or some one of the *ex-officio* Members and not less than one-half of the total number of members of the Council shall be present.

Dewan to  
appoint time  
and place of  
meeting.

Quorum.

Casting vote.

(3) All questions before the Council shall be determined by a majority of votes of the members present and voting, including the Dewan or *ex-officio* Member presiding. In every case of difference of opinion at a meeting of the Council, whenever there shall be an equality of votes, the Dewan or *ex-officio* Member presiding shall have a second or casting vote.

(4) Any meeting of the Council may be adjourned by the Dewan or *ex-officio* Member presiding.

Standing orders for conduct of business.

8. (1) It shall be lawful for the Council to make, from time to time, standing orders for the conduct of business and the procedure to be followed in the Council in so far as these matters are not provided for by rules made under this Regulation, and so as not to be inconsistent with such rules. The first standing orders shall be made by the Government but they may be altered by the Council subject to the assent of the Government.

(2) Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

Powers of legislation.

9. Subject to the provisions of this Regulation, the Council shall have the power of making Laws and Regulations.

(i) Provided that no measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan.

(ii) Provided further that it shall not be lawful for the Council to consider any measure relating to or affecting—

- (a) the Ruling Family of Mysore ;
- (b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;
- (c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;
- (d) the provisions of this Regulation ;
- (e) the provisions of the Mysore Representative Assembly Regulation No. XVIII, 1923 ; or
- (f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

10. In respect of matters excluded from the cognisance of the Council under the second *proviso* of section 9 of this Regulation, the Government may frame any measure required and every such measure, if assented to by His Highness the Maharaja, shall have the force of law.

Regulation in matters outside the jurisdiction of Council.

11. When any Bill has been passed by the Council it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Bill shall become law until it receives the assent of His Highness the Maharaja.

Assent of His Highness the Maharaja necessary to validity of law.

12. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Bill in cases other than those falling under section 10 of this Regulation in which legislation is emergently required, and every such Bill, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council for the space of six months from its promulgation in the Official Gazette.

Emergent Regulation.

13. The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before the Council in each year, and the proposals of the Government for the appropriation of revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse to assent, to a demand, or reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed;

Voting on the Budget.

Provided as follows:—

(1) (a) The Government shall have power, in relation to any such demand, to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the Government considers that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility.

(b) The Government shall have power in cases of emergency to authorise such expenditure as may, in its opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

(2) The proposals of the Government for the appropriation of revenues and other moneys for expenditure on the following heads shall not be submitted to the



vote of the Council, nor shall they be open to discussion by the Council:—

- (i) The Palace including the staff and household of His Highness the Maharaja;
- (ii) The Military forces of His Highness the Maharaja;
- (iii) The pensions of public servants.
- (iv) Expenditure—
  - (a) on matters pertaining to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States; and
  - (b) on matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
- (v) Interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;
- (vi) Expenditure of which the amount is prescribed by or under any law.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Dewan or *ex-officio* Member presiding at a meeting shall be final.

14. Subject to such conditions and restrictions as to subject and other matters as may be imposed by Government by rules framed under this Regulation, any member may—

- (1) ask questions; and
- (2) move resolutions.

Asking of questions and moving of resolutions.

15. No law passed under the authority of this Regulation shall be deemed invalid by reason that the requisite proportion of non-official members was not complete at the time of its consideration at any stage in the Council.

16. Nothing contained in this Regulation shall affect or be deemed to have affected the prerogative right of His Highness the Maharaja to make and pass Regulations independently of the Council, which right is hereby declared to be and to have been always possessed and retained by His Highness.

Prerogative of His Highness.

## SCHEDULES.

### FIRST SCHEDULE.

#### Enactments repealed.

Number and year	Subject	Extent of Repeal
I of 1907 ...	The Mysore Legislative Council Regulation.	The whole
I of 1914 ...	Amendment to the Mysore Legislative Council Regulation.	Do
IX of 1917 ...	Do ... ..	Do
VI of 1919 ...	Do ... ..	Do
XI of 1919 ...	Do ... ..	Do

### SECOND SCHEDULE.

#### I. *Urban Constituencies.*

1. Bangalore City Municipality.
2. Mysore City Municipality.

#### II. *Rural Constituencies.*

1. Bangalore District, excluding Bangalore City Municipality.
2. Mysore District, excluding Mysore City Municipality.
3. Kolar District.
4. Tumkur District.
5. Hassan District.
6. Kadur District.
7. Shimoga District.
8. Chitaldrug District.

#### III. *Non-Territorial Constituencies.*

The undermentioned special interests—

1. Mysore University.
2. Commerce and Trade.
3. Planting.
4. Labour.



# CONSTITUTIONAL REFORM IN MYSORE

REPORT  
OF THE  
COMMITTEE ON CONSTITUTIONAL REFORM  
1939



BANGALORE :  
PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS

1989



# CONTENTS

---

Proclamation of His Highness the Maharaja.

Government Order on the recommendations of the Committee  
on Constitutional Reform.

Letter from the Chairman submitting the Report.

## REPORT OF THE COMMITTEE.

### CHAPTER I.

#### Introductory.

PARA		PAGE
1	Constitution of the Committee ... ..	1
2	Terms of reference ... ..	2
3	His Highness's Message ... ..	4
4	Sittings of the Committee ... ..	4
5	Congress members ... ..	5
6	The Seal Committee ... ..	5
7	Scope of the Committee's Work ... ..	6
8	Preliminary procedure ... ..	6
9	Minutes of evidence ... ..	8
10	Term of the Committee ... ..	9
11	The Report ... ..	9

### CHAPTER II.

#### The Background.

##### SECTION I.—The Growth of the Representative Assembly.

12	The association of the people with the Government in Mysore ... ..	11
13	The genesis of the Assembly ... ..	11
14	The object of founding the Assembly ... ..	12
15	Official title of the Assembly ... ..	12
16	The initial constitution of the Assembly ... ..	12
17	The role of its members ... ..	13
18	Functions of the Assembly ... ..	13
19	Consultation on legislative measures ... ..	14
20	Consultation on important administrative measures and policies ... ..	15

PARA		PAGE
21	Introduction of the principle of election in 1891 ...	16
22	Electoral reform of 1894 ...	16
23	Rules of procedure in the beginning ...	17
24	Fresh rules of 1907 ...	17
25	Opinions on the working of the Assembly ...	18
26	Opinion of Sir K. Seshadri Iyer ...	19
27	Tributes to the memory of the founder of the Assembly.	19
28	Position of the Assembly in 1903 ...	19

## SECTION II.—The Development of the Legislative Council.

29	Process of legislation before the establishment of the Legislative Council ...	20
30	Representations in the Assembly for the establishment of a legislative body ...	21
31	Establishment of the Council ...	22
32	The composition and functions of the Council ...	22
33	General satisfaction at the establishment of the Council.	24
34	The working of the Council ...	25
35	Election of two members by the Representative Assembly to the Legislative Council ...	26
36	Reforms of 1913 ...	26
37	Grant of further privileges ...	27
38	Reforms of 1913 ...	27
39	Legislative Council Act of 1919 ...	28
40	Introduction of direct election ...	28

## SECTION III.—Changes in the Constitution of the Assembly.

41	Sir M. Visvesvaraya's Address in 1913 ...	29
42	Right of holding a second session and of considering the budget ...	29
43	Changes effected on the recommendations of Com- mittees appointed by the House ...	30
44	Resolution in 1921 re: the grant of responsible govern- ment ...	30

## SECTION IV.—Constitutional Developments of 1923.

45	Appointment of the Seal Committee ...	31
46	Proclamation announcing the reforms ...	32

PARA		PAGE
47	Powers of the reformed Representative Assembly : legislation, etc. ... ..	32
48	Its powers in respect of the budget ... ..	33
49	Composition of the Assembly ... ..	33
50	Representation of special interests and minorities ... ..	34
51	Composition as last constituted ... ..	35
52	The reformed Legislative Council : its composition ... ..	35
53	Powers of legislation ... ..	36
54	Powers over the budget ... ..	37
55	Extension of the franchise ... ..	37

### SECTION V.—Important Changes since 1923.

56	(a) Reduction of property qualifications of voters for the Legislative Council ... ..	38
	(b) Removal of sex disqualification ... ..	38
	(c) Extension of franchise to title-holders ... ..	38
57	Redistribution of seats and increase in the number of seats guaranteed to minorities ... ..	38
58	Changes made on the recommendation of the Committee of 1935 ... ..	39

### SECTION VI.—Working of the Reformed Constitution.

59	Government legislation ... ..	40
60	Private members' bills ... ..	41
61	Legislation in response to resolutions ... ..	41
62	Legislation on excluded subjects .. ...	42
63	Temporary emergent Acts and exercise of special powers ... ..	42
64	Interpellations ... ..	4
65	Resolutions ... ..	43
66	Representations ... ..	44
67	Resolutions on constitutional changes ... ..	44
68	Exercise of financial powers ... ..	44
69	Standing Committees ... ..	44

### SECTION VII.—Local Self-Government. 2

70	Evolution of local self-government ... ..	45
71	Reforms of 1918 ... ..	46



PARA		PAGE
72	Further developments ... ..	48
73	Recent progress ... ..	48
74	Working of local self-governing institutions ... ..	49

## CHAPTER III.

### Fundamental Considerations.

#### SECTION I.—The Growth of Political Consciousness.

75	The objective in brief ... ..	51
76	His Highness's Address in 1924 ... ..	51
77	The recent past ... ..	52
78	Difference in conditions between India and Mysore ... ..	52
79	Early political activity in Mysore ... ..	53
80	The communal movement ... ..	54
81	The Visvesvaraya Committee's findings ... ..	54
82	Later developments ... ..	55
83	Haripura resolution and after ... ..	56
84	Ramesam Committee's report ... ..	57
85	Retrospect and prospect ... ..	58
86	Fitness of electorate: progress of education ... ..	59
87	Opinion of Indian Statutory Commission re: literacy ... ..	61
88	Level of political consciousness ... ..	61

#### SECTION II.—Alternative Schemes for Reform.

89	Alternative schemes for reform ... ..	62
90	The Congress scheme ... ..	62
91	Criticism of the Congress scheme ... ..	63
92	The Conservative viewpoint ... ..	65
93	The Central Mohammedan Association and the Muslim League ... ..	65
94	The Catholic and European Associations ... ..	66
95	Mysore Planters' Association ... ..	66
96	The necessity for advance ... ..	67

#### SECTION III.—Certain Basic Factors.

97	Sir Mirza Ismail's observations ... ..	68
98	Two dominant factors ... ..	70

PARA		PAGE
99	The Mysore Treaty ...	70
100	Attitude of the Paramount Power—	
	1. Earl Winterton's statement ...	71
101	2. Col. Muirhead's first statement ...	71
102	3. Lord Zetland's speech ...	71
103	4. Col. Muirhead's second statement ..	72
104	Interpretations of the statements ...	72
105	Our own view ...	74
106	Sovereignty in Mysore: the Seal theory ...	74
107	Its validity ...	75
108	Majority rule ...	75
109	The problem of minorities ...	76
110	Correctives necessary ...	77

#### SECTION IV.—Responsible Government.

111	Responsible government ...	78
112	Executive responsibility ...	79
113	The British model ...	80
114	British Indian model ...	81
115	Provincial autonomy at work ...	82
116	Result ...	83

#### SECTION V.—The Goal of Constitutional Reform.

117	The basis of our scheme ...	84
118	Declaration of goal in terms of responsible government. ...	84
119	Responsible government under the ægis of the Ruler ...	85
120	Alternative formulæ ...	87
121	Our recommendation ...	88

### CHAPTER IV.

#### Our Proposals.

##### SECTION I.—The Representative Assembly.

122	Continuance of the existing two Houses ...	90
123	Proposal for a single house of legislature ...	90
124	Bicameralism ...	91
125	Character of the Representative Assembly... ..	93

PARA		PAGE
126	Representative Assembly and legislation : Government bills : prior consultation to be obligatory ...	93
127	Mode of consultation ...	94
128	Effect of Assembly's opinion ...	95
129	Alternative proposals ...	96
130	Subsequent stages of legislation ...	97
131	Private members' bills ...	98
132	Emergency legislation ...	99
133	Excluded subjects ...	100
134	Discussion regarding changes in the constitution of the two Houses ...	101
135	Bills affecting religion, etc. ...	102
136	Finance : taxation ...	103
137	Budget ...	103
138	Excluded heads of expenditure ...	104
139	Proposals for enhancement of grants ...	105
140	Resolutions and their effect ...	106
141	Allotment of days for the discussion of resolutions ...	106
142	Abolition of the system of district meetings for the selection of resolutions, etc. ...	106
143	Interpellations ...	107
144	Representations ...	107
145	Consultation on important measures and policies ...	108
146	Strength and composition of the Assembly ...	109
147	Rural constituencies ...	109
148	Urban constituencies ...	110
149	Direct election and abolition of " facultative representation " ...	111
150	Reservation of seats for minority communities ...	112
151	Indian Christians and Europeans ...	113
152	Muslims ...	114
153	Constituencies for Muslim seats ...	115
154	Depressed Classes ...	115
155	Abolition of reserved seats for Hindu minority communities ...	115
156	Method of election to reserved seats : joint <i>vs.</i> separate electorates ...	116
157	Opinion of the authors of the Montagu-Chelmsford report ...	117
158	System in force in British India ...	117
159	Views of the Muslim community in Mysore ...	118
160	Separate electorates for Muslims ...	118
161	Views of the Indian Christian community in Mysore... ..	119

PARA	PAGE
162 Our recommendation ... ..	120
163 Indirect election for Europeans ... ..	120
164 Depressed Classes : the Poona Pact ... ..	120
165 Views of the Depressed Classes in Mysore ... ..	121
166 Scheme of joint electorate for the Depressed Classes ... ..	122
167     (a) Special franchise ... ..	122
168     (b) Mode of election ... ..	123
169 Special interests ... ..	124
170 Reservation of seats for women ... ..	125
171 Method of election for women's seats ... ..	125
172 Delimitation of constituencies ... ..	126
173 The President, etc., of the Assembly ... ..	127
174 Term of the two Houses ... ..	127
175 Length of sessions and order of business ... ..	127
176 Allowances to members ... ..	128

### SECTION II.—The Legislative Council.

177 Its powers : legislation ... ..	129
178 Excluded subjects ... ..	129
179 Finance ... ..	130
180 Restoration of rejected or reduced demands ... ..	130
181 Composition of the Council ... ..	131
182 General territorial constituencies ... ..	133
183 Seats for minority communities ... ..	133
184 Special interests ... ..	134
185 Nominated seats : non-officials ... ..	134
186 Officials ... ..	135
187 President and Deputy President of the House ... ..	135
188 Emoluments of the President and the Deputy President. ... ..	136
189 Removal of the President and the Deputy President ... ..	136
190 Secretary and staff ... ..	136
191 Sessions of the Houses, etc. ... ..	137

### SECTION III.—The Executive.

192 The beginnings of the Executive Council .. ..	137
193 Evolution of the Council ... ..	138
194 Its constitutional status ... ..	138
195 The Seal Committee's suggestions regarding the direc- tion of growth ... ..	139
196 The Swiss model ... ..	140

PARA		PAGE
197	Dyarchy ...	141
198	Its defects ...	141
199	The third alternative ...	142
200	Criticism thereof ...	142
201	Responsibility in actual practice ...	143
202	Status of Provincial Ministers ...	144
203	Applicability to Mysore ...	145
204	The Council of Ministers ...	147
205	Selection of non-official Ministers ...	147
206	The place of officials in the Cabinet ...	148
207	The relation between the Executive and the Legislature ...	148
208	The Cabinet ...	151
209	The Dewan ...	151
210	The Ministers ...	151

#### **SECTION IV.—The Franchise.**

211	Extension of the franchise ...	153
212	Differential franchise for the two Houses ...	153
213	Property qualifications for voters to the Representative Assembly ...	155
214	Educational qualification for voters to the Representative Assembly ...	155
215	Qualifications for women voters to the Representative Assembly and the Legislative Council ...	156
216	Disqualifications of voters ...	156
217	Candidature ...	157
218	Eligibility of village officers ...	158
219	Relation of candidate to constituency ...	159
220	Candidates for the Legislative Council ...	160

#### **SECTION V.—Privileges of the two Houses and their Members.**

221	Privileges of legislative assemblies in general ...	160
222	The recommendations of the Committee of 1936 ...	161
223	Freedom of speech, etc. ...	161

#### **SECTION VI.—State's Representatives to the Federal Legislature.**

224	Election of half the State's quota of representation ...	162
225	Constituency ...	163
226	Qualifications for voters ...	163

PARA		PAGE
227	Candidature ... ..	163
228	Relations of the representatives with the Government, etc. ... ..	164

## SECTION VII.—Miscellaneous Provisions.

### A. FUNDAMENTAL RIGHTS.

229	Fundamental rights and modern constitutions ... ..	164
230	Conflicting views on the subject ... ..	165
231	Views of Sir Mirza Ismail and the Joint Parliamentary Committee ... ..	166
232	The need for declaration ... ..	166
233	Suggested list of rights ... ..	167
234	Safeguards for minority communities ... ..	168

### B. PUBLIC SERVICES COMMISSION.

235	Need for a Public Services Commission ... ..	169
236	Appointment of a Commission and its functions ... ..	169

### C. THE JUDICIARY.

237	Provisions for securing the independence of the Judiciary. ... ..	170
-----	---	-----

### D. LOCAL SELF-GOVERNMENT.

238	Supervision of local bodies ... ..	171
239	Summary of proposals ... ..	171
240	Conclusion ... ..	172

	<b>Summary of Recommendations</b> ... ..	<b>174</b>
--	--	------------

## APPENDICES.

I.	Government Orders relating to the Committee ... ..	i
II.	Letter, dated the 17th January, 1939, from the Secretary, the Mysore Congress ... ..	x
III.	Details of sittings ... ..	xii
IV.	List of memoranda ... ..	xii
V.	List of witnesses ... ..	xvii
VI.	Address of His Highness the Maharaja to the joint session of the Representative Assembly and the Legislative Council in 1924 ... ..	xi
VII.	The scheme for Constitutional Reform prepared by the Mysore Congress. ... ..	xii

*N.B.*—The separate notes and minutes of dissent are printed in another volume.





# PROCLAMATION

OF

HIS HIGHNESS MAHARAJA

SRI KRISHNARAJENDRA WADIYAR BAHADUR  
IV OF MYSORE

THIS TENTH DAY OF ASVIJA BAHULA OF THE PRAMATHI  
SAMVATSARA, BEING THE YEAR ONE THOUSAND  
EIGHT HUNDRED AND SIXTY-TWO OF  
THE SALIVAHANA ERA,

CORRESPONDING TO

THE SIXTH DAY OF NOVEMBER, ONE THOUSAND NINE  
HUNDRED AND THIRTY-NINE, IN THE THIRTY-EIGHTH  
YEAR OF MY RULE,

WHEREAS the welfare and advancement of MY people have been MY constant aim and endeavour, and

WHEREAS the fundamental identity of interests between MY people and MY Government has found satisfactory and progressive fulfilment in the measures adopted by ME from time to time, and

WHEREAS it is now MY desire to take further steps to increase the association of the representatives of MY people with MY Government in the administration of the State in pursuance of MY cherished and declared policy,

I HEREBY ORDAIN AS FOLLOWS:—

1. The Representative Assembly which was established fifty-eight years ago by command of MY beloved father, HIS HIGHNESS SRI CHAMARAJENDRA WADIYAR BAHADUR of revered memory, and which was placed on a statutory basis with enlarged functions by ME under Act XVIII of 1923, and the Legislative Council which was established by ME under Act I



of 1907 and whose powers were enhanced by ME under Act XIX of 1923 have hitherto been functioning under separate Acts. They will now be brought into integral relationship with one another, and will henceforth function under a consolidated law relating to the constitution of Mysore. Privileges of freedom of speech and immunity from arrest under certain conditions will be conferred on the members of both Houses, and their term which is now three years will be extended to four years.

2. The powers and scope of the Representative Assembly will be enlarged, while its character as a body for consultation and reference will still be maintained. Its strength which is at present fixed at a maximum of 275 will be raised to 310 ordinarily, with a view to providing better representation for minority communities and for economic and other special interests.

3. The privilege already enjoyed by the Assembly of being consulted with regard to the general principles of proposed measures of legislation will be widened so as to provide that in future the Representative Assembly will invariably be consulted in regard to any legislative measure before it is introduced into the Legislative Council, and that it will have the right of considering the general principles underlying any Bill or any of its provisions and of proposing amendments thereto. The opinion expressed on any legislative measure by the Assembly will ordinarily be accepted by MY Government when supported by a prescribed majority, although in exceptional cases where it may be necessary in the public interest or for the ensuring of safety and good government to proceed with a Bill in the Legislative Council notwithstanding the opinion of the Assembly, MY Government will do so, after issuing a statement giving reasons therefor.

4. Subject to the existing exceptions, the Assembly will have the right to consider the State Budget and pass resolutions not only on the general principles and policy underlying the Budget, but also on any of the major heads of expenditure, without reference, however, to any particular grants or appropriations. The existing restriction regarding discussion on expenditure pertaining to MY Military Forces will be relaxed. The number of resolutions on matters of public interest, questions and representations

which may be sent up will be increased, and the duration of the sittings of the Assembly will also be augmented, so as to allow larger opportunities for the introduction and disposal of non-official business.

5. In the case of legislative, financial and administrative measures under contemplation, MY Government will, as far as possible, consult the Assembly and ascertain its views on such measures before making a final decision.

6. The strength of the Legislative Council will be further increased, and its composition revised so as to increase the elected element therein, and ensure a statutory elected majority. Enlarged representation will be provided for the territorial constituencies as well as for the special interests and minorities, and the ordinary strength of the Council will be raised from 50, as at present, to 68, 44 places being filled by election. The Council will have a non-official President, who will be elected by the House after the first term, and a non-official elected Deputy President from the commencement, thus making the House a more effective instrument for voicing the wishes of MY people.

7. In respect of the State Budget, the Legislative Council has already been given the power to deal with demands for grants except in respect of excluded subjects and subject to MY Government's power to restore a provision, if they consider such restoration necessary for the carrying on of a department or for discharging Government's responsibility, and, in cases of emergency, to authorise such expenditure as may be necessary for the safety and tranquillity of the State. In future, such action will be taken only after a formal certification by MY Dewan.

8. Along with the grant of enlarged powers and privileges to the Representative Assembly and the Legislative Council, it is MY further desire that the electorate for these bodies should be further widened in some respects. As in the case of the representatives of the urban and rural constituencies, the representatives of minority communities will also be returned by direct election through the general constituencies wherever possible, and those of the special interests ordinarily by

election through specially formed constituencies. The property qualification for voters for the Representative Assembly in rural areas, and the educational qualification for voters for the Representative Assembly will be substantially reduced. In the case of women, the educational qualification will be further reduced for both the Representative Assembly and the Legislative Council. The operation of certain existing disqualifications of voters to both Houses will be relaxed.

9. The elected representatives of the people will henceforward be given a place in MY Executive Council, so that the Legislature may be able more largely to influence the nature of the advice and assistance which MY Council tenders to ME. Accordingly MY Executive Council will in future consist of MY Dewan and not less than four Ministers, of whom it is MY desire that not less than two should be non-officials selected from among the elected members of the Representative Assembly and the Legislative Council, such Ministers being eligible to hold any portfolio of the administration.

10. MY Government will have power to make rules in regard to all matters of detail not provided for in this Proclamation or in the Constitution Act, and to add to, amend, vary or rescind such rules, whenever necessary or expedient, but not so as to curtail in any manner the powers and privileges hereby granted.

11. MY Government will take immediate steps to give effect to this Proclamation, and will adopt such measures as may become necessary from time to time to carry out MY intentions. I have every confidence that MY people will utilise these larger opportunities for public service and usefulness to the State with the same sense of responsibility as in the past, and in a spirit of mutual toleration and goodwill. Under the Divine blessing and guidance may the measures now inaugurated serve to promote the abiding happiness of all classes of MY beloved subjects !



KRISHNARAJA WADIYAR.

# GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 1849-900—C. B. 58-39-1, dated 6th November 1939.

## Constitutional Reform in Mysore.

Passes orders on the recommendations of the Committee appointed to consider the question of Constitutional Reform in Mysore.

READ—

- (1) G. O. No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the question of Constitutional Reform in Mysore.
- (2) G. O. No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, nominating Mr. S. C. Malliah as a member of the Committee.
- (3) G. O. No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938, appointing five more members to the Committee.
- (4) G. O. No. 1634-70—C. B. 165-37-24, dated 16th November, 1938, appointing *Rajadharmapravina Diwan Bahadur* Mr. P. Mahadevayya in place of Mr. K. V. Anantaraman (resigned).
- (5) Letter dated 30—31st August, 1939 from the Chairman of the Committee submitting the Report of the Committee.

ORDER NO. 1849-900—C. B. 58-39-1, DATED BANGALORE,  
6TH NOVEMBER 1939.

In pursuance of the undertaking given by them to the Legislative Council in January, 1938, Government in their Order No. 2691-2751—C. B. 165-37-1, dated the 1st April, 1938, appointed a special Committee consisting of two official and seventeen non-official members, with *Rajasabhabhushana Diwan Bahadur* Mr. K. R. Srinivasa Iyengar as Chairman, for the purpose of examining the working of the representative institutions

Appoint-  
ment of the  
Committee  
on Consti-  
tutional  
Reform.

in the State and formulating comprehensive proposals as to the further changes which might be desirable in order to secure the steady and harmonious constitutional progress of the State. The personnel of the Committee was enlarged or altered from time to time according to the several Government Orders read above. As thus enlarged the Committee was composed of twenty-six members including the Chairman. Government regret that five members belonging to the Mysore Congress dissociated themselves from the work of the Committee from January 17, 1939.

Committee's  
Report.

2. The Report of the Committee, which was submitted to Government on the 31st August, 1939, is signed by the remaining twenty-one members, subject in some cases to separate notes or minutes of dissent. The Committee has carried out its task with insight and thoroughness, and submitted a Report which will stand out as a landmark in the constitutional history of Mysore. Government desire to convey their thanks to the Chairman and the members of the Committee for the excellent manner in which they have discharged their task.

3. The Committee asked for opinions from the public, and invited the members of the Legislative Council and the Representative Assembly as well as other prominent persons and associations in the State to send in their considered views on the subject. Over a thousand communications were sent out, and 440 replies were received by the Committee and duly taken into consideration. The Committee also took the oral evidence of selected representatives of the public, and examined 31 witnesses. The Committee has thus taken account of all shades of public opinion in the country before arriving at its conclusions. On the Committee itself practically all schools of thought were represented.

Seeing that already nearly a year and a half has elapsed since the appointment of the Committee, Government are of opinion that it is in the public interest to deal with the recommendations of the Committee at once. Careful and detailed consideration has been given to the Report of the Committee as well as to all other views placed before the Government, and the decisions arrived at in regard to the general scheme have been

embodied in the Proclamation which His Highness the Maharaja has been pleased to promulgate. Government will now proceed to explain these decisions with reference to the recommendations of the Committee and to pass orders regarding matters of detail.

4. The history of representative institutions in Mysore is a long and interesting one. This history has been touched upon in the Government Order relating to the Constitutional Reforms of 1923, and also in the Government Order of the 1st April, 1938, appointing the Committee whose recommendations are now under consideration. The growth and working of these bodies has been reviewed in detail by the Committee in Chapter II of its Report, which gives a clear perspective of the course of constitutional evolution in Mysore during the last six decades.

Continu-  
ance of  
the Repre-  
sentative  
Assembly  
and the  
Legislative  
Council.

The two popular institutions, the Representative Assembly which is peculiar to Mysore and the Legislative Council, whose growth has proceeded *pari passu* with the economic development of the State and the political advance of the people, have, each in its own sphere, been serving as a forum for bringing the wants and views of the people to the notice of Government. The Representative Assembly is a unique democratic institution which Mysore has evolved in order to meet her own needs; and the bulk of the Memoranda received and the witnesses who were examined before the Committee, especially those from the rural parts, are emphatic about its usefulness and the necessity for its continuance. The two Houses do not, however, correspond to the two chambers of a bicameral legislature. It may well be said that the Representative Assembly embodies the oriental conception of government, while the Legislative Council represents its occidental conception. The two stand in a peculiar relationship to each other. They are not strictly co-ordinate, but supplement each other's functions.

Government are in entire agreement with the recommendation of the Committee that both Houses should be continued in the new constitution, practically in their present form and character, but with certain enlarged powers and functions.

Representative  
Assembly  
and  
legislation.

5. At present the Representative Assembly has to be consulted by the Government with regard to proposed legislation. But the draft bill itself need not be placed before the Assembly, and it is sufficient if a statement of the general principles underlying it is placed before the House to ascertain its opinion. Such consultation may be either prior to the introduction of the bill in the Legislative Council or at the earliest opportunity after such introduction, but before it is finally passed. There is also a provision that the Assembly need not be consulted at all in cases of extreme urgency in which the Government propose that the ordinary rules of business of the Legislative Council should be suspended and the bill passed at a single sitting of the Council. The opinion expressed by the Representative Assembly is not binding in character and it is open to the Government to accept or reject it without giving reasons. Finally, a member of the Assembly cannot bring a private bill before the House for its consideration.

Government: bills  
prior consultation  
to be  
obligatory.

6. The Committee has now recommended that whenever any legislative measure is intended to be placed permanently on the statute book, the Assembly should invariably be consulted before the bill is introduced into the Legislative Council; and that in addition to the statement of general principles underlying the bill, a copy of the bill itself should be placed before the Assembly and its opinion ascertained. Government accept the recommendation.

Mode of  
consultation.

Opinion in the Committee was almost equally divided on the question whether, when a bill thus comes up before the Assembly, it should have the power of considering, as at present, only the principles underlying the bill and any of its provisions or whether its powers should be extended to the consideration of the bill in detail, clause by clause. The majority favour the latter alternative. Government, after a careful consideration of the position, agree with the minority, that the Assembly would be handicapped in the exercise of such powers by reason of its size and composition, and also that the procedure suggested would lead to needless delay in the process of legislation. They therefore consider that the Assembly should be entitled to express its opinion only on the general principles

underlying a bill or any of its provisions, and to propose amendments thereto but not to propose verbal amendments to the clauses of a bill.

The Committee has recommended that seven days' previous notice should be given of any amendment which may be proposed by a member, if he desires the House to divide and vote in respect of his amendment. Government, however, consider that this will lead to difficulties in practice and that it is unnecessary to lay down any restriction in this respect, as verbal amendments to clauses will not be allowed.

7. Government agree with the Committee that the opinion of the Assembly, especially when supported by a large majority, should carry due weight. They accordingly accept the Committee's suggestion that when the principles of a bill or any of its provisions are opposed or amended by a majority of members forming not less than two-thirds of the total strength of the Assembly, the verdict of the House should ordinarily be accepted by the Government.

Effect of  
Assembly's  
opinion.

The Committee points out, however, that there may be exceptional cases where the Government may find it necessary, in the public interest or for ensuring safety and good government, to proceed with a bill in the Legislative Council notwithstanding the adverse opinion of the Assembly. It recommends that in such cases it should be open to the Government to introduce the bill into the Legislative Council, with such modifications as may be deemed desirable by Government in the light of the opinions expressed by the Assembly, after issuing a statement giving reasons for its decision, a copy of such statement being sent to the members of the Representative Assembly as well as the Legislative Council.

Government accept this recommendation, as well as the subsequent procedure suggested. This means that after a bill is passed by the Assembly, it may be introduced into the Legislative Council with or without the modifications proposed by the Assembly, and that, when the bill is finally passed by the Council, it need not be placed again before the Assembly but may be submitted to His Highness the Maharaja for assent together with a statement of the opinions expressed by the Assembly thereon.

Subsequent  
stages of  
legislation.



Private  
Members'  
bills.

8. Government accept the Committee's recommendation that a member of the Representative Assembly should be allowed to place a bill before the House for its consideration, after obtaining the permission of the President. Any such bill, if thrown out by a majority of the members present and voting, will not be proceeded with. The same procedure will be adopted in the case of any private member's bill proposed to be introduced into the Legislative Council and placed before the Assembly to ascertain its opinion.

Emergency  
legislation.

9. Under the provisions of section 9 (2) of the Representative Assembly Act, Government may in cases of extreme urgency place a measure on the statute book permanently without consulting the Assembly. Government have now accepted the Committee's recommendation that prior consultation of the Assembly should be obligatory in all cases where it is proposed to place a legislative measure permanently on the statute book. Emergencies necessitating legislation will therefore be met in future by the exercise of the power conferred under the Legislative Council Act of framing temporary regulations. These temporary regulations will have the force of law ordinarily for a period of six months. But in view of the fact that this interval might not always be sufficient to allow for consultation of the Assembly, the subsequent passage of the bill in all its stages in the Legislative Council and receiving His Highness's assent, the Government will take power, as recommended by the Committee, to extend, if necessary, the period of operation of any emergent enactment by a further period of six months.

Excluded  
subjects.

10. Under the provisions of the Legislative Council Act as in force at present, the Council is not empowered to consider any measure relating to or affecting:—

- (a) the Ruling Family of Mysore ;
- (b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;
- (c) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;
- (d) the provisions of Legislative Council Act No. XIX of 1923 :

- (e) the provisions of the Mysore Representative Assembly Act No. XVIII, 1923 ; or
- (f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by Government.

In future, in view of the fact that the members of the Representative Assembly will have the privilege of bringing bills for consideration in the House, these exclusions will be made specifically applicable to the Assembly also.

11. In this connection, the Committee has recommended that, apart from legislation, it should be open to either House to discuss any subject relating to changes in the constitution and also to entertain resolutions and representations in this behalf. It has also suggested that the existing restriction which precludes each House from suggesting modifications of the constitution of the other House should be removed, and that resolutions proposing amendments to the constitution of the one or the other may be admitted with the previous sanction of the Dewan. Government are, however, of opinion that it would be inadvisable to allow either House to discuss or suggest modifications regarding the constitution of the other, as this is a matter affecting the relationship between the two Houses. Moreover the members of one House may not also have sufficient acquaintance with the conditions affecting the working of the other to be in a position to suggest any useful modifications.

Discussion regarding changes in the constitution of the two Houses.

Government consider that the existing restriction may therefore stand.

12. The Committee has recommended that, with a view to safeguarding religious rights or usages, especially of the minority communities, previous sanction should be made a condition of the introduction in either of the Houses of any measure affecting the religion, religious rights or usages of any class of His Highness's subjects. Opinion in the Committee was, however, almost equally divided on the point whether the previous sanction should be that of His Highness or of the Dewan. Government consider that the existing provision that no measure of any description shall be introduced in the Council

Bills affecting religion, etc.

without the previous sanction in writing of the Dewan, is adequate for meeting such situations and that it will be sufficient if this is made specifically applicable to the Representative Assembly also.

Finance:  
Excluded  
heads of  
expendi-  
ture.

n. 66 of the  
manual

13. The Assembly already possesses the right of being consulted with regard to all proposals for the levy of new taxes or the enhancement of existing taxes. The budget is laid before the Assembly in the form of a statement which it is empowered to discuss, with the exception of certain heads of expenditure excluded from its purview. The exclusion of these heads is a necessary corollary to similar exclusions in the field of legislation. In respect of the following items, the proposals of the Government for the appropriation of revenues or other moneys for expenditure are not now open to discussion either in the Representative Assembly or the Legislative Council, nor are they liable to be submitted to the vote of the Legislative Council:—

- (i) the Palace, including the staff and household of His Highness the Maharaja;
- (ii) the Military Forces of His Highness the Maharaja;
- (iii) the Pensions of public servants;
- (iv) items of expenditure relating to or affecting—
  - (a) the relations of His Highness the Maharaja with the Paramount Power or with other States;
  - (b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
- (v) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;
- (vi) expenditure of which the amount is specified by or under any law.

Expendi-  
ture on  
Military  
Forces.

14. The Committee has recommended that discussion on item (ii) *viz.*, Military Forces of His Highness the Maharaja (excepting Palace Troops), may be allowed both in the Assembly and the Council, although no resolution or voting need be permitted thereon.

Government accept this suggestion. The other heads in the list will, as recommended by the Committee, continue to be excluded from the purview of both Houses,

15. With regard to the budget, the estimated annual revenue and expenditure of the State is now laid before the Assembly in the form of a statement, which it is empowered to discuss with the exception of the excluded heads already referred to. Resolutions can also be moved by any member on the general principles and policy underlying the budget, but not with reference to particular grants or appropriations. The Committee recommends that the Assembly's power over the budget may be extended to the moving of resolutions on any of the major heads, but without reference to particular grants or appropriations included therein. As a matter of fact, Government have been admitting such resolutions and they have no hesitation in accepting the suggestion of the Committee which only confirms the existing practice. This will enable the Assembly to raise specific issues relating to the expenditure of the several departments.

16. Government are in agreement with the Committee, which has reiterated the opinion of the Seal Committee, that it is not safe to allow specific money grants to be dealt with by two sets of people's representatives in two different Houses. They also agree with the Committee's view that no proposal for the imposition of taxation or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues should be made except on the recommendation and responsibility of the Executive. This principle is one of the recognised canons of public finance.

17. The right to move resolutions on matters relating to the public administration was first conferred on the Assembly under the Reforms of 1923. At present, the number of general resolutions that may be moved at a session is fixed for each district. Thus the districts of Bangalore and Mysore may each send up four resolutions and the other districts three each for the Dasara Session ; and two each and one each respectively for the Budget Session. In addition, it is provided that not more than one resolution concerning any minority or special interest may be sent up by any member representing such interest, subject to the usual restrictions. The order in which the resolutions are to be moved is at the discretion of the President.

Abolition of the system of district meetings for the selection of resolutions, etc.

18. The Committee now recommends that every member of the Assembly may send up one resolution for each session, Budget and Dasara; that the number of days allotted for the discussion of resolutions may be increased; and that the order in which resolutions are to be discussed may be determined by the drawing of lots. The Committee has recommended the abolition of the method now in use by which the resolutions to be sent up are selected at a meeting held at the District Headquarters under the presidentship of the Deputy Commissioner. It is of opinion that the method is prejudicial to minority parties. Government consider that there is some force in this criticism, and accordingly accept the Committee's recommendation, and direct that the present system of selecting at preliminary meetings in each district, the resolutions, representations and interpellations which are to come up before the Assembly may be abolished, and that the members may be allowed to send their resolutions direct to Government, the order in which resolutions are to be discussed being determined by drawing lots.

Interpellations.

19. The number of questions which may be sent is now fixed at eight each for the districts of Bangalore and Mysore and six each for the other districts for each session. Government accept the Committee's recommendation that each member may be allowed to send up one question for each session, that a preliminary selection is unnecessary, and that no maximum limit need be placed on the total number of questions to be sent by the members for any session. Supplementary questions may be allowed at the President's discretion.

Representations.

20. Similarly, in the case of representations, each member will be allowed to send one subject for each session, as recommended by the Committee. Government agree with the Committee's suggestion that a matter falling within the competence of a local body or officer should not ordinarily be made a subject of representation, and that if any such local subjects are sent up by the members they may be referred by the Government to the competent authority for disposal. This merely represents the existing practice. Government also accept the Committee's suggestion that a statement should be placed before the House regarding the action

taken by them in respect of what they regard as local subjects.

21. The Committee considers that it is sufficient if there should ordinarily be two sessions of the Assembly every year as at present, one during Dasara and one at Budget time. Sessions of the Assembly.

Government agree with this view.

22. It is now provided that the maximum duration of the sessions shall not exceed 8 sitting days for the Dasara Session and 6 sitting days for the Budget Session, it being open to the President to extend the term of any session for the completion of Government business. The Committee is of opinion that sufficient time is not being allotted at present to non-official business, viz., resolutions and representations; and that many of these do not come up for discussion at all, but lapse for want of time. It therefore recommends that the time allotted for the consideration of representations and resolutions should be increased and the maximum period for the Dasara Session should be raised to 14 days and the Budget Session to 10 days. Government, while agreeing that greater scope should be allowed for the consideration of resolutions and representations, consider that the periods suggested by the Committee are too long. They therefore direct that the period for the Dasara Session be fixed at 10 days and that for the Budget Session at 8 days as follows:— Order of business.

*Dasara Session—*

Address of the Dewan-President, questions and Government business	...	...	2 days.
Representations (not more than)	...	...	5 "
Resolutions (not more than)	...	...	3 "
			—
	Total	...	10 "

*Budget Session—*

Dewan's Address, etc.	...	...	1 day.
General discussions on the Budget (not more than)	...	...	2 days.
Resolutions on the Budget (not more than)	...	...	2 "
Representations (not more than)	...	...	2 "
Other resolutions	...	...	1 day.
			—
	Total	...	8 days.

Con-  
sulta-  
tion on  
important  
measures  
and  
policies.

23. The Committee has recommended that in the case of legislative, financial and administrative measures under contemplation, Government should as far as possible consult the Assembly and ascertain its views on such measures before taking a final decision. The Committee recognises that it has already become a practice or convention for Government to consult the Assembly on all important measures, but it considers that a formal recognition of the practice, combined with more frequent resort to it, whenever the Government could do so without prejudice to their own initiative and responsibility, would not merely enhance the status of the Assembly, but would also be one more means of establishing a closer nexus between the people and the administration.

Government are in entire sympathy with the Committee's recommendation.

Strength  
and com-  
position  
of the  
Assembly.

24. The ordinary strength of the Assembly is at present fixed at 250, Government having the power to increase the number up to a maximum of 275 for the purpose of removing inequalities, if any, of representation, or for the representation of any new interests or constituencies that might develop. Membership is confined to non-officials, and it is provided that not less than 150 members shall be representatives of rural areas, and not less than 30 and not more than 55 representatives of urban areas, not less than 15 representatives of approved special interests, and not less than 35 representatives of minorities. There are 81 rural constituencies comprising all the taluks and sub-taluks and the Kolar Gold Field Sanitary Board Area. These return 164 members. There are 40 urban constituencies,—the cities of Bangalore and Mysore and 38 town municipalities. These return 46 members. Forty-four members represent the minority communities, and 20 the recognised special interests, making up a total strength of 274 for the Assembly as last constituted in 1937. Of these, 239 have been elected either by general or special constituencies, and the remaining 35 have been nominated by Government.

Recom-  
mendation  
of the  
Committee.

25. The Committee has recommended that the strength of the Assembly may be increased to 300 ordinarily, Government taking power to increase this number by 10 or 15 more, in order to provide

for the representation of any new interests or constituencies that may develop in future. The distribution proposed by the Committee is as follows:—

			<i>Seats.</i>
(1) Rural Constituencies	...	...	165
(2) Urban Constituencies	...	...	45
(3) Minorities:—			
(a) Muslims	...	...	26
(b) Depressed Classes	...	...	30
(c) Indian Christians	...	...	5
(d) Europeans	...	...	1
(4) Special Interests	...	...	28
			<hr/>
	Total	...	300
			<hr/>

26. Government agree with the Committee that the distribution of seats among the rural constituencies may be as at present, with the following modifications which are necessitated by territorial adjustments between taluks. The seats allotted to Gubbi and Krishnarajapet taluks may be respectively reduced from 3 to 2, an extra seat given to Turuvekere, which has been converted into a pucca taluk, and 2 seats to the newly constituted French-Rocks taluk. The taluks of Bangalore North and Bangalore South will have 2 seats each. The number of seats for rural constituencies will thus be 166. With regard to urban constituencies, Government approve of the recommendation of the Committee that the number of seats provided for each of the cities of Bangalore and Mysore may be reduced from 4 to 3, in view of the fact that a certain number of seats will be allotted to these cities out of the number of seats reserved for minority communities like Muslims and the Depressed Classes. Bhadravati town, which is growing in size and importance, will also be recognised as an urban constituency. The number of members representing the urban constituencies in the Assembly will thus be 45.

Rural and urban constituencies.

27. As at present, a certain number of seats will be reserved for the minority communities, namely Muslims, the Depressed Classes and Indian Christians. In view of the increased strength proposed for the Assembly, as well as for the purpose of giving adequate representation to the Muslim community, the Committee has recommended that the number of seats reserved for them may be raised from 18 to 26. Opinion in the Committee was divided as to whether these seats should be filled

Reservation of seats for minority communities; Muslims.



through joint or separate electorates. The Muslim members on the Committee were emphatically in favour of separate electorates but a section of the Committee was strongly opposed to such a system. The majority of the Committee, while generally favouring joint electorates, have suggested that if joint electorates should be unacceptable to the community, some qualified system might be adopted as a compromise, at least in selected centres, with the safeguard that the successful candidate should get a prescribed percentage of the communal votes. Their conclusion, however, is that this is a question which should be decided in accordance with the wishes of the community.

On general considerations, and also in view of the fact that joint electorates have hitherto been in force in Mysore, Government would have preferred if the present system could be continued, or in the alternative, some system of qualified electorates adopted, *e.g.*, with the safeguard suggested by the Committee. It is, however, seen that the leaders of the Muslim community, whom Government have consulted in this connection, are at one regarding the advisability of having separate electorates in Mysore as in British India. In view of the unanimous desire of the representatives of the community, Government consider it desirable to accede to their wishes. They trust, however, that the system will not retard the growth of a sense of common citizenship and that it may be possible, at no distant date, to adopt a qualified system of joint electorates, if not of entirely common electorates.

Regarding the number of seats to be reserved, the leaders of the community have urged that they should be granted adequate weightage as in the Provinces. Government feel that there is considerable force in this representation and have decided to raise the number of seats reserved for the Muslim community to 30.

Depressed  
Classes.

28. The Committee has recommended that the number of seats to be reserved for the Depressed Classes may be raised from 6 to 30, in view of their large population and of the fact that a larger number of educated and competent persons will be available to fill the seats. As regards the electorate for these seats, the Committee has recommended a system under which the successful

candidate in addition to getting a prescribed percentage of his own community's votes, should also get a certain small prescribed percentage of the non-communal votes polled.

Government accept the recommendations of the Committee. The detailed electoral rules in this matter will form the subject of separate orders.

29. With regard to the Indian Christians 5 seats will, as at present, be reserved for them as recommended by the Committee. The method of election for the seats reserved for this community will be similar to that adopted in the case of the Muslim community. Indian Christians.

30. The Committee has recommended that the European community also should be recognised and allotted one seat in the Assembly, and that the European Association should be the constituency for this seat. European community.

Government approve of this recommendation.

31. Government consider that it is desirable to reserve one seat for Anglo-Indians also, and to throw it open for election by the members of that community, the electorate being similar to that for the European community. Anglo-Indians.

32. The Committee has recommended the allotment of 28 seats to the special interests. Government consider that separate representation is unnecessary in the case of Inamdars and Agriculture including Sericulture, and that the number of seats proposed by the Committee for Trade and Commerce, and for Industries is capable of reduction by one each, and that under present conditions in the State 3 seats will provide adequate representation for Labour. The total number of seats for the special interests will thus be reduced to 22 and distributed as follows :— Special interests.

<i>Name of Interest.</i>	<i>No. of seats.</i>
University ...	1
Planting ...	2
Trade and Commerce ...	1
Industries ...	2
Women ...	11
Labour ...	3
Co-operation and Banking ...	1
Gold Mining ...	1
<b>Total ...</b>	<b><u>22</u></b>

Government accept the Committee's recommendations that out of the two seats reserved for the Planting Interest, one may be set apart for election by European Planters and the other by Indian Planters; and that out of the 11 seats assigned to the Women one seat may be allotted to Muslim and one to Harijan women, and the cities of Bangalore and Mysore may form a single constituency for the seats reserved for Muslim and Harijan women. The Committee has recommended that the remaining seats for women may be assigned to general constituencies, with joint electorates, with liberty to contest additional seats in the general constituencies.

Regarding the electorate for women, Government consider that for some time to come, it may be inconvenient for women to contest seats in general constituencies. They therefore accept the suggestion made by Sri K. D. Rukminiamma, the lady member on the Committee, that election for the women's seats may for some time to come be through specially formed associations in each district, except in the cities of Bangalore and Mysore where women may come through the general electorates.

Delimitation of constituencies.

33. Government accept the Committee's recommendation that the members of the Senate and the registered graduates of the University of Mysore should form the electorate for the seat allotted to the University as at present. Except in this case and that of Muslim and Harijan women, the Committee has not made specific proposals regarding the delimiting of the constituencies for the seats reserved for special interests nor have they done so in respect of the Depressed Classes or the Indian Christians. In view of the fact that the number of seats allotted by Government to the Muslim community differs from the Committee's proposals, a fresh delimitation of constituencies for the seats reserved for this community is also necessary.

Government, therefore, accept the recommendation of the Committee that a special committee may be appointed for the purpose of considering these questions in respect of the Representative Assembly and the Legislative Council and of submitting specific proposals for the consideration of Government. Separate orders will be issued in this matter.

34. At present, Government may nominate members to the Assembly only for the purpose of making up deficiencies in the number of seats reserved for the minority communities, or the special interests, or removing inequalities of representation, if any. A suggestion was put forward in the Committee that Government might take power to nominate a few members, so as to make it possible for the Assembly to obtain the services of persons with expert knowledge or special experience. Although the proposal was not supported by the majority of the members of the Committee, Government consider that the suggestion is a useful one; and they accordingly direct that 10 seats should be reserved for nomination by Government on special grounds such as those proposed. The advantages that the Assembly would derive from the arrangement are considerable, while the democratic character of the institution would be practically left untouched. Except for this purpose and for the representation of minorities or special interests where constituencies either have not been formed or are not functioning properly, there will be no nominated members in the Assembly.

Government also agree with the Committee that it is unnecessary to provide special representation for Hindu sub-communities, as this would tend to perpetuate internal cleavages. The present system, which is based on the recommendations of the Seal Committee, was envisaged only as a temporary measure to be abandoned as soon as circumstances justified it. Government consider that there is no need at present for the continuance of such an arrangement, and that the larger interests of the country as well as those of the communities themselves demand its abolition.

35. As modified by Government, the distribution of seats in the Assembly will be as follows:—

Strength and composition of the Assembly as accepted by Government.

(1) Rural Constituencies	...	...	166
(2) Urban Constituencies	...	...	45
(3) Minorities:—			
(a) Muslims	...	...	30
(b) Depressed Classes	...	...	30
(c) Indian Christians	...	...	5
(d) Europeans	...	...	1
(e) Anglo-Indians	...	...	1
(4) Special interests	...	...	22
(5) Nomination for special purposes	...	...	10
Total	...	...	<u>310</u>

Government will also have the power to increase this number by 15 in order to provide for the representation of any new constituencies that may develop in the future. The maximum strength will be 325. The number of rural and urban constituencies and the seats provided for them is provisional and will be subject to further scrutiny by the special Delimitation Committee to be constituted.

President  
of the  
Assembly.

36. In view of the fact that one of the principal functions of the Representative Assembly is to serve as a forum for the making of representations to Government and obtaining direct redress regarding the wants and grievances of the people, the Committee consider it appropriate that the Dewan and the Members of Council (or Ministers) should continue to be, respectively, the President and Vice-Presidents of the Assembly, and are of opinion that a non-official President, being merely an officer of the House and having no connection with the administration, would not be in the same advantageous position to deal with representations as the members of the administration.

Government accept the recommendation.

Term of  
the two  
Houses.

37. The term of the Representative Assembly and of the Legislative Council is at present 3 years. The Committee has recommended that it may be raised to 4 years in each case.

Government accept this recommendation.

Allowances  
of  
members.

38. The Committee has made certain proposals in regard to the allowances payable to members of both the Houses and the amenities to be provided during the sessions.

Government will issue separate orders in this matter after consulting the Houses, if necessary.

The  
Legislative  
Council.

39. The Legislative Council, which was established in 1907 for the purpose of making laws and regulations, possesses full powers of legislation on all matters other than those specifically excluded from its jurisdiction. Its scope extends to all matters pertaining to the internal administration of the State, the subjects excluded being

those relating to the Ruling Family, Treaty relations and changes in the constitution of the State. The members of the Council are authorised to ask questions and move resolutions on matters of public interest or importance. In respect of finance, the proposals of Government for the appropriation of revenues or other moneys, on all heads other than those excluded from its purview, are submitted to the Council in the form of demands for grants; and the Council is empowered to assent, or refuse to assent, to a demand or to reduce the amounts specified therein either by reduction of the whole grant or by the omission or reduction of any of the items of expenditure included in the demand. The vote of the Council rejecting or reducing any demand is binding, except in cases where the Government consider that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility. The Government are further empowered to authorise in cases of emergency such expenditure as may, in their opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

40. The position which the Legislative Council will occupy under the new scheme in respect of legislation has been indicated in the paragraphs dealing with the powers of the Representative Assembly regarding legislation. Government have stated therein that they accept the Committee's recommendation that all bills should in the first instance be placed before the Assembly. Subject to this modification in the existing legislative procedure, the Council will continue to exercise its powers as heretofore, as recommended by the Committee.

Its powers :  
legislation.

41. The subjects and heads of expenditure which are to be kept out of the purview of the Legislature will be common to the Council and to the Representative Assembly, and have already been dealt with in paragraphs 10 and 14. The legislation required in the field of the excluded subjects will be framed by Government as proposed by the Committee, and will come into force on receiving the assent of His Highness the Maharaja.

Excluded  
subjects  
and heads  
of expendi-  
ture.

42. As regards the financial powers of the Council, the Committee has recognised the need of giving

Finance.

Government the power of restoring any demand reduced or rejected by the Council, and of authorising expenditure in times of emergency. It accordingly recommends the continuance of the powers now vested in Government. The Committee, however, suggests that as "Government" is an impersonal body, the power of restoration should be vested in the highest administrative authority in the State, *viz.*, the Dewan, on the analogy of the practice in British India where a similar power is exercised by the Governor-General or the Governor, as the case may be, and that there should be a formal certification that the restoration of a rejected or reduced demand is necessary for the carrying on of the administration or for the discharge of Government's responsibility.

Government accept these recommendations.

Strength  
and composition of the  
Legislative  
Council.

43. Exclusive of the Dewan and Members of Council the strength of the Council is now 50, of whom 21 are elected, while the remaining 29 are nominated by Government. The Committee proposes that the Legislative Council should be made an effective democratic instrument by giving it a decisive elected majority. It also recognises the need for Government to nominate some officials and non-officials, so as to enable them to secure the co-operation of men of experience and eminence whose presence in the Council would be of great advantage. It has accordingly suggested a measure of nomination which, in its opinion, while adding weight to the deliberations of the Council, will not checkmate or defeat the will of the elected element. Government fully agree with the proposal of the Committee and accept its recommendation that the strength of the Council should be increased to 68, with 44 elected and 24 nominated members, the elected element consisting of 24 members elected from general constituencies and 10 representatives each of minorities and special interests.

General  
constituencies.

44. The general constituencies and the number of seats allotted to each of them will be as follows, as proposed by the Committee :—

Districts of Bangalore, Mysore, Kolar, and  
Tumkur; three each

Districts of Hassan, Shimoga, Chitaldrug, Kadur and Mandya ; two each	...	...	10
Cities of Bangalore and Mysore ; one each	...	...	2
		Total	...
			24

Each district will be a multi-member constituency, returning two or three members, as the case may be.

45. Minority communities are now represented on the Council by nomination. Muslims are guaranteed two seats, and the Depressed Classes and Indian Christians one seat each. The Committee proposes that four seats each may be reserved for Muslims and Depressed Classes and one seat each for Indian Christians and Europeans. It further proposes that, except in the case of Europeans, the representatives for these seats should be directly elected from territorial constituencies. Government accept these proposals with the modification that, for the reasons which have already been given by them, the number of seats to be reserved for Muslims will be fixed at five.

Minority communities.

46. Four special interests are now recognised for the purpose of representation in the Council, *viz.*, Mysore University, Trade and Commerce, Planting, and Labour, which have been given one seat each. The Committee proposes that the number of seats given to Planting and to Labour may be increased to two, and suggests two seats for Women and one seat each for Mining and other Industries.

Special interests.

Government approve of these proposals but they do not consider it necessary to allot a seat to "other industries." The special interests to be represented on the Council and the number of seats allotted to them will be as follows:—

University	...	...	1
Trade and Commerce	...	...	1
Mining	...	...	1
Planting :			
(a) Indian	...	...	1
(b) European	...	...	1
Labour	...	...	2
Women	...	...	2
		Total	...
			9



Government accept the Committee's recommendations that out of the two seats reserved for the Planting Interest, one may be set apart for election by European Planters and the other by Indian Planters; and that out of the 11 seats assigned to the Women one seat may be allotted to Muslim and one to Harijan women, and the cities of Bangalore and Mysore may form a single constituency for the seats reserved for Muslim and Harijan women. The Committee has recommended that the remaining seats for women may be assigned to general constituencies, with joint electorates, with liberty to contest additional seats in the general constituencies.

Regarding the electorate for women, Government consider that for some time to come, it may be inconvenient for women to contest seats in general constituencies. They therefore accept the suggestion made by Sri K. D. Rukminiamma, the lady member on the Committee, that election for the women's seats may for some time to come be through specially formed associations in each district, except in the cities of Bangalore and Mysore where women may come through the general electorates.

33. Government accept the Committee's recommendation that the members of the Senate and the registered graduates of the University of Mysore should form the electorate for the seat allotted to the University as at present. Except in this case and that of Muslim and Harijan women, the Committee has not made specific proposals regarding the delimiting of the constituencies for the seats reserved for special interests nor have they done so in respect of the Depressed Classes or the Indian Christians. In view of the fact that the number of seats allotted by Government to the Muslim community differs from the Committee's proposals, a fresh delimitation of constituencies for the seats reserved for this community is also necessary.

Government, therefore, accept the recommendation of the Committee that a special committee may be appointed for the purpose of considering these questions in respect of the Representative Assembly and the Legislative Council and of submitting specific proposals for the consideration of Government. Separate orders will be issued in this matter.

Delimitation of constituencies.

34. At present, Government may nominate members to the Assembly only for the purpose of making up deficiencies in the number of seats reserved for the minority communities, or the special interests, or removing inequalities of representation, if any. A suggestion was put forward in the Committee that Government might take power to nominate a few members, so as to make it possible for the Assembly to obtain the services of persons with expert knowledge or special experience. Although the proposal was not supported by the majority of the members of the Committee, Government consider that the suggestion is a useful one; and they accordingly direct that 10 seats should be reserved for nomination by Government on special grounds such as those proposed. The advantages that the Assembly would derive from the arrangement are considerable, while the democratic character of the institution would be practically left untouched. Except for this purpose and for the representation of minorities or special interests where constituencies either have not been formed or are not functioning properly, there will be no nominated members in the Assembly.

Nomina-  
tion of  
members  
to the  
Assembly.

Government also agree with the Committee that it is unnecessary to provide special representation for Hindu sub-communities, as this would tend to perpetuate internal cleavages. The present system, which is based on the recommendations of the Seal Committee, was envisaged only as a temporary measure to be abandoned as soon as circumstances justified it. Government consider that there is no need at present for the continuance of such an arrangement, and that the larger interests of the country as well as those of the communities themselves demand its abolition.

35. As modified by Government, the distribution of seats in the Assembly will be as follows:—			Strength and compo- sition of the Assem- bly as accepted by Govern- ment.
(1) Rural Constituencies	...	166	
(2) Urban Constituencies	...	45	
(3) Minorities:—			
(a) Muslims	...	30	
(b) Depressed Classes	...	30	
(c) Indian Christians	...	5	
(d) Europeans	...	1	
(e) Anglo-Indians	...	1	
(4) Special interests	...	22	
(5) Nomination for special purposes	...	10	
Total	...	<u>310</u>	

Nomina-  
tion of  
members.

47. Government accept the proposal of the Committee that Government may nominate 16 officials and 8 non-officials to the Council, and that a member of the Anglo-Indian community may be nominated to one of the seats provided for nominated non-officials, with a view to securing representation of that community. They take note of the observations of the Committee that the number of officials may be kept at the lowest possible limit, and that the number of nominated officials and non-officials proposed by the Committee is not to be regarded as a fixed number, but rather as a maximum which is not to be exceeded.

President  
of the  
Council.

48. The Dewan is now the *ex-officio* President of the Legislative Council, and the Members of the Executive Council are *ex-officio* members. The Committee has recommended that the Council should in future have a non-official President elected by the House itself, subject to the approval of His Highness the Maharaja.

Government accept this recommendation. But for the first term, as recommended by the Committee, the President will be nominated by His Highness the Maharaja, and he will hold office during the pleasure of His Highness.

Deputy  
President.

49. The Committee has further recommended that the Council may be allowed to have an elected Deputy President, the choice being subject to the approval of His Highness the Maharaja, and further that a panel of four Chairmen may be selected by the President from among the members of the House to preside over the deliberations of the Council in the absence of both the President and the Deputy President.

Emolu-  
ments of  
the Presi-  
dent and  
Deputy  
President.

Government approve of these recommendations, as also the recommendations of the Committee that the salary of the President nominated by His Highness the Maharaja, for the first term, may be fixed by His Highness, and that the rank and status of the President, whether nominated or elected, should be that of a Minister. The emoluments of the elected President and the Deputy President will be fixed by the Council itself as recommended by the Committee. But Government consider that these should be subject to the approval of His Highness the Maharaja.

50. The term of office of the elected President and the Deputy President will be coterminous with that of the Council, as recommended by the Committee. They will, however, be removable earlier by His Highness the Maharaja on the submission to him, as recommended by the Committee, of a resolution of no-confidence, passed by a majority of not less than two-thirds of the total strength of the House, provided that 15 days' previous notice has been given by a member of a proposal to bring a motion of no-confidence against the President or Deputy President, and that such proposal has the support of at least 15 members before discussion on it is permitted.

Term of office of the President and Deputy President.

51. Government accept the recommendation of the Committee that the Council should be provided with a Secretary and staff adequate for the conduct of the work of the Council. These will, as recommended by the Committee, form part of the Government Secretariat staff, but they will work in subordination to, and be subject to, the control of the President, who will have an effective voice in the selection and appointment of the Secretary as well as of the staff.

Secretary and staff.

52. Government approve of the proposal that statutory provision may be made providing that there should be not less than two sessions of the Council every year.

Sessions of the Council.

53. Government have perused with special interest the paragraphs in the Committee's Report dealing with the nature and composition of the Executive, and are in general agreement with the view taken by the Committee regarding the necessity for the inclusion of a popular element in the executive administration, while holding that it would be inadvisable to adopt any dyarchical system with a division of responsibility for the administration of "transferred" and "reserved" subjects. They consider that the scheme recommended by the Committee provides for joint responsibility and seems to be best suited to the present conditions of Mysore, as it does not entail too sudden a break with the existing system.

The Executive.

54. The Executive Council will consist of the Dewan and not less than four Ministers. For the present, the number will be fixed at four. The Dewan will be the

Composition of the Executive Council.

President of the Council, and will be appointed by His Highness the Maharaja at his pleasure either from among officials or non-officials. He will not be a member of the Legislative Council, but will have the power to attend its meetings and address it whenever he desires to do so. Of the four Ministers, not less than two will be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council, one from each body, if possible. These Ministers will continue to be members of the Houses to which they belong, and all the Ministers will be *ex-officio* members of the Legislative Council.

Term of  
office of  
Ministers.

55. Subject to the pleasure of His Highness the Maharaja, the term of office of the Ministers drawn from among the elected members of the Legislature will be co-extensive with the term of the Houses; official Ministers will hold office during the pleasure of His Highness, but subject to the provisions of the Mysore Service Regulations.

Relation  
between  
the  
Executive  
and the  
Legisla-  
ture.

56. The distribution of portfolios between the Dewan and the other members will be at the discretion of His Highness the Maharaja, no Minister being under a disability to hold any portfolio on the ground of being a non-official. The Ministers will not be removable on a vote of no-confidence and there will therefore be no provision for a motion of no-confidence against them.

Government agree with the Committee that the provisions for the rejection of demands for grants, or cut-motions on demands, for discussing the budget and for passing resolutions provide sufficient opportunities for bringing to the knowledge of His Highness the Maharaja any deficiencies or defects in the administration, and for giving expression to the views of the Legislature in respect of the policies and measures of Government, and that it must be left to the pleasure of His Highness to take such notice of this as he may consider suitable in the circumstances.

Franchise  
for the  
Legislative  
Council.

57. Government are in general agreement with the recommendations made by the Committee with regard to the franchise. The existing qualifications of voters for the Legislative Council will be retained, except that, as

recommended by the Committee, the educational qualification for women voters for the Legislative Council will be reduced to the possession of the Secondary School Leaving Certificate.

58. With regard to the Representative Assembly, the property qualifications in urban areas, which are already sufficiently low, will be retained as at present. The qualifications based on taxation, etc., in the case of rural voters to the Representative Assembly will be reduced. Government, however, consider that in respect of registered occupants of lands and *kadim* tenants, it will be sufficient if the assessment to land revenue or annual rent, as the case may be, is reduced from Rs. 25 to Rs. 15 instead of Rs. 10, as recommended by the Committee. The assessment to taxes under the Panchayets, Mines and Municipal Acts entitling a person to be registered as a voter will be reduced from Rs. 5 to Rs. 4. The qualification of inamdars based on the *beriz* of inam villages owned by them will be reduced from Rs. 125 per annum to Rs. 100 per annum; and the present restriction requiring them ordinarily to reside in the constituency in order to be eligible to vote, will be abolished, as recommended by the Committee.

Franchise for the Representative Assembly : Property qualifications.

59. The eligibility to be a voter for the Representative Assembly on grounds of education is restricted at present to a graduate of a University who ordinarily resides in the constituency. As recommended by the Committee, the qualification will be reduced to the possession of the Secondary School Leaving Certificate in the case of men, and to a pass in the Upper Primary, Middle School or Lower Secondary examination in the case of women. The general effect of the extension of the franchise will be to increase the number of voters for the Representative Assembly more than two-fold. There are practical difficulties in the way of further enlarging the electorate at one step.

Educational qualification.

Government agree with the Committee that some form of differential franchise should be devised for leveling up the Depressed Classes votes by enfranchising in those Classes the same percentage of population as is enfranchised among the caste Hindus. The extent to which the franchise qualifications could be reduced in order

Franchise for the Depressed Classes.

to secure the desired percentage will, as suggested by the Reforms Committee, be remitted, for consideration to the special committee which is to be set up to advise on the delimitation of constituencies.

General qualifications for voters.

60. With regard to the general qualifications for voting, Government accept the following modifications in the existing rules suggested by the Committee with regard to the Representative Assembly and also the Legislative Council :—

- (i) The period of six months prescribed for residence in the State, in order to qualify a person to have his name entered on the electoral roll, will be raised to one year.
- (ii) The period entitling a person to claim to be a subject of His Highness the Maharaja by domicile will be extended from five to ten years.
- (iii) The period of operation of the disqualification in the case of persons convicted of certain criminal offences or of dismissed Government officials, which is now fixed at ten years, will be reduced to five years.
- (iv) The disqualification on the ground of a sentence or conviction for criminal offences will be applicable only to such offences as involve moral turpitude, it being left to Government to determine whether moral turpitude exists in each case.

Qualifications of candidates.

61. In respect of the qualifications of candidates, Government accept *in toto* the modifications recommended by the Committee as follows :—

- (i) The minimum age for candidates for the Representative Assembly will be fixed at 25 years, instead of 21 years as at present.
- (ii) The educational qualification for a member of the Representative Assembly, in the absence of any other qualification, will be that of a graduate of a University.
- (iii) A person who possesses the necessary qualifications as an elector in any constituency but does not possess the qualification above prescribed for a member will be entitled to stand as a candidate for election to the Representative Assembly only in that constituency.
- (iv) The minimum age for candidates for the Legislative Council will be raised from 25 to 30 years.

- (v) The amount of income-tax qualifying a person as a candidate for the Legislative Council will be reduced from Rs. 200 to Rs. 50; and the *beriz* on inam villages from Rs. 250 to Rs. 100.
- (vi) The existing rule under which shanbhogues and patels are treated as non-officials and allowed to stand as candidates for election to the Representative Assembly will be retained.

Modified rules embodying these recommendations will be issued separately.

62. A Committee appointed by Government in 1935 for the purpose of examining and suggesting modifications in the Representative Assembly and the Legislative Council Acts had considered the question of the privileges of members of the two Houses, and had recommended that the same freedom of speech as is allowed in the Indian Legislative Assembly might be granted to the members of the Legislative Council in Mysore. The Committee on Constitutional Reform has now recommended that provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those of Section 71 (i) of the Government of India Act, 1935, which reads as follows :—

Privileges of members of the two Houses.

“ Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.”

The Committee also proposes that the members of the two Houses should be exempted from arrest under civil process (excepting in respect of insolvency proceedings) during the sittings or any meetings of the House.

Government accept both these recommendations.

63. The Committee has made certain recommendations in regard to the mode of appointment of the State's representatives on the Federal Legislature. These will be considered by the Government at the appropriate time.

Appointment of State's representatives to the Federal Legislature.



Fundamen-  
tal Rights.

64. Among other recommendations, the Committee urges the necessity for a declaration of fundamental rights. This subject has been a fruitful ground of controversy, and it is a debatable point whether a declaration of such rights would serve any useful purpose. As observed by the Committee, it is well known that most of these rights are now being actually enjoyed by the people of Mysore. Government, while sympathising with the considerations which actuated the Committee to make their recommendation, consider it unnecessary to make any formal declaration in this behalf.

Public  
Services  
Commis-  
sion.

65. The Committee has recommended the appointment of a Public Services Commission to assist Government in regard to recruitment to, and organisation of, the public services.

Government accept the principle underlying the recommendation and the details will be examined and orders passed separately on this proposal.

The Judi-  
ciary.

66. Government consider it unnecessary to lay down any special provisions as recommended by the Committee to ensure the independence of the Judiciary. The Committee has pointed out that in Mysore the judges of the High Court are appointed by the Ruler and they function under statute. Their uprightiness and integrity as well as their efficiency have always been above reproach, and there has not been a breath of suspicion that the Executive has sought to put pressure upon them or to influence them in any manner. The Committee's recommendation merely follows the usual practice in framing modern constitutions of providing for the independence of the Judiciary by statute, as has been done to some extent in the Government of India Act of 1935.

Government consider that in the actual circumstances of Mysore such provisions are superfluous.

Local self-  
govern-  
ment.

67. With regard to the Committee's recommendation regarding local self-government, Government accept the principle that all City and Town Municipalities should be given the privilege of electing their own Presidents. This has been conceded by Government already, and steps will be taken by Government to give effect to the decision as circumstances permit.

Government take note of the Committee's suggestion that a whole-time officer may be appointed with necessary powers to watch and supervise local self-governing institutions, to co-ordinate their work and do all things necessary for improving their efficiency. They are, however, of opinion that there is no immediate necessity for the appointment of such an officer. The matter will be kept in view and considered when occasion arises.

68. Referring to the general effect of its recommendations, the Committee has observed: "We believe that these proposals embody the largest possible measure of advance on democratic lines compatible with the existing political conditions in the State." These proposals have, in the main, been accepted by Government. Only one point remains to be considered, *viz.*, the recommendation of the Committee regarding a declaration of the goal of constitutional reform in the State. Government observe that the Committee considered three alternative formulas, and that opinion was almost equally divided as regards the suitability of each. Each formula lays emphasis on different factors of constitutional progress and safety. The recommendation, moreover, is also not unanimous, and a minority is emphatically opposed to any such declaration. The Committee has fully realised the difficulties inherent in the question. Government, while appreciating the considerations which prompted the Committee to urge the necessity for such a declaration, consider that as is observed by the Committee itself in another connection, "we are passing through times of such rapid change that it is impossible for any one to foresee the trend of political actualities a decade ahead."

Declaration of the goal of constitutional reform.

69. As has been pointed out by the Committee, "The principle which has inspired all constitutional developments in Mysore was first indicated in the Government Order of the 25th August, 1881, calling into being the Mysore Representative Assembly, *viz.*, that it should serve to convince the people that the interests of the Government are identical with those of the people. In the successive schemes of reform that have been adopted in the State from time to time during the last fifty-eight years, this purpose of enabling the citizens to realise the fundamental oneness between themselves and the State, by allowing them to participate in the shaping of the

Principle underlying the reforms.

policies and measures of the Government, has found progressive fulfilment."

The Proclamation announcing the Reforms of 1923 affirmed His Highness's constant and earnest desire to provide for the increasing association of his people with his Government in the administration of the State. There need be no doubt whatever that the same policy will be pursued in the future and that the constitution will continue to develop by natural process determined by reason and reality, so that progress will be genuine and secure.

B. T. KESAVIENGAR,  
*Chief Secretary to Government.*

No. 156—C. R. C.

PUBLIC OFFICES,

*Bangalore, dated 30th—31st August 1939.*

FROM

*Rajasabhabhushana Diwan Bahadur*

K. R. SRINIVASA IYENGAR, M.A.,

*Chairman, Committee on*

*Constitutional Reform*

*in Mysore, Bangalore.*

TO

*Amin-ul-mulk*

SIR MIRZA M. ISMAIL, K.C.I.E., O.B.E.,

*Dewan of Mysore,*

*Bangalore.*

SIR,

I have the honour to submit herewith the Report of the Committee appointed by the Government in their Order No. 2691-2751—C. B. 165-37-1. dated 1st April, 1938, for the purpose of examining the working of the constitutional bodies in the State, and making recommendations as to the further changes which may be desirable. As at first appointed, the Committee comprised twenty members including the Chairman. Its personnel was added to by the Government, from time to time, until it comprised twenty-six members. Subsequent to 17th January, 1939, however, some of the members of the Committee belonging to the Mysore Congress dissociated themselves from the work of the Committee. Thus, at the time of the adoption of the Report, the Committee comprised twenty-one members, all of whom have signed the Report—subject, in some cases, to separate notes or minutes of dissent. Some of these notes have not yet been received from the members, and I hope to be able to send them on together with my observations, if any, next week. In the meantime, I am placing before the Government the common Report, as well as the volume containing the Minutes of Evidence, at the earliest opportunity.

2. The procedure adopted by the Committee has been fully explained in the introductory chapter of the Report. The Committee held 20 sessions in all, covering 64 days. Though the inaugural meeting of the Committee was held soon after its constitution, the Committee practically commenced business only on 2nd July, 1938, when it held its first meeting after its full strength was sanctioned by Government in their Order of 9th June, 1938. Since then it has taken fourteen months to complete its work. This was partly due to the wide range of the terms of reference, which necessitated the inviting of public opinion and the taking of oral evidence, and partly to the large size of the Committee and the need for consulting the convenience of members, many of them coming from mofussil stations, whose professional and public activities would have been dislocated by any attempt to crowd together the sittings of the Committee. In view of the fact that the Seal Committee of 1922-23 with a much smaller personnel and comparatively limited terms of reference, took six months to submit their report, I hope that we shall not be considered as having been too long over our task. On behalf of the Committee, I have to thank the Government for the ample latitude allowed in the matter of time, as well as for all the facilities afforded.

3. In this connection, I wish to bring to the notice of the Government, the Committee's high appreciation of the services rendered by the Secretary, Mr. K. Guru Dutt, whose general ability and literary talent as well as experience gained in the several departments of administration were an asset to the Committee; and their obligation to the Assistant Secretary, Mr. M. K. Varadarajan, whose special study of constitutional subjects proved of great value to the Committee, and to the staff for their loyal and unstinting work. Mention has also to be made of the prompt and tireless services rendered by the Government Press at every stage of the Committee's work, especially by the Sub-Assistant Superintendent, Mr. B. Gopalaiyengar; and of the courtesy of the authorities of the Mythic Society and its Secretary, Mr. S. Srikantaya, in having placed the Daly Memorial Hall and its amenities at the disposal of the Committee for their sittings.

4. Personally, I have to express my profound gratitude to Government for having given me one more

opportunity to serve our beloved Sovereign and the State, by presiding over an important Committee like this, comprising persons of eminence and distinction in every field of public activity. I deem it an honour and a privilege to have been associated with such colleagues in the responsible task entrusted to us, and it gives me great pleasure to acknowledge my indebtedness to each and every one of them for their help and co-operation, without which it would not have been possible for me to successfully discharge my duties as Chairman, and to give this substantial, and I trust useful, shape to our deliberations.

I have the honour to be,

Sir,

Your most obedient servant,

K. R. SRINIVASA IYENGAR,

*Chairman.*



# REPORT OF THE COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE

1939

## CHAPTER I.

### Introductory.

This Committee was appointed by the Government in Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, with a view to implement the promise given by them in January, 1935, in the Legislative Council, that the question of further constitutional reforms in the State would be got examined as urged in certain resolutions discussed in the Council. The personnel of the Committee, as first appointed, consisted of two official and seventeen non-official members as noted below, with *Rajasabhabhushana Diwan Bahadur* Mr. K. R. Srinivasa Iyengar, Retired Member of the Mysore Executive Council, as Chairman.

Constitu-  
tion of the  
Committee.

#### (a) Official—

1. Rajakaryapravina Mr. N. S. SUBBA RAO,  
*Vice-Chancellor, Mysore University.*
2. MR. K. V. ANANTARAMAN,  
*Revenue Commissioner.*

#### (b) Non-Official—

1. MR. B. CHANDRASEKHARA SETTY, M.R.A.
2. MR. K. CHENGALARAYA REDDY.
3. MR. D. H. CHANDRASEKHARAIYA, M.L.C.
4. DR. F. X. DeSOUZA, LATE I.C.S., M.L.C.
5. MR. D. V. GUNDAPPA, M.L.C.
6. Rajacharithavisharada Rao Sahib MR. C. HAYAVADANA  
RAO, M.L.C.



7. Rajasevasaktha MR. S. HIRIANNAIYA.
8. MR. J. MAHOMED IMAM, M.L.C.
9. Khan Bahadur MR. MAHOMED ABBAS KHAN, M.L.C.
10. MR. C. NARASIMHAIYA.
11. MR. B. S. PUTTASWAMY, M.L.C.
12. MR. T. RAMACHANDRA, M.L.C.
13. Rao Bahadur MR. M. C. RANGIENGAR.
14. SRI K. D. RUKMINIAMMA, M.R.A.
15. MR. P. SUBBARAMA CHETTY, M.L.C.
16. REV. W. E. TOMLINSON.
17. MR. V. VENKATAPPA, M.L.C.

In Government Order No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, Mr. S. C. Malliah was appointed as an additional member, and again in Government Order No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938, Messrs. K. T. Bhashyam Iyeugar, R. Chennigaramiah, H. C. Dasappa, H. B. Gundappa Gowda and Mahomed Hanief were also appointed as members. As thus enlarged, the Committee comprised twenty-six members including the Chairman. In Government Order No. 1634-60—C. B. 165-37-24, dated 16th November, 1938, *Rajadharmapravina Diwan Bahadur* Mr. P. Mahadevayya, Retired Chief Justice of Mysore, was appointed as a member of the Committee in place of Mr. K. V. Anantaraman, who resigned on his elevation to the Executive Council.

Terms of  
reference.

2. The terms of reference to the Committee as contained in the original Government Order, dated 1st April, 1938, are as follows :—

“ It has been accordingly decided to appoint a Special Committee for the purpose of examining, in relation both to the public administration and the public life of the State, the development and working of the Representative Assembly and the Legislative Council, as well as the other representative bodies and institutions connected with them, such as Standing Committees.

\* \* \* \* \*

The Committee is requested to formulate, having due regard to the present state of education and public spirit, the growing political consciousness of the people and other relevant factors, such as the practical efficiency of the District Boards, Municipalities and Panchayets, comprehensive proposals as to the further changes which

may be desirable in order to secure the steady and harmonious constitutional progress of the State from the point of view of all the interests concerned. In particular the Committee is requested to deal with the following questions :—

(i) The composition, functions and powers of the Representative Assembly and the Legislative Council, respectively, having special regard, among other matters, to the possibility of the extension of the franchise and to the representation of special interests and minorities which have developed since 1924.

(ii) The relation of the two Houses to each other and to the Executive Authority of the State.

(iii) Their Sessions, Duration and Dissolution.

(iv) Their Presidents and other functionaries.

(v) Allowances and honoraria payable to their members and officers.

(vi) Their privileges and the privileges of their members, and remedies in cases of breach of privilege.

(vii) Their power to appoint committees and to delegate authority to such committees.

(viii) The safeguards necessary for minority groups, special interests and emergencies.

(ix) The method of appointment of representatives of the State to the two Houses of the proposed Federal Legislature, and their relations with the Government and the legislative bodies in the State.

The Committee will have power to enquire fully into the above and all cognate questions, to call for information and opinions from Government officers and experts as well as from members of the public and public bodies, to interview and examine witnesses and to make recommendations on all matters pertaining to the development of the constitution, the object in view being, on the basis of the ideals and principles enunciated in the gracious message of His Highness the Maharaja quoted above, to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship."

The terms of reference were further clarified in Government Order No. 3862-3931—C. B., dated the 17th May, 1938, wherein it was expressly stated that it was open to the Committee to discuss and recommend any plan for constitutional reform, including a plan for responsible government under the ægis of His Highness the Maharaja. The several Government Orders relating to the Committee are given in Appendix I.

His  
Highness's  
Message.

3. At the commencement of the Committee's deliberations His Highness the Maharaja was graciously pleased to send them a Message in the following terms:—

"At the outset of your enquiry I wish you Godspeed in your labours. For the past thirty-six years I have watched with profound satisfaction the progressive association of my people with my Government, having as my single aim the prosperity and happiness of all classes and always the hope that Mysore may play a worthy part in the progress of India as a whole.

I trust you to keep these same subjects before you in planning a further development, and I pray that you may succeed in evolving a scheme that will blend Western ideas of progress with our own traditions of *Satya* and *Dharma*."

These gracious words have cheered and encouraged the Committee in their work, and it has been their earnest endeavour throughout, to view the problem before them, not in any narrow or provincial spirit, but with that breadth of outlook enjoined in the Message, through which alone Mysore will be enabled to take her rightful place in the Federated India of the future, and in which the ancient traditions of *Satya* and *Dharma*, the common heritage of all India, will be fused with the progressive modern ideals which have especially characterised His Highness's Government in the past and will, without doubt, continue to animate them in the future. The Message has indeed had a unique value and significance for the Committee, as it is not other than an amplification of the noble motto of the Royal House of Mysore: सत्यमेवोद्धाराम्यहम् ॥ that pledge to uphold the Truth, combining the best in the past with what is best in the present.

Sittings of  
the Com-  
mittee.

4. The Committee commenced its sittings on the 28th of April, 1938. At this meeting Messrs. B. Chandrasekhara Setty, K. Chengalaraya Reddy, D. H. Chandrasekharaiya, and V. Venkatappa who were members of the Congress were absent. These four members as also the three more members of the Congress, who were appointed to the Committee in the Government Order of 9th June, 1938, viz., Messrs. K. T. Bhashyam Iyengar, H. C. Dasappa and H. B. Gundappa Gowda attended the subsequent meeting held on 2nd July, 1938, and participated in the deliberations of the Committee till the 17th of January, 1939. From that date onwards, with the exception of Mr. Bhupalam Chandrasekhara Setty, they again

ceased to attend the meetings of the Committee. In this connection a resolution of the working committee of the Mysore Congress, directing their nominees to refrain from attending the meetings of the Committee, was communicated by the Secretary of the Congress in his letter of 17th January, 1939, addressed to the Chairman. (*Vide* Appendix II.) Mr. D. H. Chandrasekharaiya, however, dissociated himself later on from the other Congress members, and attended the meetings of the Committee from the 17th March, 1939, onwards till the close.

There were in all 20 sessions of the Committee covering 64 days as detailed in Appendix III. The average daily attendance for the twenty-three meetings between 2nd July, 1938, and 17th January, 1939, which were attended by the Congress members, was twenty-four, for a total strength of twenty-six. All the members were present at two sittings.

5. The Committee record with regret that, for reasons unconnected with the work of the Committee, the majority of the members belonging to the Mysore Congress did not co-operate in the work of the Committee towards the close. The benefit of their collaboration was, however, available during the period when oral evidence was taken before the Committee, as well as when individual members gave expression to their general views in the matter of constitutional reform. The Committee have also had before them the scheme for constitutional reform prepared by the Mysore Congress, as well as several memoranda and resolutions from individual members and bodies representing that school of thought. The Committee would like to state that no substantial proposal for reform has been left out of their consideration, merely on the ground that the Congress members were not there to press it. The desire for progress has equally actuated all the other members of the Committee, although they have differed in their appraisal of the existing political realities and limitations.

6. The history of the growth of the constitution in Mysore has been summarised in the Government Order appointing the Committee. In the words of that Order: "In this history of constitutional development, the years

Congress members.

The Seal Committee.

1923 and 1924 stand out as especially important. It was in the former year that the Committee on Constitutional Developments, which was presided over by *Rajatantrapravina* Sir Brajendranath Seal, made its report. That Committee examined in detail the whole theory of Government as applied to a State, in which the Ruler remains supreme, but desires to give as large a share as possible in the Government to representatives of his people." The Chairman of the present Committee as well as *Khan Bahadur Mahomed Abbas Khan* had the privilege of serving on that Committee. They are glad that after the lapse of fifteen years they have once again an opportunity to study the question in retrospect. It was with profound regret that they, as well as the other members of the Committee, learnt, while the Committee was in session in October, 1938, of the death of Dr. Seal. They have placed on record their deep sense of the loss sustained by the whole of India by the demise of that great *savant*. The scholarly report of that Committee has been invaluable to them as a starting point, and also as a document of reference.

Scope of the Committee's work.

7. The report of the Seal Committee opens with the following remarks:—

"The announcement of the Dewan in the Representative Assembly giving an outline of the scheme of Constitutional Development in Mysore, and the terms of reference to this Committee laying down the lines on which it is to work in filling up that outline as well as the limits imposed on its work, make it clear that we, in Committee, have a strictly defined scope and are not free to offer our suggestions independently or *de novo* in building up a new constitution for the State."

On the other hand, the terms of reference to the present Committee, which have been cited in para 2 above, are of a far more comprehensive nature. They necessitate, first, a thorough examination of the working of existing representative institutions, as well as of the growth of education, public spirit and the political consciousness of the people; and the duty is also cast on the Committee of formulating proposals not merely under the nine specified headings, but also relating to all matters pertaining to the development of the constitution.

Preliminary procedure.

8. The question of the procedure to be adopted in order to compass effectively so wide an objective, engaged

the careful attention of the Committee during the first four meetings. At the outset, it was decided that the formulation of a detailed *questionnaire* to elicit opinions from the public was unnecessary as the terms of reference themselves were held to be sufficiently clear and full and it was thought that it might be inadvisable, in some ways, to sub-divide the heads further. The Committee were more anxious to obtain representative opinions on the broad issues involved in the question of constitutional reform, than to secure suggestions regarding matters of detail. Copies of the Government Order in English and Kannada were accordingly sent out to all the members of the Legislative Council and the Representative Assembly, and also to other prominent persons and associations in the State, with an appeal to them to co-operate with the Committee by sending in their considered views. Similar invitations to the public were also published in the various newspapers having circulation in the State. For their own use, the Committee sub-divided the terms of reference into more detailed Heads of Discussion. They were also published in the newspapers and in the *Mysore Gazette* (11th August, 1938). The period prescribed for sending opinions to the Committee was extended from time to time up to the end of August, 1938. Opinions received after that date have also been taken into consideration by the Committee. In all, over a thousand requisitions calling for opinions were sent out. The response was satisfactory. As many as 440 communications have been received by the Committee, of which 190 were memoranda on constitutional reform, offering suggestions either in general or on particular items included in the terms of reference. Of the remainder, 100 communications purported to be resolutions passed at public meetings held in various places in the State, supporting the scheme sent up by the Mysore Congress, and 150 purported to be resolutions passed at Adi-Karnataka Conferences favouring the views expressed by the Adi-Jambava Sangha and the Adi-Karnataka Abhivridhhi Sangha, Bangalore. (*Vide* Appendix IV).

In addition to inviting opinions from the general public, the Committee also called for information from the Deputy Commissioners of Districts and the Presidents of District Boards and Municipalities in the State, regarding the working of local bodies and the growth

generally of political consciousness in the country as a whole. In response to 123 communications sent out, 79 replies have been received in this connection.

Minutes of  
evidence.

9. The Committee then proceeded to take the oral evidence of selected representatives of the public. The idea underlying the selection was not so much to obtain fresh opinions in respect of the topics comprised in the terms of reference, as to supplement the memoranda received, and clarify some of the vague or indefinite suggestions contained therein. With this object, only individuals and associations who had already submitted their opinions to the Committee were invited for interview.

The taking of evidence which commenced on the 5th of September was concluded on the 30th November, 1938, and occupied five sittings of the Committee covering 15 days. Thirty-one witnesses were examined in all. A complete list of the names of witnesses examined is given in Appendix V. They included representatives of important communal and other associations, *e.g.*, the Central Mahomedan Association, the Mysore State Muslim League, the All-Mysore State Muslim League, the Anjuman Mufidul Islam of Belur, the Indian Christian Association, the Indian Catholic Association, the Adi-Karnataka and Adi-Jambava Abhivridhhi Sanghas, Bangalore, the European Association, the Mysore Planters' Association and the Indian Planters' Association, the Mysore State Women's Conference, the Civil Liberties' Union, Bangalore, the Welfare Committee of the Bangalore Woollen, Cotton and Silk Mills, Ltd., and the Bar Association, Shimoga, as well as gentlemen with experience of public life in Mysore, including a retired officer of the Government.

The Minutes of evidence have been printed and form Volume II of the Report. The Committee have derived much information and many valuable suggestions from the witnesses, and are thankful to them for their assistance. Points of importance which came up for discussion in the course of evidence will be referred to in their due context in the body of the Report. It is enough to observe here that the Committee have thereby been enabled to gauge different shades of public opinion, in a manner which would not have

been possible if they had restricted themselves entirely to the written expression of views.

10. The sessions of the Committee, from the 1st December, 1938, up to 5th May, 1939, were taken up by general discussions on the terms of reference and the formulation of recommendations on the several details contained in the terms of reference. In the concluding sessions, the draft report of the Committee was considered and passed. The Committee has taken a year and a quarter to finish its labours. This was partly due to the wide range of the terms of reference, which necessitated the inviting of public opinion and the taking of oral evidence, and partly to the large size of the Committee and the need for consulting the convenience of members, many of them coming from the mofussil stations, whose professional and public activities would have been dislocated by any attempt to crowd together the sittings of the Committee.

Term of  
the Com-  
mittee.

11. The Report is based on resolutions adopted by the Committee. There was practical unanimity in many important conclusions. Wherever any member or group of members differed on any material point, it has been indicated in the body of the Report. Separate notes received from members who have found it necessary to explain their individual standpoints at greater length are appended. The second chapter is a fairly detailed review of the growth and working of the existing political institutions in Mysore, from their inception. This historical retrospect forms the necessary background to the third chapter in which we have dealt with the fundamental considerations which we thought it necessary to keep in view in suggesting any proposals for reform in Mysore, and in the light of which we have examined the merits of the principal alternative schemes placed before us, and explained the basic features underlying our own recommendations. The fourth and last chapter contains our own proposals, with the reasons for them, in respect of the Representative Assembly, the Legislative Council, the Executive Council or Cabinet of Ministers and the other topics we have dealt with. A summary of our recommendations is appended to the Report.

The  
Report.

In this connection, the Committee wish to place on record their high appreciation of the services rendered by

Acknow-  
ledgments.



the Secretary, Mr. K. Guru Dutt, whose general ability and literary talent, as well as experience gained in the several departments of administration, were an asset to the Committee. Their thanks are also due to the Assistant Secretary, Mr. M. K. Varadarajan, whose special study of constitutional subjects proved of great value to the Committee; and to the staff for their loyal and unstinting work. Among other acknowledgments due, particular mention has to be made of the prompt and tireless services rendered by the Government Press, and of the courtesy of the authorities of the Mythic Society in having placed the Daly Memorial Hall at the disposal of the Committee for their sittings.

## CHAPTER II.

### The Background.

#### SECTION I—The Growth of the Representative Assembly.

12. The association of the people with the Government in Mysore has a long history. In the sphere of local self-government, the constitution of local municipal committees dates from 1874. As regards the central administration, a proposal for the formation of a small deliberative assembly, composed of non-officials and exercising advisory functions, was considered by the Government of India, immediately before the transfer of the administration of the State to His Highness the late Maharaja, Sri Chamarajendra Wadiyar Bahadur, when the nature of the administrative machinery to be set up after the transfer was receiving their consideration. The proposal was not, however, finally approved by them, as they thought it to be "premature to introduce in the beginning an institution which had not yet been tried in British India, and which was not known to have succeeded elsewhere under circumstances analogous to those of Mysore; although some such accessory development may not improbably follow hereafter upon the administrative basis that will now be settled."

The association of the people with the Government in Mysore.

13. Hardly six months had elapsed after the assumption of power in March, 1881, by His Highness the late Maharaja, when His Highness, actuated by a deep and genuine desire that "the views and objects which his Government had in view in the measures adopted for the administration of the State should be better known and appreciated by the people for whose benefit they were intended," constituted the Representative Assembly as a first step in the direction of ensuring that "the actions of the Government should be brought into greater harmony with the wishes and interests of the people." This institution has been developed, by a gradual enlargement of its powers and functions, into an integral part of the constitutional machinery of the State, along with the Legislative Council which was established in 1907.

The genesis of the Assembly.

The object of founding the Assembly.

14. The Assembly was authoritatively brought into existence not by a statute, or what passed as its equivalent in those days, but by means of an executive order promulgated on 25th August, 1881. According to the terms of this order, an annual meeting of "representative land-holders and merchants from all parts of the State" was to be held at Mysore immediately after the Dasara festival, and the Dewan was required to place before it the results of the previous year's administration, and a programme of what was intended to be carried out by the Government in the coming year. It was stated that "such an arrangement, by bringing the people into immediate communication with the Government, would serve to remove from their minds any misapprehensions in regard to the views and actions of the Government, and would convince them that the interests of the Government were identical with those of the people."

Official title of the Assembly.

15. The official title of the Assembly was "the Assembly of representative raiyats and merchants from all the taluks of the Mysore State." It is interesting to note that even as late as 1895, *i.e.*, fourteen years after the inception of the Assembly, when a member proposed that the name should be changed into "the Representative Assembly," the reply of the Government was that such a change might be misunderstood as indicating an alteration of the original constitution and functions of the Assembly. In course of time, however, this annual meeting came to be known as the Representative Assembly.

The initial constitution of the Assembly.

16. The first Assembly met on 7th October, 1881, and was attended by 144 members. The then Dewan of Mysore, Mr. C. Rangacharlu, C.I.E., placed before it an abstract of the financial position of the country as well as of the administrative, industrial and other measures that were in contemplation by the Government. The Assembly began its career as a nominated body like the Legislative Councils in British India and elsewhere. It was composed of persons nominated by the Government on the recommendation of Deputy Commissioners, who selected at their discretion one or two of the leading and influential land-holders from each taluk within their jurisdiction and three or four merchants from each district, besides representatives deputed by the local bodies in the State. This method of selection by Deputy Commissioners was

continued until 1891 when the principle of election was introduced; but certain rules were laid down in 1887 for their guidance, indicating the property qualifications to be kept in view by them in making their selection. These varied from the annual payment of a land revenue of Rs. 500 to Rs. 50, according to the agricultural conditions of each taluk.

17. The members of the Assembly did not in the beginning appear at the meetings clothed with any delegated authority or functions. They were meant to represent the average intelligent section of the community, who could understand what was placed before them concerning the measures of the Government, disseminate such information among their neighbours on their return, and give opinions that might adequately represent the popular view of the country. To quote an official document of the times: "The members were representative in the same sense that a sample taken from a heap of grain is representative of the quality of the whole."

The role of its members.

18. Though not invested with any recognised powers, the members were not intended to be mere passive auditors of the Dewan's speech. In the very first year, the Dewan told them that His Highness's Government would be glad to receive any observations and suggestions which the members might wish to make in the public interest, and assured them that such suggestions would meet with every consideration at the hands of the Government. Two years later, the Dewan impressed upon them the great importance of their representative character and functions. He advised them to familiarise themselves with the wants of the people, and to educate themselves in the matter of administration, and expressed the hope that, by subordinating private to public interests, they would assist the Government in the difficult work of administration by bringing forward all real grievances of the people to the notice of the Government and helping to remove them. The members thanked the Government and gave expression to their appreciation of the privilege "of representing to His Highness's Government in an annual assembly like this, the views and wishes of his humble and faithful subjects."

Functions of the Assembly.

In the immediately succeeding years, the members were asked to watch carefully the working of the administration in all its branches and to bring to the notice of the Government any defects or shortcomings in them. They were further invited to offer practical suggestions for improving the condition of all classes of His Highness's subjects. Subsequently it was made clear to them that they should not regard their functions as those of a mere petitioning and complaining body and that, though they could not exercise any direct control over the Administration and subjects relating to the constitution of the State which were outside the scope of the Assembly, they could yet discuss and place before the Government any matter regarding the details of the administration.

Consulta-  
tion on  
legislative  
measures.

19. The Assembly did not possess the power of voting nor could it demand that every proposed measure of legislation should in the first instance be placed before it and its opinion taken thereon. Though the Government were willing to consult the members on all important matters of legislation, they would not yet bind themselves to do so always. The Assembly was, however, being actually consulted with regard to important pieces of legislation and its opinion was given due weight. At the very first session, the proposed Local Boards and Land Revenue bills were explained to the Assembly, and the Forest and other bills at the subsequent sessions.

The influence exercised by the Assembly on legislation, even in the earlier stages, may be seen in connection with the passing of the Infant Marriage Prohibition Regulation. The initiative in the matter was taken by the Assembly itself which pressed the subject before the Government in the Dasara session of 1891. The Government thereupon consulted public opinion and placed the results before the next Assembly along with certain tentative proposals. In his Address, the Dewan said: "In thus stating to you how the question stands, it is my desire that you should know what action has followed your previous representation on the subject, and what the present views of the Government are. It now rests with you carefully to consider it from all points of view and to tell me what you desire to be done. You know that the moral and religious aspects of the question are grave, and it behoves us to proceed with great caution."

In the next Assembly the Dewan said: "A Regulation drafted on the lines indicated in my Address last year has been published with a view to afford the fullest opportunity for discussion and criticism. The measure is, in some quarters, regarded as an undue interference with the liberty of the subject, but you are doubtless aware that the action of the Government in the matter is merely a response to the general sentiment of the country." The bill was finally passed into law after embodying some suggestions made in the Assembly. This would indicate that the position of the Assembly in practice was superior to that in theory.

20. The opinion of the Assembly was invited specifically on various works and measures of public utility such as large public works projects, adoption of new measures of policy, as for example, the transfer of the local *anche* or postal system to the Government of India and its merger with the Imperial Postal Department in 1885, and the scheme of State Insurance in 1890. There was hardly any limit to the scope of the subjects discussed, which ranged from the constitution of the Executive Council to the *mirasi haq* of a *toti* and the throwing of a dam across a jungle stream of rain water.

Consulta-  
tion on  
important  
adminis-  
trative  
measures  
and  
policies.

As an instance of the nature of the subjects dealt with by the Assembly and the extent of the influence exercised by it on the Government, may be cited the fact that in 1883 the members raised the question of the famine debt of nearly a crore of rupees due to the Government of India, and sought information concerning the arrangements made for its liquidation. They desired to know whether the Government had any idea of fresh taxation, and were not satisfied until they were assured by the Dewan that the Government would reduce the famine loan without imposing any new charge on the people and that the Government of India had very considerably consented to the repayment of the loan in annual instalments of Rs. 4 lakhs each.

In 1888, the representatives made a bold suggestion that all orders issued by the Government might as a rule be previously discussed by the Assembly. The suggestion was, however, found impracticable, as, apart from other objections, it necessitated the continuous sitting of the

Assembly throughout the year. But they succeeded so far as to obtain a promise from the Dewan that the orders of each year, or for that matter any order of the Government, might be discussed during the annual meetings freely, and that the Government would consider the opinion of the Assembly and accept all reasonable changes proposed by it. The volume of work turned out by the Assembly may be judged from the fact that the total number of subjects dealt with by it in 1905 was 475, of which 282 were classed as "general" and the remainder as "local."

Introduc-  
tion of the  
principle  
of election  
in 1891.

21. The main direction in which the Assembly has grown has been that of the extension of the representative principle in the selection of its members. The members were till 1891 nominated by the Government on the recommendation of the Deputy Commissioners of districts. In that year the principle of election was introduced for the first time, and the method of nomination was abolished. The strength of the Assembly was fixed at 351, and definite rules were framed prescribing the qualifications of voters and candidates. Persons qualified under the rules were to meet annually in each taluk and elect from among themselves the number of members allotted to that taluk. Payment of a land revenue ranging from Rs. 100 to Rs. 300 in different taluks, according to the agricultural conditions of each taluk, or of a *mohatarfa* or municipal tax ranging from Rs. 13 to Rs. 24, or the ownership of one or more inam villages with a *beriz* valuation of Rs. 500, qualified both for vote and membership. Graduation in an Indian University was also recognised as a qualification by itself. The members representing urban areas were to be returned by indirect election by the various local bodies in the State; and recognised public associations consisting of more than 100 persons were also given the privilege of deputing one member each.

Electoral  
reform of  
1894.

22. Three years later, the circle of electors was enlarged by a reduction of the property qualifications by 50 per cent. The constituencies were also rearranged "with a view to effect a more equitable distribution of the seats and to make the Assembly a more efficient exponent of the practical sense of the general population of the country." It had been found that urban areas were over-represented in the Assembly. 103 municipal towns with a total population of a little over 5 lakhs, or less than

one-ninth of the entire population of the State, were being allowed to return through their respective municipal boards 115 members, or nearly a third of the total strength of the Assembly. With a view to bring this to normal proportions, the rules were modified in 1894, and it was provided that only those municipalities which had a population of 5,000 and above would be entitled to return members. The remaining municipalities were merged in the respective rural areas. The special representation given to the cities of Bangalore and Mysore was also discontinued. As a result of these changes, the urban population of a little over 3 lakhs, congregated in 25 towns, was to be represented by 40 members in the Assembly, thus bringing down the total strength to 275. Even with this modification, the urban areas retained more than the share of representation to which they would have been entitled on a purely population basis. The term of office of the members returned from the taluk electorates was fixed at three years, while that of those deputed by the Municipal Councils and public associations was fixed at one year.

23. The Assembly had begun with little or no attempt at regulating the conduct of business. First the members listened to the Dewan's speech, and afterwards made such observations and representations as they had to lay before the Government. Some regulation was found desirable in the very first year, and it was resolved that, except where a member desired particularly to make a separate statement, the representatives from each district should nominate one or two of their body to act as their spokesmen. A few simple rules for the conduct of business were laid down in 1887. The members from each district were required to choose the subjects in concert at a formal meeting in Mysore, and to nominate persons to speak on each subject. The order of discussion at the meetings of the Assembly was settled by the Dewan.

Rules of procedure in the beginning

24. In 1907, fresh rules were prescribed to regulate the business at the meetings of the Assembly and to ensure that discussion in the Assembly was concentrated on matters of real importance. It was laid down that the subjects to be discussed in the Assembly should be selected and determined at a preliminary meeting held at the

Fresh rules of 1907.



headquarters of each district, under the presidency of the Deputy Commissioner, so as to enable them to eliminate from the list of subjects such of them as were within the competence of the local district officers and heads of departments to deal with.

A special point of interest, which may be noted, is that a representation had been brought forward in 1907 that the Government should reserve power to themselves to nominate retired officials as members of the Assembly without election, or that such officials might be declared eligible for election without any property qualification. This was not conceded, as the Government considered that the method of nomination would affect the representative character of the Assembly and it was inexpedient to relax the rules about property qualification in the case of retired officials as suggested.

Opinions  
on the  
working  
of the  
Assembly.

25. The proceedings of the Assembly were characterised in general by sobriety and good sense in a degree which created a marked impression on all observers. After the visit of Lord Dufferin to Mysore, the Dewan, referring to the Address presented by the Assembly to His Excellency, reminded the members "how His Excellency was pleased with the evidences of the peace and welfare of these parts of India and how he congratulated His Highness the Maharaja upon calling to his counsels men of your intelligence and influence." Still stronger testimony was borne by Lord Lansdowne, when as Viceroy of India, he came to Mysore in 1892. In reply to an Address presented to him by the members of the Assembly, His Excellency said: "The enquiries which I have made from those who are best able to judge have satisfied me that the proceedings of the Assembly have served a most useful purpose and have brought His Highness's Government into touch with all classes of the community. I have heard with much pleasure that your discussions have been conducted in a thoroughly practical spirit, and that on the one hand the members have not hesitated to bring forward grievances where they existed, while on the other the Dewan has dealt in the frankest possible manner with the suggestions which have been made." His Excellency further gave expression to the special interest which this remarkable experiment had in his eyes "as the Government of India

was at that moment engaged in introducing considerable changes in the constitution and functions of the British Indian Legislative Councils."

26. The inauguration of the Assembly was hailed throughout India as a very progressive and beneficial measure. One nationalist weekly, *The Mahratta*, writing eleven years after the establishment of the Assembly, went so far as to say that "the British Government might do well to take a lesson from the enlightened Maharaja of Mysore." The institution was, however, regarded by some as premature; but, as observed by Sir K. Seshadri Iyer, "the continued interest which the members evinced in public affairs, and the practical commonsense which characterised their discussions had served to refute the assumption that the institution was in advance of the times."

Opinion of  
Sir K.  
Seshadri  
Iyer.

27. Its founder, His Highness the late Maharaja Sri Chamarajendra Wadiyar Bahadur, had, by his wise and beneficent rule, endeared himself to all classes of his subjects, and by initiating a policy of associating the people in the administration of the State, much in advance of any similar developments elsewhere in India, had won the high regard and esteem of all sections of political thought in India. On his sad demise in 1894 at the early age of 32, after a brief reign of 13 years, a unique tribute was paid to his memory by the Indian National Congress, which solemnly passed a resolution expressing its respectful condolence and sympathy with the Royal Family of Mysore in their bereavement, and testifying to "its deep sense of the loss sustained in his death, not only by the State over which he ruled with such wisdom, ability and beneficence, but also by all the Indian peoples, to whom his constitutional reign was at once a vindication of their political capacity, an example for their active emulation and an earnest of their future political liberties."

Tributes  
to the  
memory  
of the  
founder  
of the  
Assembly.

28. The position and status of the Assembly as it stood in 1903 could not be better summed up than in the words of His Highness Sri Krishnaraja Wadiyar Bahadur, when he opened the first session of the Assembly after his installation in 1902: "The sphere and functions of an Assembly like that of yours," said His Highness, "must

Position  
of the  
Assembly  
in 1903.

necessarily have its limitations, and it is obviously not in a position to accept any portion of the responsibility for the good government of the State, which must exclusively remain with me. The former testimonies, I am glad to find, speak highly of the moderation, the intelligence, and the practical good sense that have characterised your discussions in the past, and one of the conspicuous results of this Assembly has been the consolidation of a sense of common interest between the Government and the people. If the deliberations of this Assembly succeed in providing a ready means whereby my people can make their requirements, aspirations and grievances known, and in affording my Government an opportunity for stating what has been accomplished during the past year and what is intended in the next, and further, if these meetings enable us to understand each other better and thereby remove all possible grounds for misconception regarding the measures of Government, then I entertain no doubt that this yearly gathering will prove a valuable adjunct to the administration and will thereby promote the contentment and well being of my subjects which are so dear to my heart. As long as this institution fulfils these aims and objects, you may rest assured it will receive my hearty support and encouragement. I trust that the membership of this Assembly, which, I understand, has already come to be regarded as a privilege, will, by your moderation and wise counsel, receive enhanced value at your hands and the hands of your successors in the years to come."

## SECTION II—The Development of the Legislative Council.

29. For over a decade after the electoral reforms of 1894, there were no changes of importance in the constitution of the Assembly, until the next stage in the constitutional development of the State was reached in 1907, when the policy of the association of the people with the Administration of the State was carried a step further by His Highness the Maharaja by the establishment of a Legislative Council. Legislation was till then entirely in the hands of the Government, who in their discretion consulted the Assembly on such measures as were considered by them to be of sufficient importance to be placed before it. A

Process of  
legislation  
before the  
establish-  
ment of  
the Legis-  
lative  
Council.

Legislative Department was first organised in 1886 as a separate department under the superintendence of an officer designated "Legislative Secretary," and it later became a branch of the Secretariat. The elaboration of all legislative measures was a part of the duties of the Executive Council which promulgated such measures as were required by it with the sanction of the Maharaja.

30. The question of associating a certain number of non-officials in the process of law-making in a regular legislative body was raised by the members of the Representative Assembly in 1890 and again in 1893. In his reply to the representations the Dewan, while recognising the undoubted utility of such association, pointed out that it would be somewhat ostentatious to constitute such a body, as there was very little legislative work to be done and whatever laws were required in the State were more or less adopted from British Indian statutes, with such modifications as might be necessitated by local conditions.

Representations in the Assembly for the establishment of a legislative body.

The subject was broached again in the Assembly in 1906, and it was urged by the members that the powers and functions to be vested in the Council should be such as not to interfere with the utility and importance of the Assembly. The reply of the Government was that, if a Legislative Council was established, it would be so constituted as not to affect the usefulness of the Assembly. By then the need for a regular legislative body had come to be felt by the Government. The requirements of a progressive administration necessitated the passing of new laws and the amendment of existing ones from time to time. Legislative measures had no doubt received full consideration and attention at the hands of successive Dewans and Councillors; nevertheless it was felt that the character and composition of the Executive Council, the smallness of its numbers and the want of publicity in its proceedings did not permit of legislation being considered as fully and from as many points of view as was desirable. In the meanwhile, with the spread of education there had come into being a fairly large body of educated and intelligent men from whom a sufficient number of persons fit to take a useful part in the discussion of legislative measures might be chosen as non-official members to serve in a Legislative Council.

Establish-  
ment of the  
Council.

31. In these circumstances it was considered expedient by His Highness the Maharaja to establish a Legislative Council, in order to associate non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements in the actual process of law-making. With this end in view, the Legislative Council Act I of 1907 was promulgated, which constituted a regular Legislative Council for the making of laws and regulations in Mysore.

The proposal was however looked upon by the Government of India with "qualified enthusiasm", and while they saw "no sufficient reason for advising His Highness to desist from the proposed experiment," they expressed the opinion that "no special necessity existed for it in Mysore." In conveying their approval to the proposal, the Government of India made it clear that "whatever the legislative machinery employed, the ultimate responsibility for all legislation in Mysore remained absolutely with His Highness the Maharaja and that the control over such legislation vested in the Governor-General in Council by the Instrument of Transfer of 1881 was unimpaired."

Due provision was accordingly made for safeguarding the existing system of control by the Government of India over legislation in Mysore. The Government Order promulgating the Act made it clear that the introduction of the Legislative Council was not "intended in any way to affect or to diminish the responsibility which in legislation as in all matters connected with the administration, rested ultimately with His Highness himself;" but that it was intended "solely to enable him and his Government to ascertain correctly the needs, wishes and feelings of the people and to ensure that the laws enacted by him as the Ruler of the State were in all cases well adapted to serve the ends in view."

The com-  
position  
and func-  
tions of  
the Coun-  
cil.

32. According to the provisions of the Act, the Legislative Council was to consist of the Dewan, as the President, with the Members of the Executive Council as *ex-officio* members and not less than 10, and not more than 15, additional members, nominated by the Government for a period of two years, of whom not less than two-fifths were to be non-officials. Power was given to the Government to frame rules as to the conditions under

which all or any of the non-official members might be selected prior to nomination by the Government. The business to be transacted at its meetings was confined to the consideration and the passing of measures which in practice were introduced by the Government. The previous sanction of the Dewan was made requisite for the introduction of any measure in the Council. The "enactment" of every measure required the assent of the Maharaja. Power was reserved to the Government to frame temporary emergent measures for a space of six months, as also permanent measures affecting matters specially excluded from the purview of the Council, and submit them for the Maharaja's assent. The matters which were kept out of the jurisdiction of the Council were :—

- (a) The Royal Family of Mysore.
- (b) The relations of His Highness the Maharaja with the Paramount Power or with foreign Princes or States; or matters governed by treaties, conventions or agreements then in force; or thereafter to be made by His Highness with the Paramount Power;
- (c) Extradition of criminals;
- (d) Matters governed by treaties;
- (e) European vagrants;
- (f) European British subjects;
- (g) Post offices, Telegraphs and Railways;
- (h) Mysore Military Forces, or
- (i) Such other matters as might from time to time be reserved by His Highness the Maharaja for consideration by the Government.

The function of the Council was strictly limited to legislation, and it was expressly forbidden to entertain any motion other than a motion for leave to introduce a bill or having reference to a bill actually introduced. The description given by Lord Macdonnell of the Councils in British India in their initial stages was equally applicable to the Council thus constituted. "It was a committee for the purpose of making laws, a committee by means of which the executive government obtained advice and assistance in their legislation, and the public derived the advantage of full publicity being ensured at every stage of the law-making process . . . . The Council was not a deliberative body with respect to any subject but that of the immediate legislation before it. It could not enquire into grievances, call for information, or

examine the conduct of the executive. The acts of the administration could not be impugned nor could they be properly defended in such assembly, except with reference to the particular measure under discussion."

General satisfaction at the establishment of the Council.

33. The newly formed Legislative Council with five non-official members, of whom our esteemed colleague Mr. M. C. Rangiengar was one, and five official members besides the Members of the Executive Council, sat for the first time on 24th July, 1907, under the presidentship of the Dewan, Mr. V. P. Madhava Rao, C.I.E. The Dewan welcomed the members on behalf of His Highness the Maharaja and referring to the importance of the event observed: "We are to-day on the threshold of an important constitutional experiment, the second of its kind that has been undertaken in the State since the Rendition. The inauguration of the Representative Assembly, more than a quarter of a century ago, has been fully justified by the useful work it has done in its own sphere, whereby it has secured a definite place in the scheme of the Government. We are now for the second time broadening the basis of administration by inviting the co-operation of a number of official and non-official gentlemen in the discharge of one of the most important functions of the Government, viz., that of legislation." The Dewan next referred to the somewhat faint line of distinction between official and non-official members so far as Mysore was concerned, and said "I fail to see any meaning in the antithesis so often set up between official and non-official views of a question, or the views entertained by Government and those entertained by the people. The Government here is all centred in the Maharaja, and you know that I am indulging in no expressions of exaggeration when I say that, so far as our Maharaja is concerned, he has, in governmental matters, no interest apart from those of his subjects. To him we may without suspicion of flattery apply the beautiful sentiments of the poet Kalidasa which were quoted the other day in the Imperial Legislative Council:

प्रजानामेव भूत्यर्थं स ताभ्यो बलिमग्रहीत् ।  
सहस्रगुणमुत्सृष्टुमादत्ते हि रसं रविः ॥

'For the welfare of the subjects themselves he used to take taxes from them, just as the sun takes water from the earth, to return the same a thousandfold in the shape of rain.'

The establishment of the Council was generally welcomed by His Highness's subjects, and Mr. V. N. Narasimha Iyengar, a non-official member, giving expression to their feelings at the first session of the Council stated: "We look upon the Council as the recognition and fruition of the grand central principle that the interests of the Sovereign and his subjects are identical, and that it is indispensable in the cause of good and progressive government that the Ruler should be constantly in sympathetic touch with the people and should take into his mature consideration their ideals, sentiments and aspirations in every measure of legislation undertaken for their benefit." He thought that the appointment of non-officials by nomination, rather than by election, was indispensable at the time, as the elective principle was still in its infancy in India, and much more so in Mysore, although in Mysore it had the advantage of prospering under an indigenous rule. He said: "We hope that after this Council has been in practical working for some time, and when the results so far achieved will justify it, His Highness the Maharaja's progressive Government will be pleased, in the fulness of time, to enlarge the constitution and powers of the Legislative Council, so that it may become truly representative, and may be allowed to take a share with the Government in the administration of the country."

34. The Council set about its task in right earnest, and the opportunities afforded therein by the presence of non-officials were fully utilised by the Government in bringing out a series of well considered measures, and passing them into law, in conformity with public opinion as expressed in the Council. The first bill to be considered by the Council was the Village Offices bill, a measure of the utmost importance affecting the welfare of the rural public in general. The law on the subject had till then been scattered over a large body of rules and executive orders, many of them not known or easily accessible to the public. This bill, which had for its object the removal of many anomalies and misconceptions which had till then existed in respect of this important subject, was considered by the Council at three successive sittings and passed into law in October, 1908. On the completion of their labours, His Highness the Maharaja, in a Message addressed to the President, congratulated

The working of the Council.



the members of the Council, on the satisfactory manner in which this important and contentious measure had been dealt with. He said: "The discussions were full and informing and show that the members both official and non-official fully appreciate their responsibility and are prepared to bestow ungrudgingly their time and thought on the measures submitted to them. I should be glad, if the bill becomes law, to express my appreciation of the services rendered by the non-official members in particular."

The discussions in the Council were conducted as testified to by a later Dewan, Sir M. Visvesvaraya, "in a spirit of mutual concession and toleration." Within six years from the date of its establishment, the Council had to its credit nearly 30 enactments placed on the statute book, with a view either to help in the administration of the law or to promote the economic well-being of the people.

Election of two members by the Representative Assembly to the Legislative Council.

35. Though the Council was started at first with limited functions and with nominated members, no time was lost in enlarging its powers and widening its basis by introducing the principle of election. The members of the Representative Assembly had expressed a strong desire in 1907 that that body should be given the privilege of electing some members to the Council. The Dewan assured the Assembly that the privilege would not be long in coming, and that the same spirit of generosity in which His Highness had spontaneously instituted the Legislative Council would prompt him to give the House this valued privilege in due time. This assurance was carried out immediately; and by rules framed in exercise of the powers vested in the Government, under the Legislative Council Regulation, the Assembly was allowed to elect two persons from among its own members, one to represent the eastern and one the western districts of the State, and to recommend them for nomination by Government.

Reforms of 1913.  
(a) Indirect election.

36. In 1913, the strength of the Council was raised to a minimum of 15 and a maximum of 21, and a kind of indirect election was introduced for filling up some of the non-official seats. The number of seats allotted for recommendation by the Representative Assembly was

increased from two to four; and four more seats were thrown open for election by the districts. For the purpose of this election, the eight districts were divided into four groups of two districts each, and the local bodies and the electorate for the Representative Assembly in each group were to elect one member. The total number of electors in all the districts was about 11,250. The Council had thus eight elected members who, though technically nominated by the Government, were actually chosen by their respective electorates, the process of nomination by the Government being a formality.

A high property or educational qualification was prescribed for candidates for election. Persons paying a land revenue of Rs. 300, or a *mohatarfa* tax of Rs. 25, or Inamdars owning inam villages with a *beriz* of Rs. 500, with a sufficient knowledge of English to be able to take part in the proceedings of the Legislative Council were qualified to be candidates, as well as graduates of Indian or English Universities of ten years' standing.

(b) Qualifications of candidates.

The functions of the Council were at the same time enlarged, and made more than merely legislative. The Council was given the right of asking questions on matters of public interest or importance, and the right of discussing the budget, but without the power to vote upon it. The number of interpellations was limited to 12 at each session, the selection of questions to be answered being dependent, among other considerations, on the measure of support accorded to them by the non-official members.

(c) Enlargement of functions.

37. Further privileges were granted to the Legislative Council, within the next few years, in response to the wishes expressed by the Representative Assembly. In 1915, the right to ask supplementary questions was conferred on the Council. The same year, representations were made in the Assembly that the number of questions to be answered in the Council should be raised, and accordingly it was increased to 20. In 1916, the Assembly recommended the extension of the term of office of the members of the Council to three years, and this was given effect to in 1917.

Grant of further privileges.

38. In 1919, a further step was taken in the development of the Council. Announcing this development

Reforms of 1919.

in his Address to the Representative Assembly of that year the Dewan stated: "As the administration is growing in complexity and questions of finance involving additional taxation are coming into prominence, His Highness considers it necessary that in future non-official opinion should be even more fully utilised in connection with the task of administration. He has accordingly decided that the Legislative Council should be enlarged, and that each district, and not each group of two districts, should be able to send a representative to the Council. This is a reform which has been frequently asked for in this Assembly, and it gives His Highness much pleasure to be able to meet your wishes. Other changes in the Legislative Council include the creation of a seat for the Mysore University and four seats to be filled up by nomination. In the result the Legislative Council which now consists of 21 members will, in future, have a strength of 30 members."

Legislative  
Council  
Act of  
1919.

39. This announcement was implemented the same year by the Legislative Council Act XI of 1919, which raised the strength of the Council to 30, consisting of 12 officials and 18 non-officials 8 of whom were to be elected. The Council was thus given a clear non-official majority, while its powers were at the same time enlarged by authorising its members to move resolutions on matters of general administrative interest, other than those excluded from the purview of the Council. The powers now vested in it enabled the Council to scrutinise the actions of the Government by exercising the important rights of discussing administrative matters, and of asking for information regarding the actions and measures of the Government by means of interpellations and supplementary questions.

Introduc-  
tion of  
direct  
election.

40. The system of indirect election by local bodies which was in force had not given satisfaction to the people, and a desire had been expressed in favour of direct election as tending towards the election of a candidate in immediate touch with the people. The old system was, therefore, done away with, and the voters for the Representative Assembly in a district were constituted into an electorate and declared entitled to vote for a member for that district. It had been found that the property qualifications had placed the landed classes at a disadvantage, as few capable men

possessing those qualifications and competent to serve on the Legislative Council were to be found amongst them, with the result that members of the legal profession, some of whom possessed only academic qualifications, had more or less monopolised all the seats allotted to the districts. The property qualifications of candidates for election were therefore reduced to the payment of a land revenue of Rs. 100, or a *mohatarfa* or municipal tax of Rs. 15, or in the case of inam villages, a *beriz* valuation of Rs. 150.

### SECTION III—Changes in the Constitution of the Assembly.

41. The growth of the Representative Assembly proceeded side by side with the development in the constitution and functions of the Legislative Council. In his Address to the Assembly in 1913, the then Dewan, Sir M. Visvesvaraya, in announcing the increase in the number of representatives from the Assembly on the Legislative Council from 2 to 4 observed that although the Assembly had been in existence since 1881, no practical scheme had been put forward to show in what direction and in what manner the usefulness of that institution could be enhanced. He therefore invited the members of the Assembly to consider questions pertaining to the composition of the Assembly, the methods of electing members thereto, its functions and the system of transacting business, and promised to submit for His Highness's consideration the views expressed by them.<sup>1</sup>

Sir M. Visvesvaraya's Address in 1913.

42. The Assembly had for some time been asking for the privilege of considering the budget and of offering suggestions thereon and of holding a second session for this purpose. This was granted in 1915-16. In 1916, His Highness the Maharaja issued a Rescript sanctioning the holding of a second session of the Assembly every year. The second session of the Assembly was held for the first time in April, 1917, when the budget was placed before it for discussion before its submission to the Legislative Council.

Right of holding a second session and of considering the budget.

---

(1) Sir M. Visvesvaraya's speeches, Vol. I, 1910-17, p. 127.

Changes effected on the recommendations of Committees appointed by the House.

43. A new procedure was adopted about this time for the preliminary investigation of questions by means of Committees. It was expected that this procedure, if properly developed, would facilitate the work of the Assembly by placing before it concrete issues or definite recommendations formulated after a thorough study of the questions by members specially interested in them. Among the Committees thus appointed was one to discuss and report on the constitution and improvement of the Assembly itself. On the recommendation of this Committee, certain changes were carried out in the constitution of the Assembly in 1918. First, the disparity in the property qualifications for the franchise in the different taluks was done away with, and the electorate was broadened by the adoption for all taluks of a uniform reduced qualification in respect of the payment of land revenue of Rs. 50, or of a *mohatarfa* payment of Rs. 10 per annum. Secondly, the distinction between the qualifications for voting and membership was abolished, thereby rendering voters eligible to stand as candidates for election. Thirdly, the privilege of interpellation on matters of public interest, subject to certain restrictions, was granted to the Assembly. Later a redistribution of the seats was made in order to provide larger representation to Municipalities; and the term of office of the members returned by the Municipal Councils and other public bodies was raised from one year to three years so as to bring it into line with that of the members returned from the rural constituencies.

Resolution in 1921 *re*: the grant of responsible government.

44. A resolution recommending the grant of responsible government in Mysore was sent up by some members for consideration in the June session of the Representative Assembly in 1921, but it was not admitted. The subject was brought up again at the next session during October, 1921, and this time it was allowed to be discussed. The Dewan, Sir. M. Kantaraj Urs, in his reply to the discussions stated that the Government while sympathising with the natural aspirations of the people, felt that the subject could not be rushed. He added: "Conditions in Mysore are not on all fours with those in British India and it will not do merely to copy what is considered suitable for British India. The question of adopting measures for giving the people an increasing share in the administration is engaging the earnest attention of the Government. The views of the Assembly as indicated in

the discussions to-day will be submitted to His Highness the Maharaja for his gracious consideration, and I trust it will be possible to evolve a scheme of reforms which may be placed before the Assembly for discussion when we next meet."

#### SECTION IV—Constitutional Developments of 1923.

45. In October, 1922, a scheme of constitutional reforms was announced by the then Dewan, Sir Albion Bannerji, in the Representative Assembly, and a mixed committee of officials and non-officials was constituted with *Rajatantrapravina* Sir Brajendranath Seal, Vice-Chancellor of the Mysore University, as Chairman, for the purpose of working out the details of the scheme. The Committee examined in detail the whole theory of Government as applied to a State in which, while the Ruler's supremacy is retained, as large a share as possible in the Government is conceded to representatives of the people. The Committee saw that there was much in common between the working of the Representative Assembly, as it had developed till then, and the working of a Referendum. They thought that with some changes, the Assembly could be made to serve the two important ends of the Initiative and the Referendum. The members of the Assembly, the Committee said, emerging as it were from the body of the people "should bear mandates regarding the people's wants, desires and grievances which the Assembly may formulate for the purposes of an initiative to the legislature. They should be consulted in all important legislative measures, and the general principles of all bills (including bills of taxation) should be referred to them and their views ascertained. They should discuss the budget on general lines. And, finally, they may also bring mandates regarding matters which have been referred to the people by the Government or the legislature, especially in the case of bills touching, closely and directly, the people's daily life. Such functions, the Representative Assembly, properly composed and developed, can very usefully discharge." (1) The Legislative Council on the other hand, was to have a different function. It was "to shape and formulate legislative measures to secure the well-being of the

Appointment of the Seal Committee.

(1) Report of the Seal Committee, Para 19.

people by ways and means acceptable to the representatives of the people." Consequently, in its composition, it was not to be "an epitome of the people, but an assembly embodying its collective wisdom and virtue." (1)

The Committee submitted their report to the Government on the 7th March, 1923, and it was published on the 26th April, 1923, for public criticism. The report which was unanimous on all important points, except on the question of the representation of minorities, was widely discussed by public bodies in the State and at several conferences; and opinions and suggestions thereon were submitted by them for the consideration of the Government.

Proclamation announcing the reforms.

46. After a careful consideration of the report of the Committee, as well as of the views received by the Government, a Proclamation was issued by His Highness the Maharaja on 27th October, 1923, announcing the constitutional reforms sanctioned for the State. The Proclamation affirmed His Highness's earnest desire to provide for the increasing association of his people with his Government in the administration of the State, and announced that as the various measures which had been adopted from time to time in accordance with that desire had met with a gratifying response from the people, His Highness had resolved to take further substantial steps in the same direction. His Highness invited the people to utilise the larger opportunities for public service and usefulness to the State which he was now conferring upon them, and expressed his confidence that they would respond to his call with the same loyalty and sense of responsibility as in the past and in a spirit of mutual toleration and goodwill. The law relating to the constitution and functions of the Representative Assembly and the Legislative Council was promulgated in Acts XVIII and XIX of 1923 respectively, by virtue of His Highness's prerogative.

Powers of the reformed Representative Assembly : legislation etc.

47. The Representative Assembly, the existence of which had till then been based on an executive order, was now given a definite place in the constitution, and its powers and functions were defined by the Representative Assembly Act and the rules framed thereunder. By

---

(1) *Ibid.*, Para 23.

the provisions of this Act, an obligation was laid on the Government to place the general principles of every bill before the Assembly in the form of a statement, except in cases of urgency, and to ascertain its opinion thereon, before introducing the bill in the Legislative Council. The right of moving amendments to such general principles was conferred on the members of the Assembly, as well as the right to move resolutions on matters relating to public administration. No recognised right had till then been possessed by the Assembly of expressing its views on proposals for new or additional taxation, although the Government had in previous years consulted that body in regard to certain important measures of taxation, as for example, the levy of income-tax in the State. It was now expressly provided that no new tax should be levied unless the opinion of the Assembly had been obtained beforehand.

48. The powers of the Assembly in respect of the budget were further extended so as to include the right of moving resolutions on the budget. But in keeping with the constitution and character of the Representative Assembly, the resolutions on the budget were to be restricted to the general principles underlying the budget, and not to particular grants or appropriations. The following heads of expenditure were kept outside the purview of the Representative Assembly as well as of the Legislative Council:—

Its powers  
in respect  
of the bud-  
get.

(1) the Palace, including the Staff and Household of His Highness the Maharaja ;

(2) the Military Forces of His Highness the Maharaja ;

(3) the pensions of public servants ;

(4) items of expenditure relating to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States ; and matters governed by treaties, conventions and agreements then in force or thereafter to be made by His Highness the Maharaja with the Paramount Power ;

(5) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans, and

(6) expenditure prescribed or authorised by law.

49. The strength of the Assembly was fixed at 250 normally, but power was vested in the Government by the statute to increase the number up to a maximum of

Composi-  
tion of the  
Assembly.



275 for the purpose of removing inequalities, if any, of representation, and in order to meet the demand for the representation of constituencies that might develop in course of time. The membership of the Assembly was restricted to non-officials as before, but officers deputed by the Government for the purpose were allowed to attend the Assembly and to take part in its proceedings, but without the right to vote. Not less than 150 and not more than 50 members were to be elected by rural and urban constituencies respectively.

Represent-  
ation of  
special  
interests  
and  
minorities.

50. The representation of special interests, such as Planting, Gold Mining, Trade and Commerce was systematised, and Labour was for the first time given representation on the Assembly as well as on the Council. A minimum of 15 seats was allotted to special interests in the Assembly and was to be filled up as far as possible by election through associations serving special interests and satisfying prescribed conditions. Adequate provision was also made for securing the representation of minority communities by a system of "facultative representation" by which minority communities were to be represented either through recognised associations formed for the furtherance of the specific interests, or for the general advancement, of the community, or by nomination by Government in the absence of such associations. Not less than 35 seats were reserved for the representation of minorities, of which 25 were to be filled up ordinarily by election through associations and 10 by nomination by Government. In the case of communities which formed distinct social groups and were not likely to obtain their due share of representation through the general electorate, *viz.*, Muslims, Indian Christians and the Depressed Classes, a minimum number of 15, 5 and 3 seats respectively, were guaranteed, and in the event of those communities not obtaining the required number of members through the rural and urban constituencies, provision was to be made for the return of such number of members as might be required to make up the guaranteed number, either through recognised associations or by nomination by Government. Other communities which numbered 20,000 or more in population and failed to obtain representation through the general electorate were also to be represented in the Assembly through associations satisfying certain prescribed conditions, while the Government were empowered to nominate a member

to represent any community numbering even less than 20,000, if circumstances should justify such special treatment.

51. The actual composition of the Assembly as last constituted in 1937 was as follows:—

(1) General Constituencies:—

Rural	...	...	...	164
Urban	...	...	...	46

(2) Minorities:—

Elected	...	...	19	
Nominated	...	...	25	
			—	44

(3) Special Interests:—

Nominated	...	...	10	
Elected	...	...	10	
			—	20

Total	...	...	...	274
-------	-----	-----	-----	-----

52. As regards the Legislative Council, with a view to secure representation in it, as far as possible, for all the interests in the State, its strength was increased to 50, exclusive of the Dewan-President and the Members of the Executive Council who were to be *ex-officio* members. The non-official element in the Council was fixed by the statute at 60 per cent of the total strength, thus ensuring a non-official majority in the Council. Two-thirds of the non-officials were to be returned by election by the Representative Assembly and by urban, rural and non-territorial constituencies, the remainder being nominated by the Government to represent minority groups and special interests, for the representation of which no specific provision had till then been made. The distribution of seats between official and non-official, elected and nominated members was as follows:—

I. Non-officials:

A. Elected members—

(a) Urban constituencies, *viz.*, the city municipal areas of Bangalore and Mysore (1 each) ... 2

(b) Rural constituencies, viz., the eight districts (1 each) ... ..	8
(c) The Representative Assembly ... ..	8
(d) Special Interests :	
Mysore University ... ..	1
Commerce and Trade ... ..	1
Planting ... ..	1
Labour ... ..	1
	—
B. Nominated ... ..	8
	—
Total non-officials ... ..	30
II. Nominated officials ... ..	20
	—
Total ... ..	50
	—

A minimum of two seats was guaranteed to Muslims and one seat each to Indian Christians and Depressed Classes. In the event of these minorities failing to secure this number through election either by the Representative Assembly or the general electorate, the difference was to be made good by elections through associations recognised for the purpose, or by nomination by the Government.

Powers of  
legisla-  
tion.

53. The Council already possessed full powers of legislation on all matters other than those specifically kept out of its jurisdiction. The list of such excluded subjects was curtailed so as to bring within the purview of the Council all matters pertaining to the internal administration of the State, the subjects excluded being those relating to the Royal Family, Imperial relations and changes in the Constitution of the State. They were :—

- (a) the Ruling Family of Mysore ;
- (b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;
- (c) matters governed by treaties, conventions, and agreements then in force or thereafter to be made by His Highness the Maharaja with the Paramount Power ;
- (d) the provisions of the Legislative Council Act ;
- (e) the provisions of the Representative Assembly Act ;
- (f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

In all matters thus excluded from the purview of the Council, the Government were empowered as before to frame such regulations as might be necessary, and also to frame temporary emergent regulations for a period of six months on matters falling within the scope of the Council and submit them for His Highness's assent. The prerogative of the Maharaja to make laws independently of the Council, which was all along implicit, was expressly affirmed in the statute.

54. The powers of the Council in respect of finance were extended to include the power of voting on the annual budget by major heads. The proposals of the Government for the appropriation of revenues or other moneys on all heads other than those excluded from the purview of the two Houses were to be submitted to the Council in the form of demands for grants. The Council was empowered to assent, or refuse to assent to a demand, or to reduce the amount specified therein either by a reduction of the whole grant, or by the omission or reduction of any of the items of expenditure in the demand. The vote of the Council rejecting or reducing any demand was binding on the Government, except in cases where the Government considered that the expenditure provided for by the demand was necessary for the carrying on of any department, or for the discharge of the Government's responsibility. In such a case they were empowered to restore the rejected or reduced demand and to act as if the demand had been assented to by the Council. The grant of these powers was coupled with an increase in the number of resolutions and interpellations that could be brought at any session of the Council.

Powers  
over the  
budget.

55. The bases of both the Assembly and the Council were further widened by an extension of the franchise on a large scale. The property qualifications of voters to the Representative Assembly were reduced by 50 per cent. In rural constituencies the qualifications for the voter were reduced to an assessment to land revenue of Rs. 25, or a *kadim* tenancy with a rent of Rs. 25, or payment of *mohatarfa* or municipal tax of Rs. 5, or mere payment of income-tax, or the ownership of inam villages with a *beriz* of Rs. 125. In urban constituencies the property qualifications were to be the same as those prescribed for voters at municipal elections, and the other

Extension  
of the  
franchise.

qualifications the same as those for voters in rural constituencies. In the case of the Legislative Council, in view of the difference in functions and powers between the two bodies, the property qualifications were fixed twice as high as those of the voters to the Assembly.

### SECTION V—Important Changes since 1923.

Reduction of property qualification for the Legislative Council.

56. (a) The past fifteen years have witnessed a series of further developments within the frame-work of the reformed constitution of 1923, which have been effected in response to a number of resolutions passed either in the Legislative Council or the Representative Assembly, and on the recommendations of successive Committees appointed from time to time. The first change of importance was made three years after the inauguration of the new reforms. A resolution was unanimously adopted at the Representative Assembly after considerable discussion during the Dasara Session of 1925 recommending that the property qualifications of voters and candidates to the Legislative Council in the rural constituencies might be reduced by 50 per cent, so as to make them correspond with those fixed for voters to the Assembly. This recommendation was accepted by the Government, with a view to enlarging the electorate to the Legislative Council, and effect was given to it with the reservation that the qualifications of the candidates to the Council should however remain unchanged.

Removal of sex disqualification.

(b) Similarly, in response to a resolution passed by the Legislative Council in February, 1927, the disqualification of candidates on the ground of sex was removed, enabling women to stand for election to the Representative Assembly and the Legislative Council.

Extension of franchise to title-holders.

(c) A Committee appointed in 1926 recommended *inter alia* the extension of the franchise to title-holders for both the Legislative Council and the Representative Assembly and this was approved by the Government.

Redistribution of seats and increase in the number of seats

57. Another Committee, appointed in 1932 to review the distribution of seats in the Representative Assembly and to examine certain other questions referred to it, suggested that the number of seats allotted to each taluk or sub-taluk should generally have some reference to its population.

The Committee proposed that taluks having a population of over one lakh should have 3 seats, those having a population between 50,000 and one lakh two seats, and those with a population of less than 50,000, one seat. The Committee further suggested the increase of the number of seats guaranteed to Muslims from 15 to 18 and those of the Depressed Classes from 6 to 10, the latter being contingent on suitable persons being available for nomination, and the introduction of the system of proportional representation by means of the single transferable vote for the election of members of the Representative Assembly from the city constituencies of Bangalore and Mysore. These proposals excepting that relating to the increase in the number of seats to be reserved for the Depressed Classes were accepted by the Government, and given effect to by them.

guaranteed  
to mino-  
rities.

58. A third Committee was appointed in 1935 to enquire *inter alia* into the desirability of retaining the Representative Assembly as a constituency for returning members to the Legislative Council. The Committee drew attention to the fact that the two bodies in Mysore were not designed to form part of a composite bicameral legislature, but were more or less independent bodies with defined functions of their own, and pointed out that by sending representatives to the Legislative Council the Assembly would more or less lose to some extent its independent and original character and come under the leading strings of the Legislative Council. The Committee were further of opinion that the system of indirect election of members to the Legislative Council had not produced the result which was originally expected of it, *viz.*, that it might reflect the various shades of opinion in the country, and that the results of the elections during the previous twelve years had disclosed that the two cities of Bangalore and Mysore got a representation of about six members out of eight returned by the Representative Assembly, the result being that the cities got a preponderance of seats under the system. The Committee accordingly recommended that the Assembly should not any longer serve as an electorate for the Legislative Council and that the eight seats thus withdrawn from the Representative Assembly should be distributed among the eight districts. The Committee further recognised that there were obvious advantages in restricting the

Changes  
made on  
the recom-  
mendation  
of the  
Committee  
of 1935.

membership to one House only, following in this respect the example of British India, where no person could be a member of both the Legislative Assembly and the Council of State or of the Provincial and Imperial bodies. The Committee were also of opinion that experience had shown that legislative business was impeded by the necessity to place a statement of the general principles of proposed bills before the Representative Assembly in the first instance. They were of opinion that, whenever it was found necessary by the Government, a bill might be first introduced in the Legislative Council and its general principles placed before the Representative Assembly at the earliest opportunity before the final passing of the bill. These proposals were accepted by the Government and necessary amendments were made in the Representative Assembly and the Legislative Council Acts.

## SECTION VI--Working of the Reformed Constitution.

59. The working of the reformed constitution and the extent of the influence exercised by the two Houses on the Executive may now be briefly noticed. So far as legislation is concerned, 150 bills initiated by the Government since 1924 have been passed into law up to the end of December, 1938. Of these the general principles of 139 were placed before the Assembly in the form of statements as required by the constitution, and the opinions of the Assembly thereon were ascertained before their introduction in the Legislative Council. In respect of the remaining 11 bills, owing to their urgency, the Government, in exercise of the powers vested in them till 1936 of introducing a bill in such cases without previous consultation of the Assembly, introduced them into the Legislative Council, and they were passed into law. Of the 139 bills on which the Assembly was consulted the general principles of 16 were not approved by it, but the Government deemed it necessary to proceed with them further. They were therefore taken up to the Legislative Council and passed into law in due course. Among the bills thus thrown out by the Assembly and yet passed into law were bills to amend the Penal Code and the Criminal Procedure Code in regard to the suppression of the circulation of traffic in obscene publications, the Agriculturists' Relief bill, the Contempt of Courts bill,

Government  
legislation.

the Irrigation bill, and bills relating to the development of the Sugar Industry, the levy of Excise duty on Sugar, Road Traffic and Taxes, and the Removal of Religious and Caste Disabilities. The verdict of the Assembly in respect of 21 bills which were rejected by it was accepted by the Government, with the result that the bills were not proceeded with further. The more important of these bills were those dealing with election offences and inquiries, and for preventing and controlling the spread of contagious diseases. All the 150 bills initiated by the Government were considered and passed by the Legislative Council and no measure has been rejected by it at any time.

60. As regards private members' bills, three bills were brought up by the members of the Legislative Council. The first was a bill for restraining the solemnisation of child marriages. The Council refused leave to introduce it. The other two bills were, one for the suppression of immoral traffic in the State, and the other for the removal of legal obstacles to the marriage of Hindu widows. Both of them were approved by the Assembly, and later passed by the Legislative Council and became law in due course.

Private members' bills.

61. The power of moving resolutions has often been used by the members of the Assembly for urging the necessity of initiating legislation in respect of certain matters. Twelve such resolutions have in all been passed in the Assembly, and legislation has actually been undertaken in pursuance of four of them. These were the Agriculturists' Relief Act, an Act for the removal of legal obstacles to the marriage of Hindu widows, and an Act for the suppression of immoral traffic in the State. Two resolutions were passed pressing for the prevention of cow-slaughter by legislation. The question was examined by a Committee appointed by the Government in 1926. A resolution of 1926 and subsequent resolutions on the subject of appointing a Committee for the reform of Hindu Law led to the appointment by the Government in 1929 of a Committee to examine the question of improving the position of women under the Hindu Law of Inheritance. Legislation was undertaken in the light of the Committee's recommendations and resulted in Act X of 1933. The prevention of beggary in the State was the subject matter of a resolution in the Dasara session

Legislation in response to resolutions.



of 1928. As the provisions of Section 56 of the Police Act penalising importunate street begging were considered sufficient for the purpose, the matter was not pursued further. No action was considered immediately necessary in respect of the resolutions passed by the Assembly about the prohibition of the slaughter of animals during *jatras*, the enabling of members of every community to take out processions in all public streets irrespective of *mamool* or custom, the abolition of untouchability in the State, and the empowering of the High Court to issue writs of *Mandamus*, *Certiorari* and *Habeas Corpus*.

Legislation  
on excluded  
subjects.

62. As regards legislation on subjects excluded from the purview of the Legislative Council and the Representative Assembly, two measures have been passed into law during the period. They were Acts XI and XII of 1936 amending the Representative Assembly and the Legislative Council Acts respectively, and intended to give effect to the constitutional changes recommended by the Committee appointed in 1936, which have been referred to above.

Temporary  
emergent  
Acts and  
exercise of  
special  
powers.

63. The powers vested in the Government to frame temporary emergent Acts were exercised in respect of four measures. The first was Act I of 1926, the Cotton Excise Duty Suspension Act, which followed the corresponding British Indian statute passed in that year and was intended to bring Mysore into line with British India in respect of the abolition of the cotton excise duty. The second was the Italian Loans and Credits Prohibition Act, II of 1936, and the other two were the Match Excise Duty Act, I of 1934, and the Sugar Excise Duty Act, VII of 1937, which were designed to give effect to the agreement with the Government of India in respect of those two duties. All the four emergent Acts were later passed by the Legislative Council and placed permanently on the statute book. It is significant to note that the special powers of the Maharaja to reserve to himself any class of subjects by withdrawing them from the purview of the Council, and also his prerogative to make laws independently of the Council in matters falling within the purview of the Council, have not at any time been exercised since the Council was established in 1907.

Interpella-  
tions.

64. Outside the sphere of legislation too the influence exercised by the Assembly and the Legislative

Council on the Executive by other methods provided in the Constitution has been no less noteworthy. The power of interpellation was freely exercised by members of both the Houses in an increasing measure to elicit information with regard to matters relating to the administration of the State. The total number of interpellations which in 1924 was 93 in the Assembly and 104 in the Legislative Council stood in 1938 at 141 and 181, respectively.

65. The other mode of influencing the Government, *viz.*, the passing of resolutions, has also been freely resorted to. The total number of resolutions discussed in the Assembly since 1924 was 362, of which 181 were withdrawn after discussion. Of the remainder, 61 were accepted by the Government, 100 passed and 20 rejected by the Assembly. In the Legislative Council 178 resolutions came up before the Council, of which 130 were withdrawn with or without discussion, 22 were accepted by the Government, 13 with and 9 without modifications. Of the 26 divisions in the Council, 19 were in favour of the Government and 7 were against it. The subject matter of the resolutions in both the Houses ranged over the entire sphere of the administrative and social activities in the State. The largest number of resolutions on any single subject dealt with by the Assembly related to education. Next in order came resolutions relating to salaries and services, communal representation in the services, land revenue, irrigation, medical relief and local self-government. As instances of the topics dealt with in the resolutions in the Legislative Council may be mentioned the introduction of Kannada as the medium of instruction in all high schools, an enquiry into the economic condition of all classes of people, the compulsory levy of education cess, the construction of electric tramways in Bangalore, the employment of local talent in all appointments of trust and responsibility in the State Railways, the introduction of legislation to oblige industrial concerns with a capital of Rs. 5 lakhs and above to give training to graduates, the increasing of the number of primary schools by 5,000 on a five year programme, the empowering of local bodies to launch criminal prosecutions for non-payment of taxes due to them, the enhancement of the grant for the scholarships to students of the backward and depressed classes, and the abolition of the Central Recruitment Board.

Resolutions.

Representations.

66. The number of representations sent up for any session of the Assembly since 1924 has ranged between 200 and 300. The total number of representations which came up for discussion in the Assembly was 1,594. It is seen that action has been taken by the Government wherever practicable in respect of representations. A report of the action taken by the Government is being printed and circulated to the members of the Assembly after each session.

Resolutions on constitutional changes.

67. Resolutions in respect of constitutional changes were often discussed and sometimes given effect to by the Government. Thus it was in response to a resolution discussed in the Legislative Council in 1924 that the property qualifications of voters to the Legislative Council in rural constituencies were reduced to the level of those prescribed for the voters of the Assembly. Similarly the disqualification arising from sex, rendering women ineligible to stand as candidates for election to the Representative Assembly and the Legislative Council, was removed in accordance with a resolution passed by the Legislative Council in 1927 as already referred to.

Exercise of financial powers.

68. As regards financial powers, the Representative Assembly has freely made use of its power of passing resolutions on the budget, and a series of them have, wherever possible and practicable, been accepted by the Government and given effect to. In the Legislative Council, no motion to omit or reduce any grant or any item in a grant has, so far as we are aware, been carried. The procedure generally followed was to move for a cut of a nominal amount in a demand, with a view to raise a discussion on the policy of a department, or to draw the attention of the Government to any matter connected with the object of the grant. The total number of cut-motions tabled under the reformed Constitution was 2,469, which were either not moved or were withdrawn after discussion, with the exception of a very few motions which were pressed to a division and lost. No occasion has therefore arisen calling for the exercise of the special powers vested in the Government of restoring a rejected or a reduced demand.

Standing Committees.

69. The other instruments through which the two Houses have been able to influence the administration are

the Standing Committees. The Seal Committee thought that such Committees or Boards would be aids to administration as well as to legislation, and that they were the means to a closer *rapport* between the Government and the people. On the recommendation of the Committee, three Standing Committees were formed, one in connection with the Railways, Electrical and Public Works Departments, another in connection with Local Self-Government and the Departments of Medicine, Sanitation and Public Health, and a third one in connection with Finance and Taxation. Each of the Standing Committees consisted of six members, of whom four were members of the Representative Assembly and the remaining two were drawn from the Legislative Council. The members were selected by the Government out of a panel of 15 elected by the Representative Assembly, and 10 elected by the non-official members of the Legislative Council. The Member of the Executive Council in charge of the Departments to which the Committee related was the Chairman of each Committee. The functions of the Committees were purely advisory and their proceedings were treated as confidential. It is not possible to have a consistent review of their working, but it may be stated that they have been serving a useful purpose, not only in providing a training for selected members of the two Houses by giving them an insight into the details of actual administration, but also by making their knowledge and experience available to the Government.

### SECTION VII—Local Self-Government.

70. We have now to deal briefly with the evolution of local self-government in Mysore. Its beginnings in the districts go back to 1874, when under rules issued by the Chief Commissioner, District Committees consisting of select non-official gentlemen were formed to help the district officers in the work of administering local funds which were being raised since 1860 by the levy of certain cesses and fees, and intended to be used for local necessities such as education, roads, medical relief, etc. The Bangalore City Municipality came into existence as far back as 1862. After 1881, the introduction of legislation regarding local boards engaged the prolonged attention of the Government. A bill was prepared as early as 1883 and was submitted to the

Evolution of local self-government.

Government of India in 1885. The final approval of the Government of India was received in 1902, after which it was passed into law. The rules under the enactment were issued in September, 1903. Under these rules, eight Boards were constituted for the eight districts, and seventy-seven Taluk Boards—one for each taluk and sub-taluk. Thirty-eight Unions were also brought into existence in the smaller towns. It was provided in the new Act that a certain proportion of popularly elected members from each taluk should be returned to the District Boards, whose functions were enlarged and defined. The District Boards, however, continued to be under the control of the district officers. This was also the case with the municipalities which, prior to 1906, had been brought into existence by executive orders of Government and subsequently under the Municipal Act VII 1906.

Reforms  
of 1918.

71. The question of liberalising the constitution and powers of the local bodies was under the active consideration of the Government, and two Committees were appointed for this purpose in 1914. A Conference of Local Boards and Municipalities was also held in the year 1915. In 1916-17, rules were framed by the Government permitting the election of Vice-Presidents by District Boards. The reports of the Committees were placed before the Government and they passed orders thereon in 1916. The Committee had characterised the provisions of the Local Boards Regulation as illiberal. They found that the Taluk Boards had been inactive mainly because they had no distinct sphere of work allotted to them, and had so far been merely agents of the District Boards. Under the scheme recommended by the Committee, there was to be an elected majority in all Boards. The Taluk Boards were given independent powers, subject only to the control of the District Boards in some respects, to administer functions of a more or less localised character, leaving to the District Boards such functions and services as required co-ordinate organisation throughout the district. A separate Taluk Board Fund was to be created for administrative purposes, as well as a separate budget. As regards District Boards, it was the Government's desire to develop them ultimately into District Councils, and they were therefore given the power to pass resolutions even on matters that did not ordinarily

come within their cognisance and submit them to the Government for their consideration. In order to embody these and other provisions in legislation, it was considered advisable to recast the law relating to local boards as a whole, instead of merely amending the old Regulation. Accordingly, the new Local Boards and Village Panchayets Act (VI of 1918) was passed. Hitherto, Village Improvement Committees had been in existence and were working under rules framed by the Government. The new Act provided a statutory basis for constituting such of them as were working satisfactorily, into village authorities dealing with improvements, sanitation, etc.

In 1919, the constitution of District and Taluk Boards was defined in accordance with the new Act, and rules were also framed regarding the representation of important interests and communities in these Boards. In the next year the work relating to economic development which had hitherto been entrusted to District and Taluk Committees was transferred to the District Boards, rendering it obligatory on the part of Boards to devote attention to economic development and to levy an education cess. The Bangalore District Board was given the privilege of electing a non-official President, and non-officials were appointed Presidents of two other District Boards, and all District Boards were given non-official Vice-Presidents.

The law relating to Municipal Councils was also recast in 1918, along with that relating to Local Boards. Municipalities were classified into City, Town and Minor Municipalities. The elected element was raised to one-half in the case of Town Municipalities, and to two-thirds in the case of City Municipalities. The Bangalore City Municipality had been given a non-official President in 1913 and the right of electing a President in 1920. The principle of having elected Presidents for City and Town Municipalities was accepted by the Government, and the Deputy Commissioners, as a rule, ceased to be Presidents of Municipal Councils. Assistant Commissioners and Amildars, however, continued to be the Presidents of Municipalities in taluks, except where suitable non-officials were available. Several Town and Minor Municipal Councils were given the privilege of electing their Vice-Presidents. Generally the control of the Government was relaxed, and the scope of the Councils enlarged, and provision was made

to empower select Councils to control elementary education, medical relief including vaccination, and Muzrai institutions. In 1921 the law was amended so as to enable Municipalities to undertake the work of economic development also.

Further  
develop-  
ments.

72. A Local Self-Government Conference was held in 1923. Among the more important of their recommendations which were accepted by the Government were the abolition of Taluk Boards and Village Improvement Committees, and the placing of all Village Panchayets on a statutory footing. In actual working, it had been found that the Taluk Boards did not possess adequate resources to do any useful work, and were a costly and unnecessary unit in the administration. On the other hand, the importance of awakening the interest of the people in rural improvement by developing autonomous institutions in the villages had long been recognised as a fruitful means of growth. The Taluk Boards were therefore abolished in 1927, and the establishment of a Panchayet for each village, or group of villages, with separate resources for attending to their vital needs was sanctioned. The District Boards Act was amended, and the constitution of Village Panchayets was regulated by a separate enactment passed in the same year. The Panchayets were to consist of 5 to 12 members, at least half of whom were to be elected. The Chairman was to be nominated by the Government in the initial stages, the right of election being conceded when the Panchayets were well established and working satisfactorily. The functions of the Panchayets were to be classified into obligatory and optional. The former was to include village sanitation and communications, and the latter all other items, *e.g.*, promotion of the health, convenience and comfort of the inhabitants. Selected Panchayets were to be entrusted with powers under the Village Courts and the Tank Panchayet Regulations and the Forest Panchayet Rules, and provision was also made for the transfer of control over Muzrai institutions and schools. To enable Panchayets to function efficiently they were empowered to levy certain taxes. The Panchayets were placed under the guidance of the Amildar.

Recent  
progress.

73. The Elementary Education Act was passed in 1930 with the main object of investing the local bodies with the management, control and financing of elementary

education. The transfer of the control of primary education to local authorities took place on 1st July, 1931. The Acts relating to local self-government were further amended in 1932-33. The main feature of the revision of the Municipal Act was the introduction of adult suffrage in Minor Municipalities and the increase of the elected element in the Municipal Councils. For nearly eight years now, every District Board in the State has had an elected President and Vice-President; and the official and nominated elements in the Boards have been considerably reduced. Thus, out of a total of 295 members for the eight District Boards in the State, 199 were elected and 60 non-officials nominated by the Government, the remaining 36 being *ex-officio* members. They have exercised control over expenditure exceeding Rs. 22 lakhs annually.

The number of Municipalities in the State excluding the cities of Bangalore and Mysore, is now 104, out of which 40 are Town Municipalities and 64 Minor Municipalities. Only 4 of these have elected non-official Presidents. All the Town and Minor Municipal Councils, with one exception, have elected Vice-Presidents.

There are 11,843 Village Panchayets in the State with a membership of 88,901. 485 of these have got elected Chairmen. The total income of all the Panchayets for the year 1937-38 amounted to Rs. 11.13 lakhs, and the total expenditure to Rs. 10.81 lakhs. The total funds at the credit of these institutions at the end of the year amounted to over Rs. 32 lakhs.

74. In general, from the reports we have received regarding the working of the local bodies, it is seen that increasing interest is being taken by the people in the management of their own affairs. Many works and services of public utility are being carried out by the local bodies. In fact in their enthusiasm, local bodies have sometimes undertaken works without due regard to their resources. In the case of the District Boards, however, the somewhat unsatisfactory financial position appears to have been due in the main to the inelastic nature of their revenues. The question of improving their income recently engaged the attention of a committee presided over by our colleague Mr. S. Hiriannaiya. We observe that although the working of local self-governing bodies has not been free

Working of  
local self-  
governing  
institu-  
tions.



from shortcomings, a very good record of achievement stands to the credit of non-officials especially in the sphere of the District Boards and Municipalities under the control of non-official Presidents. The principal shortcomings too have had relation not so much to the capacity of non-officials for the efficient management of affairs, as to the general quality of the political consciousness in the country. Thus, communal considerations still appear to influence elections to local bodies, and sometimes even their measures and policies. This has necessitated the retention by the Government of the power to nominate a certain number of members to the local bodies in order to remove inequalities of representation, as the minority communities have so far stood little chance of success in the general elections. In the Village Panchayets, the system of elected chairman has apparently not been very popular, perhaps because villagers have been anxious to avoid incurring the unpopularity incidental to the levy and collection of taxes. The Panchayets have not evinced much interest in the matter of the levy of optional taxes, and have often lagged behind even as regards collection of the compulsory taxes, with the result that recently the Government have had to take power to arrange for their collection through official agency. In general, the working of Village Panchayets, as compared with that of the Municipalities and District Boards, goes to show that the level of civic and political sense in the rural areas is considerably lower than that in the towns.

This concludes the narrative of the growth and working of representative institutions, including local self-governing bodies, in Mysore. We have deemed it necessary to go into this matter at somewhat greater length than usual, so as to give at a glance a connected picture of constitutional evolution in Mysore during the last six decades. We shall proceed in the next chapter to deal with the growth of political consciousness in Mysore and the fundamental considerations which have to be kept in view in formulating a scheme of reform.

---

## CHAPTER III.

### Fundamental Considerations.

#### SECTION I—The Growth of Political Consciousness.

75. We have set out in some detail the historical background against which we have to consider the necessity for further reform and the shape which such reform will have to take. In the Government Order appointing the Committee, we have been asked in general terms to formulate proposals as to further changes "which may be desirable in order to secure the steady and harmonious constitutional progress of the State from the point of view of all the interests concerned." According to the same Government Order, the object to be aimed at in formulating our proposals is to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship, on the basis of the ideals and principles enunciated in the gracious Address of His Highness the Maharaja to the joint session of the reformed Representative Assembly and Legislative Council in 1924.

The objective in brief.

76. In our opinion, that Address (Appendix VI) is a constitutional document of great and enduring importance, and the ideals inculcated therein are as true and as applicable to-day as when they were pronounced fifteen years ago. It is in essence nothing less than a charter of the political liberties of the people of Mysore, and a guarantee of ordered constitutional progress in the State in the future. The inauguration of the new Constitution has been described therein as but "a step in a continuous and well-ordered process of development, which has been going on for over forty years," and the hope is expressed that "the process will continue with the same adaptability in the future." It is also observed: "We have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations." The key-note of that Address may thus be described as the continuity of planned constitutional progress. It is in

His Highness's Address in 1924.

the light of this principle that we have discussed our problems and submitted our recommendations, so as to avoid stagnation as well as precipitate change.

The recent past.

77. In the course of the self-same Address occurs the following observation: "That the history of Mysore in the recent past has run smoothly is a good omen for the future." For thirteen years thereafter, history continued to run with more or less the same smoothness. Though there has been a certain amount of demand for "Responsible Government" in the State for some time, the agitation for it has become intensified of late through the activities of the Congress. It is significant that its commencement coincided with the inauguration of what is popularly called "provincial autonomy" in British India and the advent into power of the Indian National Congress in the majority of the Provinces. We are not suggesting that it should or could have been otherwise. To our mind it is but one more indication of the fact that no well-ordered Indian State can hope to remain in isolation, uninfluenced by what is going on outside in the rest of India. The most difficult portion of our task has been to assess to what extent the recent agitation in the State is an induced phenomenon and to what extent it is really a spontaneous growth. For on what is indigenous will depend mainly the extent to which the existing Constitution will need modification. It is our profound conviction that any blind attempt to copy the evolution in British India, ignoring the traditions in vogue in an Indian State like our own, will be fraught with serious consequences. As has been well observed by the Seal Committee, "Even if political institutions were accidental by-products of history, they could not be imported wholesale from abroad; but in truth they are regional products and the true test of a people's self-governing capacity is the capacity for fresh institutional construction from within in response to the forces of the given region and environment." (1)

Difference in conditions between India and Mysore.

78. In gauging the pace of political activity in Mysore as compared with British India, we may therefore well begin by taking into account important points of difference. Political activity in British India may be said

---

(1) Report of the Seal Committee, Para 22.

to have been organised on an all-India basis, when the Indian National Congress was started in 1885. It really derived its first inspiration from British sources and ideals, and for twenty years thereafter was not in any way averse to governmental co-operation. Subsequent tendencies, however, took a different direction, and a pronounced cleavage in interest between the rulers and the ruled has characterised the course of politics in British India. Some interesting observations regarding the origin of the political agitation in British India and the difference between the circumstances in Mysore and those in India are contained in the Dewan's Address to the Dasara Representative Assembly in October, 1908. After referring to the working of the Representative Assembly and the Legislative Council, the Dewan, Mr. V. P. Madhava Rao, reminded his hearers :—" We have a completely organised system of Government modelled on that of British India and manned almost entirely by Indians. The efforts of Government have been continuously directed to the promotion of the moral and material good of the people. . . . Possessing all these advantages it would be sheer folly if, misled by catch phrases and spurious agitation, we allowed ourselves to be seduced from our duty to ourselves and to the State. . . ."

79. Whatever may have been the causes for the cleavage of interests between the rulers and the ruled in British India, no such cleavage has ever existed in Mysore. But on the other hand, the relations between the Ruler and the ruled have been characterised by a harmony which has been the admiration of outsiders. Although the Representative Assembly was started as far back as the year 1881, *i.e.*, four years earlier than the Indian National Congress, it did not become a nucleus for political agitation. Grievances of a tangible character were expressed in the Assembly and the Government gave them due consideration. There was no political ferment as in British India. As we have said before, the *de facto* position of the Assembly was superior to its position in theory and generally speaking there was contentment. In comparison with the circumstances in contemporaneous British India, it is a curious commentary that in Mysore, thirty-two years after the Assembly had come into existence, *i.e.*, in 1913, the head of the Administration himself had to tell the Assembly that no practical scheme

Early political activity in Mysore.

had been put forward by it so far, to show in what direction and in what manner the usefulness of the institution could be enhanced; he had to urge the members to offer their suggestions. Political aspirations were thus not very conspicuous in the earlier stages.

The communal movement.

80. The War and the political ferment consequent thereon in British India, the agitation for Home Rule, the Montagu announcement and the reforms which followed, had some mild repercussions in Mysore. But the principal happening outside, which influenced Mysore, was the formation of the non-Brahmin party in Madras, in 1917. The agitation caught on rapidly in Mysore and took the shape of a demand for adequate representation in the public services of communities which were not sufficiently represented. In 1918, a non-Brahmin deputation waited on His Highness the Maharaja in this behalf. While assuring them of his sympathy, His Highness advised the deputationists that they should be careful not to do anything which would tend to mar the unity and harmonious relations which had hitherto existed among the different classes of people in the State, and which were an essential condition of all real progress. Soon after, a Committee was appointed with Sir Leslie Miller, Chief Judge of Mysore, as Chairman, to consider the problem. Their report was submitted to the Government in August, 1919. The Government after anxious deliberation passed orders thereon in May, 1921. It may be said that this order has had very extensive reactions. It was the principal subject of discussion in the next session of the Representative Assembly. It is of interest to note that a resolution recommending the grant of responsible government in Mysore was also brought up in the same session. But the discussion thereon bore no proportion, either in interest or volume, to that centring on the Government Order on the Miller Committee report. This gives an indication as to the relative emphasis of interest at the time. Even subsequently, the question of equitable communal representation in the public services and in educational and other institutions has been the main topic of interest, dominating resolutions and interpellations in the Assembly as well as in the Council.

The Visvesvaraya Committee's findings.

81. We get a glimpse of the political situation as it was a few years later, *i.e.*, in 1927-28, from the report

of the Visvesvaraya Committee appointed to enquire into the Bangalore disturbances. In their opinion the deeper causes behind the disturbances could be grouped under three heads: communal differences, unemployment and political discontent, practically in the order of their relative importance. With regard to the political discontent, they held that it was, in some sort, a reflex of events in British India, and that the remedy for it was the gradual introduction of some form of responsible government, subject to the possibility of bringing into existence a two-party system not based on communal divisions. They insisted, however, that there should be "no rash break with traditions."<sup>(1)</sup>

82. The course of subsequent events has not fulfilled the expectations of the Visvesvaraya Committee that two political parties, e.g., Conservatives and Progressives, might come into being, "so formed as to represent between them as much of the property, experience and culture as is available in the State as a whole."<sup>(1)</sup> An association called the *Praja Mitra Mandali* came to be constituted about the year 1917; and a second party known as *Praja Paksha* (People's Party), aiming at the attainment of responsible government among other objectives, was formed about the year 1930. About the year 1935, both these parties were merged into the People's Federation. Side by side was functioning a small Mysore Congress group whose activities, however, were confined in the main to what is known as the "constructive programme" of the Indian National Congress. Some members of the People's Federation even opposed Congress candidates in the last elections to the Representative Assembly and the Legislative Council held in March, 1937, and defeated them at the polls. The coming into power of the Congress Ministries in many British Indian Provinces in July, 1937, however, seems to have changed the attitude of the leaders of the People's Federation towards the Congress party, and this resulted in the emergence of a new party under the name of the Mysore Congress, owing allegiance to, if not working as a branch of, the Indian National Congress. A considerable amount of agitation and organised propaganda was started and carried on in its

Later  
develop-  
ments.

---

(1) Report of the Bangalore Disturbances Enquiry Committee (1928), Para 138.

name and with external aid. It was accompanied in some cases by defiance of constituted authority, and the Government took action against some persons whose speeches were deemed to be seditious. The very first act of the new party after its formation was to stage a walk-out in the Representative Assembly in October, 1937, as a protest against what they considered the repressive policy of the Government. In that session of the Assembly the Dewan, Sir Mirza Ismail, made a special appeal to the members for harmony and co-operation. Events, however, rapidly took a turn for the worse, and in the month of October, 1937, there were disturbances of the public peace in the city of Bangalore. In some other parts of the State also, the magistracy had to issue prohibitory orders as a precaution against apprehended breaches of the peace. In consequence of this, some Congress members of the Legislative Council resigned their seats in the Council just prior to the January session in 1938. This session was an important one. Three resolutions bearing on the Constitution were brought up and discussed at great length. Two related to the necessity for the appointment of a committee to consider the question of further reforms in the State. One of these was withdrawn by the mover after discussion and the other was accepted by the Government. Similarly, a resolution for the appointment of a committee to examine the implications of the proposed Federation was also accepted by the Government. The Dewan repeated these assurances in public in February, and action was taken by the Government early to implement these resolutions. The fact that these resolutions were pressed in the Legislative Council though most of Congress members were absent, and the Government's readiness in accepting them are worthy of note. Soon afterwards, the Government ordered the release of all political prisoners and directed the withdrawal of the prosecutions connected with the political disturbances.

Haripura  
resolution  
and after.

83. The Haripura resolution of the Indian National Congress in February, 1938, re-defining its policy towards the Indian States, as one of non-interference in the political field, led to a change in the constitution of the Mysore Congress party. It severed its direct connection with the Indian National Congress, and started functioning as an ostensibly independent organisation, although every member of the Mysore Congress has still to enroll himself in the

first instance as a member of the Indian National Congress. At the first Mysore Congress convention held at Sivapura, the agitation took the form of flag-satyagraha, and this led to the arrest and conviction of several persons. The agitation assumed an intensified form and culminated in April, 1938, in the disturbances at Viduraswatha, where the authorities had to order the opening of fire, as a result of which several lives were lost. A Committee was appointed by the Government with Sir Vepa Ramesam, retired Judge of the High Court of Madras, as Chairman, to enquire into the circumstances relating to the disturbances. Soon after the appointment of the Committee, on the assurance of co-operation from the Mysore Congress party, the Government passed their Order, dated 17th May, 1938, referred to already.

84. The report of the Ramesam Committee, coming as it does, exactly ten years after the Visvesvaraya Committee, is an authoritative document throwing much light on the current political situation. We have followed it, to some extent, in our account of recent politics given in the preceding two paragraphs. Referring to the policy of the Government, Dr. F. X. DeSouza, one of the members of that Committee and now one of our colleagues, has observed therein, in his separate note: "I am unable to say that the prohibitory orders complained of were in excess of the requirements of public safety. On the contrary, the policy of the Government of Mysore towards the Congress movement has been one of marked conciliation. At the height of the agitation, the Government on more than one occasion held out the olive branch of peace. They proclaimed an amnesty to convicted persons. They announced that they would appoint a Committee on Constitutional Reform empowered to consider a scheme of responsible government. The answer to these advances was intensified agitation, culminating in the Viduraswatha disturbances."<sup>(1)</sup> Regarding the disturbances themselves, the unanimous opinion of the Committee was that "the vicious propaganda of calumny and hatred carried on by the Congress speakers, inflamed the minds of the unsophisticated villagers and led to frequent clashes between the authorities and the Congress leaders, and

Ramesam  
Commit-  
tee's  
report.

---

(1) Report of the Viduraswatha Disturbances Enquiry Committee, page 107.



that the cumulative effect of all this was to bring about a tense situation in the country, which ultimately burst forth in mob violence at Viduraswatha.”<sup>(1)</sup>

Retrospect  
and pros-  
pect.

85. It is not an unfair inference from the unanimous opinion of the Viduraswatha Committee, quoted at the end of the last paragraph, that in the activities of the Congress party in this State in the past two years, considerations of “truth” in propaganda and “non-violence” in action have not always been honoured in their observance. The movement in Mysore, we are constrained to observe, has not belied the tendency of such movements “to attract within their orbit people of very varied aims and methods” as the Indian Statutory Commission have put it, and to make enthusiasts for various reforms to join hands “with every discontented element, and attribute all the evils which they attack to the absence of self-government.” The development of the nationalist movement in British India was a sequel to its own past history. Whatever may have been the justification for the technique adopted by it, and directed against foreign domination, it is certainly out of place when copied in a State with the traditions of Mysore.

From the preceding paragraphs it will be seen that the pace of political progress in Mysore has been slow but steady. Political aspirations in the earlier stages related mainly to the demand that all communities should have adequate representation in the services of the State; and not unnaturally the communities that had till then been inadequately represented, supported the constituted authority. Following the Reforms of 1924, the political consciousness of the country expressed itself almost wholly in this way. Though the communal issue is now deprecated by the Congress party in its propaganda, we are far from being able to agree with the statement of one witness who appeared before this Committee, and said that communalism in the State is dead. Those who press for the grant of immediate and full responsible government believe that such a form of government, once established, would speedily solve the communal problem. In our opinion, it is at least equally possible that the form of full responsible government might be used as an

---

(1) *Ibid*, page 73.

instrument of unrelieved majority rule, which would differ little from the rule of the majority communities.

86. What we have observed so far, has relation mainly to the leaders of the people. We now come to the capacity of the people themselves and of the electorate. We believe that it is a generally accepted principle—even a platitude—that the degree of responsibility which could be entrusted to the people, ought to have some relation to their fitness and competence. We should therefore like to refer briefly to considerations of literacy and general education as affecting political advance. A few facts regarding the progress of education in Mysore may be of interest here.

Fitness of electorate : progress of education.

In 1881, the total number of schools in the State was only 866, and the expenditure thereon Rs. 3·15 lakhs. A forward educational policy was adopted at the very outset and rapid progress was made, special encouragement being given to the education of women. In 1902, the expenditure on education had risen to Rs. 11·4 lakhs.

Elementary education was made free in all Government schools in 1907, and all fees were abolished in Middle Schools in 1918-19. In 1913, an Act for introducing compulsory primary education was passed into law, and action was taken to give effect to it in 15 selected centres to start with. The Grant-in-aid Code was also revised, offering a Government contribution of half the cost of each school, so as to serve as an incentive to the opening of more elementary schools in villages. The scheme met with a good response. The scale of pay of all village school masters was also revised at a cost of nearly half a lakh of rupees annually. In 1921, the Government approved of an Educational Memorandum embodying a scheme for the rapid extension of primary education. Provision was also made for the levy of an education cess, under the Local Boards and Municipal Acts, so as to enable local bodies to contribute their quota towards the cost of primary education. The Elementary Education Act was passed in 1930 repealing the Act of 1913 referred to above and transferring the control of primary education to the local bodies styled "Local Education Authorities" in July, 1931. The problem of elementary education is

now being gone into by a special committee appointed for the purpose.

Secondary education has also advanced side by side. The number of High Schools which was only 3 in 1881 rose to 25 in 1923-24, and has risen to 42 in 1937-38. A large percentage of students belonging to the backward communities are receiving scholarships. Muslim students are charged half fees; and the students of the Depressed Classes, besides getting scholarships, receive free secondary education and other concessions.

The Mysore University was inaugurated in 1916. Starting with only two constituent Colleges, the University has now under its control five first-grade Colleges (including the professional Colleges), four Intermediate Colleges, a Medical School, and a School of Engineering. The expenditure on University education which was Rs. 6.84 lakhs in 1922-23 rose to over Rs. 14 lakhs in 1937-38.

The total number of students of all grades which was about 42,000 in 1881 has risen to 3,40,000 in 1937-38. The total expenditure on education, including the University, has increased from Rs. 51.31 lakhs in 1923-24 to Rs. 67.53 lakhs in 1937-38, out of which Rs. 23 lakhs was spent on primary schools, Rs. 15 lakhs on secondary schools, Rs. 9 lakhs on colleges and Rs. 4 lakhs on special schools, and the balance on other connected expenditure. About 80 per cent of the total expenditure on education in the State is being borne by the Government, and proportionately to the revenues, this is very much more than what is being spent for the same purpose in the neighbouring British Provinces. These figures speak for themselves and bear eloquent testimony to the incessant efforts put forth by the Government for the spread of education in the State.

In dealing with the question of the present standard of literacy among the people of the State, we are considerably handicapped owing to the absence of up-to-date and reliable statistics, as the figures of the last Census are eight years old. It may however be stated that the present percentage of literacy in Mysore according to the available data is comparatively small, being only about 10 per cent of the population above five years of age.

87. To what extent education and literacy serve as a test of a people's fitness for political advance is a question on which we cannot do better than quote the opinion of the Indian Statutory Commission:— "Education is not an indispensable requisite for an intelligent exercise of the vote. We have evidence, which we see no reason to doubt, of the shrewdness which so often resides in the illiterate peasantry of the rural areas. Many a raiyat, unable to read or write, is capable of knowing clearly, within the narrow range of his experience, what he wants and of making as intelligent a selection of a representative as some of his literate fellow-villagers. But we need hardly labour to establish the proposition that education does help in the formation of an electorate which will be potentially more capable of understanding issues submitted to its judgment and hence *prima facie* better equipped to exercise political power. We are justified, therefore, in regarding the extent of popular education as a not untrustworthy general guide to a people's fitness for the exercise of political privileges, and the prevalence of literacy is the commonest and the most easily ascertainable index to the stage reached in mass education. True, literacy alone affords no guarantee of the attainment of real political capacity, but the ability to read at least increases the probability that statements and discussions of political issues and political programme will reach the elector. It simplifies also the essential mechanics of the polling booth, for it means, or ought to mean, that the voter will be able to cast his vote in the proper ballot box without the aid of colour, or symbol, or of some more questionable guidance." (1)

Opinion of Indian Statutory Commission *re*: literacy.

88. Literacy is thus an aid whereby if a person is so inclined, he may increase his information on matters political. It cannot, however, supply the judgment required to arrive at a correct opinion. For this, he would be dependent wholly on the newspapers and propagandists, and if the information and views purveyed by these should be questionable, then the benefit derived from literacy would be of a doubtful nature. Neither would illiteracy have the stabilising value which it had in the olden days. Where the literacy of a few is combined with illiteracy among the masses in the body politic, as in Mysore, public opinion is being formed more on the spoken word than on verified

Level of political consciousness.

(1) Report of the Indian Statutory Commission, Vol. I, para 438.

fact. Rumour and hearsay, however improbable, gain rapid and wide-spread credence and have proved capable of rousing fierce passion and of undermining the general respect in which organised authority ought to be held. Considerable harm has already been done in this respect during the past year or so, and Viduraswatha will stand as a beacon of warning for a long time to come. It has no doubt, been urged that "History has repeatedly shown the unwisdom of judging the political consciousness of a people by the standard of its least instructed class." But we are emphatically of opinion that it would be no part of wisdom to ignore the fact that the present level of the political consciousness of the people at large would not justify the placing on them, all at once, of the burden of what is called full responsible government, the implications of which we shall examine in a later section.

## SECTION II.—Alternative Schemes for Reform.

Alternative schemes for reform.

89. We are now in a position to examine the principal alternative schemes for reform, placed before us in the memoranda which we have received and in which all shades of opinion are represented. At one end, we have advanced or extreme opinions advocating the immediate establishment of full responsible government, and at the other, conservative opinions which do not favour any change at all or stand for the irreducible minimum of change. In between lies a large body of moderate opinion favouring a cautious and gradual advance in the direction of responsible government. The first scheme to demand our scrutiny is that prepared by the Mysore Congress. (*Vide Appendix VII*).

The Congress scheme.

90. The Congress scheme is presented in the form of a bill consisting of separate clauses, and does not contain any reasons or explanations. In the preface, it is stated that the scheme "aims at the establishment of a system of constitutional, parliamentary and hereditary monarchy in Mysore or in other words, the establishment of responsible government under the ægis of His Highness the Maharaja." The scheme itself commences with the statement that "it is desirable that the people of Mysore should exercise the right of self-government under His Highness the Maharaja. The constitution for the exercise of such a

right shall be immediately established." It goes on to declare that "the people of Mysore have the right of governing themselves as a free, sovereign and independent State and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction and right which is not, or may not hereafter, be by them in legislature assembled expressly delegated to the sovereign authority in India." It then proceeds to enumerate the fundamental rights of citizenship.

The next part, in a series of 15 clauses, most of which commence with the words, "The Maharaja shall . . ." elaborately seeks to define the powers and privileges of the Maharaja and to regulate the succession to the throne, the institution of a regency in case of necessity, the religious faith of the Maharaja, his Civil List and even his residence.

The part dealing with the executive provides for a council of ministers collectively responsible to the legislature and responsible for all acts of the Government. It is stipulated that no exercise of the Royal power shall be valid, or capable of enforcement, unless countersigned by the competent minister.

The legislature is to consist of a single omniscient house consisting of 250 members. In respect of bills passed by the house and submitted to the Maharaja for assent, it is provided that if the Maharaja does not approve of a bill, he should return it for reconsideration with his objections, and if, after such reconsideration, two-thirds of the total members of the Assembly agree to pass the bill, it shall become law, and that if any bill is not returned by the Maharaja within 30 days after it has been presented to him, "it shall become law in like manner as if he had signed it in token of his assent." The remaining parts deal with the judiciary, the finances of the State, amendment of the constitution and federation.

91. It appears to us that the Congress scheme, in its entirety, is vitiated primarily by its failure to recognise the actual political status of Mysore and its Ruler, which ought to be one of the principal factors to be reckoned with in framing any scheme of reform. We would repeat here that the source of all power, jurisdiction and

Criticism  
of the  
Congress  
scheme.

authority in Mysore is the Ruler, and the sovereignty of the Ruler is itself strictly circumscribed by his responsibility to the Paramount Power. We shall have occasion to deal with this more fully at a later stage. As things stand, it is nothing short of a travesty of the facts and a strange reversal of the actual position, to declare that the people of Mysore have the right of governing themselves as a free, independent and sovereign State, or to say that the limitations imposed by the Paramount Power should be nothing but jurisdiction delegated by the Mysore Legislature to the sovereign authority in India!

The other objections to the scheme may be summed up as follows:—There would be too sudden a break with the past and the inevitableness of a stage of transition is not realised. The task of legislation, we are afraid, will be well-nigh impossible in a single house of legislature with as many as 250 members chosen by adult franchise. It has to be recognised that the existing two Houses have been performing highly useful functions and are bound up with the political life of the State, and the sudden dispensing with either of them would be a step fraught with serious consequences. So also would be the change at one bound from the present Executive Council to a fully responsible ministry to be formed by the leader of the majority party in the House, under a state of things where well recognised parties have not yet come into existence, and constitutional organisation on party lines is unknown, in short, where the country as a whole is not yet ripe for full responsible government. Finally, there would be no effective reserve of powers left with the Ruler, either to satisfy the Treaty obligations, to ensure safety and good government in the event of a breakdown of the constitution, or to safeguard the interests of the minorities against the possible excesses of majority rule. In the course of the general discussions in the Committee, some of the Congress members were at some pains to explain that under their scheme there would be no whittling away of the effective powers of the Sovereign. The fact, however, remains unanswerable that all these powers would be illusory. The Ruler's freedom of action in the choice of his ministry would be completely fettered. The so-called Royal prerogatives would be exercisable only at the bidding of the ministry, and the power of veto over legislation would not be exercisable at all. Constitutional reform in Mysore,

we hold, can proceed only by a devolution from the Ruler, and we are unable to contemplate any system under which the Ruler is to exercise only such functions as may be delegated to him by the legislature. To our mind, the Congress scheme instead of being a system of responsible government under the ægis of the Ruler, would on the other hand, be one under whose ægis the Ruler will be allowed a nominal and precarious existence.

92. Against such radical proposals, we may set the predominantly conservative viewpoint that responsible government is not only not suited to the present conditions in Mysore, but is even incompatible with the type of sovereignty in an Indian State. This view appears to represent the attitude of an influential section of the public, which can by no means be ignored. We have before us a brief and cogent memorandum purporting to be signed by a municipal councillor of Madhugiri and 1,035 other residents of Madhugiri town and the surrounding villages, which states:—"The present system of Government is quite satisfactory and best suited to the conditions of Mysore. We are happy under the benign rule of His Highness the Maharaja, and no material reforms are necessary. We do not need any drastic changes, such as responsible government, as we fear that they are likely to lead to disastrous consequences in the circumstances obtaining in Mysore."

The Conservative viewpoint.

93. A similar attitude has been taken up by a number of individuals, as also many of the associations representing the minority communities and the special interests. As examples we may mention the Central Mohammedan Association and the Mysore State Muslim League. The following brief extracts from their memoranda will give an idea as to their standpoint. The former states:—"Musalmans of Mysore have reasons to believe, nay, they are convinced beyond the shadow of doubt, that those who are agitating for responsible government are anything but nationalists. . . . Unless those who are now administering local bodies, such as Panchayets, Municipalities, District Boards, etc., give proof of their capacity for self-government and shed their communalism, there should be no further advance in the system of government and no new powers should be conferred on them. It is the unalterable conviction of the Association that

The Central Mohammedan Association and the Muslim League.



there is ample scope, under the existing constitution, based as it is on the triple principle of consultation, representation and responsivity, to work for the well-being and happiness of the people at large." The latter Association, *viz.*, the Mysore State Muslim League, is emphatically of opinion that "the grant of responsible government in the Mysore State by the tranference of sovereign power in favour of the people of Mysore, even to any small extent and in any respect whatsoever, would be disastrous to the interests of the country which has progressed in all directions remarkably well under the present Constitution and earned a high reputation all over the world for its efficient administration."

The  
Catholic  
and  
European  
Associa-  
tions.

94. The Catholic Association of Mysore have stated that the existing Constitution as a whole offers all reasonable scope for the people of the State to take part in its administration and to promote its development, and that they do not consider therefore that it would serve any useful purpose to enter into any purely theoretical discussions or to make any specific demands on merely hypothetical considerations. The European Association of Mysore too are not in favour of any changes being made in the Constitution.

Mysore  
Planters'  
Associa-  
tion.

95. An association representing an important interest, *viz.*, the Mysore Planters' Association, membership of which is open to Indians as well as Europeans, have stated:—"We look upon the present Constitution in Mysore as entirely satisfactory and needing no alteration. It is a happy blend of autocracy and democracy which it is hard to see can be improved. It is more efficient and effective than any complete democracy can hope to be; yet it is not tyrannous nor restrictive of personal liberty. In practice, which is actually all that matters, it works as a particularly good form of government. There is no reason why the example of other countries or parts of India should be followed, simply for the sake of following them, if Mysore has something better, as in our opinion it has . . . . You will have seen that we are not in favour of changes. It may perhaps be as well to give some indication of why the demand for responsible government does not appeal to us. The government of the State is far too serious and vital a matter to the lives and happiness of the people of the State, to be a subject of

experiment or drastic change. The present form of government works, and works well."

96. But we have to point out that however good and efficient the present constitution may be, it is obvious that we cannot stand still. One of the memoranda received by us, which may be taken as representative of the moderate school of thought, states. "Considering the political history of nations all over the world, the increase of knowledge, the quick spreading of thoughts, ideas and learning of one nation over the rest of the world owing to easy, cheap and fast communication and transport, the political advancement in our neighbouring British Indian Provinces, the constant and silent permeation of ideas of our neighbouring British Indians into ours and the political awakening of the masses in recent years, it is no longer possible or right to resist the aspirations of the people of Mysore for responsible government. Hence the constitutional advancement of Mysore must result in responsible government under the ægis of His Highness the Maharaja. But it is not possible to reach this goal of full responsible government immediately. Though the political consciousness of the people is roused, there is yet lack of general education and much less of political education among the masses. Nebulous and hazy notions and ideas require clarification and crystallisation. The ground for granting full responsible government must be prepared. Association of the people and their representatives in the government of the State is a necessary first step by which the people can gain experience and knowledge. It is, therefore, desirable that as a step towards the realisation of full responsible government some reforms be first introduced, and after studying the working of such reforms for a period of about five years, the advisability of introducing full responsible government may be considered."

The  
necessity  
for  
advance.

It cannot be denied that the political aspirations of the people have outgrown the existing constitution, and demand reasonable satisfaction. The constitution which was inaugurated in 1924 was not envisaged as a stationary system to last for all time, but was considered—in the gracious words of His Highness the Maharaja—as one "sufficiently flexible to expand with the expanding political consciousness of the people."

In 1924, His Highness was pleased to declare that "in making our plans for the future, we have got to take note of the tremendous changes inside and outside the State in the recent past." If that was so in 1924, the need for it is all the stronger to-day, after the lapse of fifteen years. The changes which have been effected in British India, the growing political consciousness of the people of Mysore and the experience gained in the working of the existing institutions justify a substantial measure of further advance, as the appointment of this Committee itself indicates.

In making the advance, however, we have to give due consideration to the political status of Mysore and the need for stability and good government. As pointed out by the Mysore Chamber of Commerce, we have to recognise "that the integrity and time-honoured position of the Ruling Sovereign shall be fully recognised in any scheme of reforms that might be proposed for eventual adoption," and "that there is need for distinguishing Mysore as an Indian State from other Indian States, for Mysore stands in a category by itself, both by reason of its ancient and recent history, its constitutional progress within the past half a century being admittedly commensurate with the educational and cultural progress of the people. Mysore has evolved a constitution in which the influence of public opinion, both on executive measures and on proposed legislation, has always been increasingly exercised, through well-recognised bodies chosen in well-recognised ways. It is needless to pursue this suggestion further here, except to remark that any proposed line of future development should have reference to this background and help to advance popular rights on a thoroughly realistic basis." Finally, we have also to see that the measure of advance is such as will enlist the largest volume of support of reasonable and enlightened public opinion in the country.

### SECTION III—Certain Basic Factors.

Sir Mirza  
Ismail's  
observa-  
tions.

97. The general considerations which have to be kept in view in formulating a suitable scheme of reform cannot be expressed better than in the words of Sir Mirza Ismail's Address to the Representative Assembly in

October, 1937, six months prior to the appointment of this Committee. In the course of an earnest and impassioned appeal for harmony and co-operation, he reminded his hearers: "It is practical experience coupled with a recognition of the factors peculiar to our State, and not theoretical abstractions, that should be our guide. Nothing is so difficult as the assessing of the values of political and social innovations, particularly in a country where the traditional organisation of life resembles a thousand year old structure, with foundations deep beyond fathoming and with walls and ceilings full of hallowed paintings and friezes, and the whole held together by the interplay of forces which it is impossible to estimate. In attempting to adapt such a structure to modern requirements, we cannot afford to forget that the disturbing of a single worn-out brick or a single sagging beam may perchance bring down the whole venerable edifice in a mass of debris. We have to proceed with caution if we wish to minimise social disturbance, and avoid its bitter aftermath of class feud and blind partisanship. The best way of proceeding is the way of mutual persuasion and friendly understanding, not the way of minatory challenges and precipitated conflicts. Our time has established its right to the title 'the epoch of unrest,'—not simply in this sphere of life or in that, not in this country or in that, but in every sphere and in every country under the sun. And the changes of our time tend to be sudden, radical and dangerous. It is natural that ardent spirits among us should be impatient to introduce into our body politic conditions and features devised by those seeking social improvement in other lands. But such well-meaning enthusiasm cannot by itself achieve progress with security. It must be accompanied by reasoned scrutiny. I am recalling these truisms not to suggest that we should keep our eyes closed to what is happening around us, or that there is nothing for us to learn from reforms adopted elsewhere, but simply to point out the supreme need of an independent and dispassionate examination of their working. Nor should I be understood to be pleading for a policy of indecision and procrastination under the guise of study and deliberation. The history of Mysore's development furnishes no ground for a charge of that kind. From 1881 down to our own day, the enlargement of our Constitution has never been a matter either of uncritical imitation or of wrested concession. It was neither sluggishly delayed nor impatiently hustled at

any stage. And so let us allow it to continue to evolve by its own vitality and in forms appropriate to its own character and environment."

Two  
dominant  
factors.

98. In addition to these important general considerations and those relating to the level of the political education and fitness of the people, which we have already dealt with at some length, we have to take into account two dominant factors: one external and the other internal. The former demands imperative recognition of the limitations imposed by the actual political status of Mysore in relation to the Paramount Power, the transgressing of which would lead to grave complications. The latter necessitates a careful examination of the constitutional position of the Sovereign in Mysore. We shall proceed to deal with these factors in order.

The  
Mysore  
Treaty.

99. We have first to consider in what way constitutional reform in Mysore will be affected by the relations of the Ruler with the Paramount Power, a matter of the utmost importance. In the Government of India Despatch, dated the 3rd March, 1880, to the Secretary of State for India, explaining the provisions of the Instrument of Transfer of 1881, it is stated: "The chief authority and the ultimate governmental responsibility in all cases rests actually as well as nominally with the Ruler." The responsibility for discharging the Treaty obligations is thus laid exclusively on the Ruler. Article 19 of the Treaty stipulates that "no material change in the system of administration now in force shall be made without the consent of the Governor-General in Council." It is well-known that the Reforms of 1923 were inaugurated only after the approval of the Paramount Power had been obtained. Again, under Article 21, wide powers of intervention are reserved to the Governor-General, not over any particular department or branch of the administration, but over the entire range of internal administration. He is empowered, even in matters not expressly provided for by the Treaty, to intervene in "cases of necessity" or "to take precautionary or remedial action as circumstances may, at any time, appear to render necessary, to provide adequately for the good government of the people of Mysore or for the security of British rights and interests within the State." It is further provided that if any question arises as to whether any of the conditions specified in the Treaty

has been satisfied or not, the decision of the Governor-General shall be final. The Governor-General himself is thus the judge of the occasions which call for the exercise of his powers of intervention, as well as of the form which such intervention should take. It is no doubt true that the Governor-General does not intervene in the ordinary day to day administration in a progressive State like Mysore. But such intervention has in the past been exercised on occasions, and it cannot be left out of account in dealing with the future.

100. The present day attitude of the Paramount Power towards the Indian States has been the subject of widespread interest and speculation recently, owing to pronouncements in Parliament and elsewhere, made from time to time by the authorities in England. In February 1938, Earl Winterton stated in Parliament that it was not the policy of the Paramount Power in ordinary circumstances to intervene in the internal administration of full-powered States. In particular, the Paramount Power would certainly not obstruct proposals for constitutional advance initiated by the Ruler. The consent of the Paramount Power had not been required before approval of such advance by the various Princes, nor had it been sought in such matters. The Paramount Power would in ordinary circumstances confine itself to tendering advice when consulted.

Attitude of the Paramount Power.

1. Earl Winterton's statement.

101. The next pronouncement was that made by Colonel Muirhead in Parliament on 16th December, 1938. It was to the following effect:—"The Paramount Power will not obstruct proposals for constitutional advance initiated by Rulers, but His Majesty's Government have no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the Rulers themselves to decide what form of government they should adopt in the diverse conditions of Indian States. With regard to the second part of the question, the obligations of the Paramount Power to the States extend to protecting Rulers against violence and disorder, and to advising and assisting Rulers in remedying such legitimate grievances of their subjects as may be found to exist."

2. Col. Muirhead's first statement.

102. In a speech at Liverpool in March, 1939, Lord Zetland, Secretary of State for India, further amplified

3. Lord Zetland's speech.

the view expressed in Earl Winterton's first statement and held that the time had come when the Paramount Power should intervene a little more effectively than it had in the past, not with a view to derogating from the sovereignty of the Princes, but for giving them advice with the object of raising the standard of their administration. He is reported to have said:—"Though we are under a promise to protect the Princes against aggression from without, it is only reasonable that we should see that the legitimate grievances of Their Highnesses' subjects should be carefully considered by them and where possible a remedy should be applied. That does not mean that we are justified in bringing pressure to bear on the Princes to bring about a radical change in the form of their government. I have always said that that is a matter for the Princes themselves. We should do what we can to raise the standard of administration and see that the subjects of Their Highnesses get a fair deal, but let us not forget to consider the views of the Princes or endeavour to impose a form of government which in many cases will be quite unsuited to the conditions that exist."

4. Col. Muirhead's second statement.

103. The latest pronouncement was made by Colonel Muirhead in Parliament in April, 1939, in reply to a question as to whether His Majesty's Government were satisfied that their policy in regard to constitutional changes initiated by the Rulers in Indian States adequately safeguarded the continued fulfilment by the Rulers of their obligations to the Paramount Power. Colonel Muirhead said:—"The policy indicated in my reply of December 16, is not to be taken as implying that the Paramount Power would recognise a Ruler as having endowed any constitutional body, which he may create, with a greater degree of authority than that which he himself is recognised as possessing. No State would be regarded as relieved of its obligations to the Paramount Power by the fact that the Ruler has divested himself of the control necessary to discharge them, and the Paramount Power would remain free to take such steps as might be required to ensure their fulfilment."

Interpretations of the statements.

104. Although Earl Winterton's statement was hailed in some quarters as constituting a radical change in the policy of the Paramount Power, it was observed by many critics that it did not represent the existing position

correctly. Sir Albion Banerji, a former Dewan of Mysore, pointed out in an article in the press that when the reforms introduced in Mysore in 1923 were under contemplation, the approval of the Government of India had to be obtained in conformity with the provisions of the Mysore Treaty. He was of opinion that a revision of the treaties would be involved if what had been said by Earl Winterton in Parliament was to be considered as tantamount to introducing in practice a new and important chapter in the history of the mutual relations between the Paramount Power and the Indian States.

The advocates for the immediate establishment of full responsible government deny that the responsibilities of the Ruler to the Paramount Power will at all be affected by the grant of responsible government. They say that responsible government must necessarily be good government, that peace and order will always be maintained in a State where the government has the backing of the people, and that responsible ministers will take due care to see that the Treaty obligations are satisfied. On the other hand, they urge that if a demand for responsible government with the backing of the people is not satisfied, the Ruler may be placed in the awkward position of having to seek the support of the Paramount Power as against his own subjects.

Another view, which, we understand, has the support of Dr. A. B. Keith, is that after all the issue reduces itself to the fact that the British Crown exercises certain rights over Mysore and that, if it decides to enforce them, the State must give effect to its instructions. But it is not necessary that the Ruler of the State should retain autocratic power for this purpose. All that is requisite is to declare as part of the constitutional law of the State the duty of obedience to instructions of the Paramount Power and to require the ministers and courts to give effect thereto. If they fail, then the Paramount Power may intervene and compel obedience. But it is probable that if the action impugned were that of a responsible ministry, the Crown would be much less inclined to intervene than if the Ruler alone were concerned.

Finally, there are those who maintain that the satisfactory discharge of the obligations to the Paramount



Power will be impossible under any system of popular government.

Our own  
view.

105. Our own view is that the difficulties in the way of full responsible government presented by the existence of Paramountcy cannot be ignored although there is no need to exaggerate them. Colonel Muirhead's latest statement leaves no room for any ambiguity. It is now obvious that no Ruler could divest himself of his Treaty obligations and ask the Paramount Power to deal with a popular government of his own creation, but not responsible to him in the first instance. If then the Ruler himself is to be responsible to the Paramount Power to any extent, he must necessarily retain effective powers for the purpose, and he must also have the means of enforcing them. A mere declaration in the constitution of the nature mentioned in the preceding paragraph will not serve any purpose, if the only thing left to the Ruler in the event of a break-down of the constitutional machinery, is to appeal to the Paramount Power to intervene and set things right. He would be clearly failing in his duty if he created a situation which he would be unable to deal with effectively himself. Such contingencies have to be normally provided for without invoking the aid of the *deus ex machina*. Neither would it do for the Ruler to repose in the hope that the inclination of the Paramount Power to interfere in the affairs of an Indian State would be less, if the actions impugned were those of a responsible ministry.

The other argument equating responsible government necessarily with good government begs the question and takes too much for granted. We have already envisaged the possibility that in a country not fully ripe for the grant of complete responsibility, the form of responsible government may create complications which could be obviated by a more cautious advance. Besides, the question as to the degree of support which the demand for responsible government has from an understanding public, is always one of fact. We have already given our opinion on this point. Finally, it may be added that the existence of political aspirations is not always a sufficient guide to the solution of the constitutional problem.

Sove-  
reignty in  
Mysore :  
the Seal  
theory.

106. We have now to consider the status of the Sovereign in Mysore. His unique position as the symbol

of the basic unity of the Ruler and ruled in Mysore has been elaborated in the Seal report. We read there: (1) "The Head of the State in Mysore is the supreme Executive Head as well as the source and sanction of law. In other words, Mysore is a unitary State.... This is the basic fact of the constitution in its internal aspect." This position is then contrasted with that obtaining in countries where the dualistic conception of a limited monarchy prevails, or in other words, where "the sovereignty is divided between the Head of the State and the people, regarded as two originally separate elements." The report goes on to say that "In Mysore the problem is the opposite. We are to preserve the original unity intact—that sovereignty which is the symbol of *Dharma* or Law."

107. We hold that the stand taken by the Seal Committee is fundamentally sound and requires reiteration at the present moment. That theory was not, as objected by some critics, an obsolete doctrine resuscitated, so much as the description of a political actuality. In our opinion, the theory lends support neither to mediaeval ideas of the divine right of personal autocracy nor to recent notions of dictatorship. On the other hand, it is merely a restatement in modern language of the traditions of *Dharma* which have appealed to the best minds in this country from time immemorial, and which have in fact a timeless appeal. We should like to observe in this connection that, although the term *Dharma* is of Hindu origin, the concept itself is of universal validity, transcending the bounds of nationality as well as of religion. It is not only not opposed to democratic ideals in any way, but is thoroughly consistent with them. But whatever may be the theory of sovereignty and the result of its application to the Indian States, the one broad fact which cannot be ignored, as we have already stated, is that all power, jurisdiction and authority in Mysore, are as a matter of fact derived from the Maharaja and are exercised in his name; and a scheme of constitutional reform could, therefore, only be introduced by means of a devolution of powers from the Maharaja.

Its validity.

108. In practice, democracy is indistinguishable from majority rule, the implications of which demand a little

Majority rule.

---

(1) Report of the Seal Committee, Paras 5 to 7.

further scrutiny. In paragraph 126 of the Seal report bearing the title "Majority Rule—an abiding fact" it is stated: "The rule of the majority has come to stay. Whether an oligarchy, an aristocracy, or any other form of minority rule might not be better, is no longer the question." To this list, we ourselves would add autocracy and bureaucracy. The passage continues: "Legislation (and administration) must be governed by the collective will, which, if ascertained on the democratic principle, will be the will of the majority." That is the position, in a nut-shell, which has got to be recognised and we have no hesitation in accepting it. But at the same time, we are fully conscious that "there is nothing especially sacrosanct about majority rule," and that "like all political institutions it is founded on average human nature," as a modern constitutional authority <sup>(1)</sup> has put it. In the long run, the majority will rule because it possesses power—mainly the power of numbers—and has on its side the inclination of the average person to follow the line of least resistance and accept the dictates of the majority on the assumption that wisdom lies in numbers. The obvious danger also lies in the tendency of the majority and its constituents to assume that its judgments are not merely expedient, but also right. When such a view gains ground, Might becomes equated with Right. Not much imagination is required to picture the consequences of such a situation. We will not dilate on it, but will content ourselves with quoting the opinion of another recent writer on politics:—"Without a majority, democratic government cannot function, and without a stable majority it cannot function well. At the same time, mere 'majority rule' would not satisfy the demand for political freedom. There is no more hopeless and crushing form of tyranny than the tyranny of a majority."<sup>(2)</sup>

The  
problem of  
minorities.

109. The one sure protection against the possible tyranny of numbers is, in our opinion, the tradition of the hereditary monarch ruling according to *Dharma*. In ancient times, the very *raison d'être* for the existence of the king was declared to be the protection of the weak

(1) Herman Finer: *Theory and Practice of Modern Government*, p. 142.

(2) R. Bassett: *The Essentials of Parliamentary Democracy*, p. 115.

against the strong. At the present day, such protection is required not so much as between man and man, but as between organised groups, one trying to dominate the other. The fact that in India groups are mainly ranged on communal lines makes the protection of minorities the one problem that democratically minded constitution-builders have to grapple with. Where groups are based on political opinion there is perhaps a chance of the balance of numbers being shifted, but as between communities there is no such hope. Even where political minorities are concerned, the safeguarding of their interests has been the question of questions. Thus it has been observed: "Government without safeguards for minorities has seemed to the Fathers of the American Constitution and to men like Mill, the negation of liberty; indeed, to all who have some spiritual or material good which they would zealously retain, pure majority rule has seemed a peril." In our Committee the memoranda received and the witnesses who have dealt with this topic, especially the representatives of the Muslim, Christian and other organisations, including the Depressed Classes (although by numbers they are not a minority), are unanimous that the safeguarding of their interests could only be done by the Sovereign, and that he must therefore retain real and effective powers in this behalf.

110. In particularly emphasising the importance of the status and powers of the Ruler, we have not been swayed by considerations relating to his personal rights and prerogatives, but we have tried to give expression to our deep-seated conviction that there is no better corrective for the fissiparous and disintegrating tendencies which are released in working democracies, than the stabilising influence of a wise Ruler, above all party differences, to whom all classes, communities and religions will look up with affection and confidence. The need for such correctives was pointed out by the Seal Committee sixteen years ago in the following words:—"The nineteenth century emphasis on democracy, rationalism, individual liberty, party government, and the infallible rule of the majority, has shifted, though they have not lost and can never lose their legitimate force, and constitutional checks and correctives to these have been applied, and are being applied to-day in most progressive countries, to preserve the balance and equipoise of the State.... It is not

Correctives  
necessary.

necessary that we should pass through the whole gamut of trial and error in our own political experiments." (1) There is ample testimony in this behalf from distinguished statesmen who have had personal knowledge of the working of democracy in British India, as well as of administration in progressive Indian States. We earnestly hope and believe that it may be the privilege of the Indian States to give practical demonstration of the proposition that the tradition of a Ruler ruling according to *Dharma*, will supply the much-needed corrective required for keeping the balance in democracies in India.

#### SECTION IV—Responsible Government.

Responsible  
Government.

111. We shall now examine the implications of "Responsible Government." No term has of late been repeated in public so incessantly, or with such varied import, as this one. The first objection taken by the Mysore Congress party to the wording of the terms of reference in the Government Order appointing the Committee, was that this phrase was not mentioned therein. It was of no avail pointing out that the terms of reference were wide enough to cover discussion of the topic of responsible government. In order to avoid needless misunderstanding, the Government finally agreed to state specifically that the terms of reference would cover this issue also. There is, however, a certain looseness about the use of this term in the press and on the platform, as well as in conversation. We have seen it applied indiscriminately to the form of government in vogue in Great Britain, to the restricted form of it introduced into the British Indian Provinces under the caption "Provincial Autonomy," and again to the measure of reforms recently introduced in Cochin and some other States. In the press, any liberalisation of the administration in an Indian State, even such as the provision of a larger elected element in a municipal council or other local body, has often appeared under bold headlines as "Responsible Government" in such and such a State. In the oral evidence given before us, some witnesses have told us that not many years ago, *e.g.*, about the time of the Seal Committee, the words "Responsible Government" were being frequently used in talk, but what they really meant at the time was that they

(1) Report of the Seal Committee, para 4.

hoped to get a non-official into the Executive Council of the State. In view, therefore, of all this laxity in use, as well as of the indubitable fact that modern political aspiration is related mostly to this phrase, we shall try to clarify its significance in its application to Mysore.

112. The "reign of law" which is being ushered in just now in some States, and which Gandhiji himself in his recent statement (June, 1939) deems the first and foremost objective of constitutional advance in the Indian States, had its commencement in Mysore over a century ago. We are proud that ever since the Rendition in 1881 we have had the blessing of a constitutional Monarchy, *i.e.*, the rule of a Monarch whose personal demands on the State's exchequer are strictly limited, whose administration of justice is on Modern lines and in the hands of men trained in law and jurisprudence, a Ruler whose one object has been the welfare of his subjects, and who never acts except through a well-recognised constitutional organisation. We have also seen from the review of the working of the existing representative institutions in Mysore for half a century and more that if responsible government meant only that the policy of the Government and the spending of public monies should be influenced to a large extent by the elected representatives of the people in the Assembly and the Council, then it could be claimed that Mysore has indeed got responsible government already. Thirty-four years ago, in a message to Mr. Gokhale at the Benares Session of the Congress, the Grand Old Man of India, Dadabhai Naoroji, held up Mysore as an example of self-government, which meant to him, as to Gokhale also, the government of the country in the interests of the people by Indian agency. What is wanting then, if we are to copy the British model, is an executive which will remain in office only so long as it has the support of the representatives of the electors in the legislature. Where such a system prevails, the elector is said to control the government because if his representatives in the legislature support ministers of whom he disapproves, he can at the next election change his representatives. The fundamental pre-requisites of such a system have been summarised in the Montagu-Chelmsford report as follows:—"The system presupposes in those who work it such a perception of, and loyalty to, the common interests, as enables the decision of the

Executive  
responsi-  
bility.

majority to be peaceably accepted. This means that majorities must practise toleration and minorities patience. There must in fact be not merely a certain capacity for business, but, what is much more important, a real perception of the public welfare as something apart from, and with superior claims to, the individual good. The basis of the whole system is a lively and effective sense of the sanctity of other people's rights.... These qualities are only developed by exercise, and they are greatly affected by education, occupation, and social organization; but ultimately they rest on the traditions and habits of thought of the people." (1)

The  
British  
model.

113. The form of responsible government towards which political aspirations in Mysore are directed to-day, is, in the words of the last Joint Parliamentary Committee's report (Para 13), "not an automatic device which can be manufactured to specification. It is not even a machine which will run on a motive power of its own. The student of Government who assumes that British constitutional theory can be applied at will in any country misses the fact that it could not be successfully applied even in Great Britain if it were not modified in a hundred ways by unwritten laws and tacit conventions. It is not unnatural that, in the words of the Statutory Commission, most of the constitutional schemes propounded by Indians should closely follow the British model, but the successful working of that model postulates the existence of certain conditions, which are as essential as they are difficult to define. As Lord Bryce has remarked, 'The English Constitution, which we admire as a masterpiece of delicate equipoises and complicated mechanism, would anywhere but in England be full of difficulties and dangers.... It works by a body of understanding which no writer can formulate and of habits which centuries have been needed to instil.'" The essential factors by the interaction of which Parliamentary Government as it is understood in Great Britain works, have been well analysed by the Joint Parliamentary Committee. They say:—"The principle of majority rule; the willingness of the minority for the time being to accept the decisions of the majority; the existence of great political parties divided by broad issues of policy, rather than by sectional interests; and finally, the

(1) Montagu-Chelmsford Report, Para 131.

existence of a mobile body of political opinion, owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the other, to keep the vessel on an even keel.”<sup>(1)</sup>

114. Of the four principal factors enumerated above, in the opinion of the Joint Parliamentary Committee, none could be deemed to exist in India. As they put it:—“There are no parties as we understand them, and there is no considerable body of opinion which can be described as mobile. In their place we are confronted with the age-old antagonism of Hindu and Muhammedan, representative not only of two religions but of two civilisations; with numerous self-contained and exclusive minorities, all a prey to anxiety for their future and profoundly suspicious of the majority and of one another; and with rigid divisions of caste, itself inconsistent with the democratic principle.”<sup>(2)</sup> The Government of India Act was therefore so framed as to take account of these limitations, as also to embody those conventions and safeguards implicit in the British model, but in abeyance in actual practice. The framers of the Act went even further and copied to some extent the principles underlying the American model. In the words of the Joint Parliamentary Committee, the safeguards were not intended to be mere paper declarations but represented “on the contrary (to quote a very imperfect but significant analogy) a retention of power as substantial, and as fully endorsed by the law, as that vested by the Constitution of the United States in the President as Commander-in-Chief of the Army—but more extensive both in respect of their scope and in respect of the circumstances in which they can be brought into play. On the other hand, they are not only not inconsistent with some form of responsible government, but in the present circumstances of India it is no paradox to say that they are the necessary complement of any form of it, without which it could have little or no hope of success.” We shall have occasion to go into this topic in greater detail when we explain our own proposals regarding the executive in Mysore.

British  
Indian  
model.

(1) Report of the Joint Parliamentary Committee on Indian Constitutional Reform, para 20.

(2) *Ibid*, para 21.



Provincial  
autonomy  
at work.

115. We have emphasised these features in order to bring out the intentions of the framers of the Act, especially in view of the readiness with which provincial autonomy is being identified in certain quarters with full responsible government. In actual practice too, the spirit of the constitution has inevitably undergone modification according to the outlook of those working it. We cannot avoid referring to the result of this great experiment, as political opinion in Mysore is influenced by its appreciation of the working of the polity in the Provinces. Our impressions are necessarily very tentative, and it is not without hesitation that we venture to offer them. We shall mention only one or two considerations. Our colleague, Dr. F. X. DeSouza, however, dissociates himself from these observations.

First, we observe that in the Provinces where the Hindus are in a majority, the minorities, *e.g.*, the Muslims, will remain in a minority so long as the present antagonisms, based on communal interests last, and till new issues arise which will create political alignments for which divisions on religious or communal lines will be irrelevant. Similarly, in Provinces where the Muslims are in a majority, the Government will remain predominantly Muslim in composition, and the Hindu minorities will feel that their interests may be jeopardised. So long as such suspicions remain, and so long as the minority and majority communities do not work on a common platform, there is at least a risk that the form of responsible government will be used merely to place in power representatives of the majority community.

Again, from the words of some of its leading representatives, it is seen that the Congress party in the "Congress Provinces" denies its party status and lays claim to represent the country as a whole, at present ignoring the existence or even the possibility of any Opposition. Whether from this beginning there will follow anything like the party system, which in history has been inseparable from responsible government, may be doubted. For example, what the English Parliamentary system would come to, if the conventions providing for the co-operation of the Opposition ceased to function, has been depicted in the following words by a constitutional

authority: Dr. Ivor Jennings—"Government would be possible without the co-operation of the Opposition. The Government majority would march through the lobbies, voting for the Government, with monotonous regularity. The Government would get its legislation and its financial resources; the Parliamentary sessions would be shorter and ministers would be in the unusual position of having plenty of time for controlling their departments. It would, no doubt, be the end of Parliament as a living institution, just as the absence of debate has made the Privy Council into a formal instrument of no importance. Nevertheless it would be possible, and only the conventions provide for the continuance of the present system." (1)

116. It is very difficult in the circumstances, to be sure whether "Responsible Government" in British India will develop on anything like the lines of the original model. Although the British system has been widely copied by other countries, it has really been successful only where, as in England, there have been two great political parties, agreed on fundamentals but differing in their methods of approach. The success has been qualified, where there have been numerous small parties and the Governments are dependent on the coalition of ever shifting groups. In such countries the spirit of democratic liberty has been preserved, although governmental stability has been lacking. It has, however, invariably failed wherever a single great party has come into power beyond the possibility of displacement, as the example of Italy and some other continental countries demonstrates. The danger is all the greater in India owing to the prevalent illiteracy and peculiar social conditions. The same is true of Mysore, and the only lesson we can at present draw from the experience of the working of provincial autonomy in India is that it would be futile to copy the British model of responsible government in its entirety, when the conditions are not propitious. Any premature adoption of it will in all likelihood lead to the rule of a single dominant party, which—whether organised on communal or any other considerations—is scarcely conducive to the proper working of the Parliamentary system on really democratic lines. It would therefore be wise counsel for Mysore to "hasten slowly" on her own path of constitutional development.

Result.

---

(1) W. Ivor Jennings; *The Law and the Constitution*, Pages 90-91.

## SECTION V—The Goal of Constitutional Reform.

The basis  
of our  
scheme.

117. The principle which has inspired all constitutional developments in Mysore was first indicated in the Government Order of the 25th August, 1881, calling into being the Mysore Representative Assembly, viz., that it should serve to convince the people that the interests of the Government are identical with those of the people. In the successive schemes of reform that have been adopted in the State from time to time during the last fifty-eight years, this purpose of enabling the citizens to realise the fundamental oneness between themselves and the State, by allowing them to participate in the shaping of the policies and measures of the Government, has found progressive fulfilment. We believe that the natural consummation of this policy of providing means for the embodiment of the popular will in the acts and policies of the Government and for giving a material shape to the identity between the citizens and the State, will lie ultimately in the establishment of a form of responsible government, which will satisfy the conditions which we have tried to explain in a preceding section. Such a consummation, however, in order to be durable and productive of the best, must come about as the result of evolution in an increasingly favourable environment. We have already dealt with those factors in the present environment which would give rise to great harm, in the event of a too sudden introduction of the system of full responsible government. We have also sufficiently emphasised the fact that the position of the Ruler cannot be reduced to that of a mere figurehead. But we recognise at the same time that there is considerable force in the argument that one way of creating the conditions desired is to put the people under the salutary burden of actual responsibility in such a measure as will not involve risks that are irreparable, thus inducing them to train themselves in ways of effective democratic citizenship.

Declara-  
tion of  
goal in  
terms of  
respon-  
sible gov-  
ernment.

118. The question as to whether there should be any specific declaration of the goal of reform in terms of responsible government has received the anxious consideration of the Committee. Although the increasing association of the people with the Government in the administration of the State has all along been the declared policy of the Rulers of Mysore and although responsible government is nothing more than the *optimum* limit of such

association, it has been urged by some of our colleagues that a declaration in terms of responsible government will help to give the *quietus* to unnecessary and avoidable political agitation, and will set the people to work out their political salvation on a settled plan, while permitting the Ruler to put forth his best efforts to assist the people to attain the goal. Above all, it is said that a declaration is needed pre-eminently to-day, when people are so prone to be led into mistaken ways by unscrupulous propaganda, and that not only would there be no harm but there would be positive benefit in declaring a form of responsible government as the goal, since the recommendations of the Committee are in essence based on the idea of the development of popular responsibility.

On the other side, it has been urged by some other members that a declaration is of doubtful value constitutionally; that it is likely to create ambitions which cannot always be satisfied; and that it is likely to fetter the discretion of the Ruler for all time. It is argued that the much admired British constitution has grown up and adapted itself to the changing environment and was not built on any pre-conceived plan. It is stated that a declaration of the type contemplated could only be made under certain extraordinary circumstances. The declaration made by the Secretary of State for India in Parliament in 1917, which formed the Preamble to the Government of India Act of 1919, is held up as an example of a declaration which was made at a time of great stress, and it is pointed out that the course of subsequent events has compelled British statesmen to regret even the limited and circumscribed declaration then made. In short, it is said that every constitution should carry within itself the import of its own goal, and that it is useless and even harmful to make an explicit declaration.

119. The question was considered by us in three stages. The first was whether there should be any declaration of a goal at all. The Committee agreed by a majority (1) of twelve against five that a recommendation

Responsible government under the ægis of the Ruler.

(1) For: Messrs. (1) Mahomed Inam, (2) D. H. Chandrasekharaiya, (3) T. Ramachandra, (4) B. S. Puttaswamy, (5) S. C. Malliah, (6) Mahomed Hanief, (7) C. Hayavadana Rao, (8) R. Chennizaramiah, (9) D. V. Gundappa, (10) Bhupalam Chandrasekhara Setty, (11) P. Subbarama Chetty, and (12) Rev. W. E. Tomlinson.

Against: Messrs. (1) Mahomed Abbas Khan, (2) C. Narasimhaia, (3) M. C. Rangienar, (4) P. Mahadevayya, and (5) Sri K. D. Rukminiamma.

Neutral: (1) Mr. S. Hiriannaiya.

should be made to the Government that whatever developments or changes are made in the constitution of the State, should be directed towards the attainment of some definite aim or goal. The next point to engage our attention was whether such goal should be defined in terms of "Responsible Government" or of any alternative expression, such as "the fullest measure of association of the people in the administration." The majority of the Committee were of opinion that such words as "association" and "influence," which have been in vogue for many decades, have become stale, and the political consciousness of the country has outgrown their usefulness. They might perhaps have been appropriate at an earlier stage, in relation to what has been called "responsive administration" as distinguished from "irresponsive government." There would, however, be no point now in using such terms for defining a future aim or goal of constitutional reform in Mysore, which already possesses "responsive administration." Besides, the phrase "responsible government" conveys parliamentary traditions which are the admitted objective of current political aspiration. Nothing would therefore be gained in the circumstances by avoiding the use of that term and substituting for it an evasive paraphrase.

After a careful consideration of the *pros* and *cons* of this issue, a majority of twelve members of the Committee <sup>(2)</sup> as against a minority of five, are of opinion that the balance of advantage would lie in making such a declaration, provided we define clearly that "Responsible Government under the aegis of the Ruler" signifies to us a system in which the executive administration is carried on by a Cabinet of Ministers who are subject to a double responsibility: on the one side to the Legislature, on the other to the Ruler. The Ministry should have the support of the Legislature, for the measures they undertake, and they should also enjoy the confidence of the Ruler, with whom should rest their appointment, not merely in name but in actuality. This

---

(2) *For*: Messrs. (1) R. Chennigaramiah, (2) D. V. Gundappa, (3) Bhupalam Chandrasekhara Setty, (4) Mahomed Imam, (5) D. H. Chandrasekharaiya, (6) T. Ramachandra, (7) B. S. Puttaswamy, (8) S. C. Malliah, (9) Mahomed Hanief, (10) C. Haysavadana Rao, (11) P. Subbarama Chetty, and (12) Rev. W. E. Tomlinson.

*Against*: Messrs. (1) Mahomed Abbas Khan, (2) C. Narasimhaiya, (3) M. C. Rangengar, (4) P. Mahadevayya, and (5) Sri K. D. Rukniniamma.

*Neutral*: Messrs. (1) S. Hiriannaiya, and (2) N. S. Subba Rao.

will apply to the ordinary day to day administration. However, for the reasons which we have already considered at some length, a reserve of effective powers must always remain in the hands of the Ruler, to ensure good government, and in particular to protect especially, the legitimate interests of the minorities; and last but not least, to satisfy the obligations imposed under the Treaty with the Paramount Power. It is obvious that these powers should have a certain priority and importance as compared with the exigencies of the routine administration. In the absence of such provisions, the phrase "under the ægis of the Ruler", meaning under his authority and protection, will be devoid of reality or significance. We believe that "Responsible Government under the ægis of the Ruler" as defined above should be the objective towards which all constitutional progress is directed. Such progress will necessarily have to be by stages, the measure of each advance being dependent on the judgment of the Ruler.

120. Three alternative formulæ intended to enable the public to understand the full significance and scope of our proposals were considered by us. The first which was proposed by Mr. B. S. Puttaswamy, was as follows:—

Alternative  
formulæ.

"This Committee is of opinion that the goal of constitutional advance should be the progressive realisation of such a form of responsible government under the authority and protection of the Ruler as is suited to the conditions of the State and is compatible with the sovereignty, prerogatives and privileges of His Highness, his Treaty obligations and his responsibility for peace, tranquillity and good government of the State, and also for safeguarding the interests of all classes of His Highness's subjects including the minorities, the time and measure of each such advance being determined by the Ruler according to the circumstances and conditions then prevailing."

The second formula proposed by Mr. D. V. Gundappan thus:—

"That in the opinion of this Committee, the goal to be kept in view in all constitutional reforms should be the establishment of a system of responsible government under the authority and protection of the Sovereign, *i.e.*, a system in which the administration is carried on by a Cabinet of Ministers enjoying the support and confidence of His Highness and the Legislature, the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness's subjects including the minorities, as well as to satisfy the terms of the Treaty with the British Government

remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

The third formula proposed by Mr. C. Hayavadana Rao and Mr. Tomlinson was as follows:—

"It has been the policy of the Rulers of Mysore since 1881 to provide for the increasingly effective association of the people in the administration of the State; it may accordingly be declared that the objective aimed at by this policy, now advanced a stage by this scheme of reforms, is the attainment of responsible government under the authority and protection of His Highness the Maharaja, always consistent with the conditions obtaining in the State: the sovereignty and prerogatives of the Maharaja, his Treaty obligations with the Paramount Power, and his responsibility for the maintenance of the peace, tranquillity and good government of the State. In this system of Government under the authority and protection of the Sovereign the administration will be carried on by a Cabinet of Ministers enjoying the confidence and support of the Legislature. The measure of each advance, the stages by which it should be reached, and the time and manner of each advance shall be determined by the Ruler."

Our recom-  
mendation.

121. Mr. Gundappa's formula, having found the largest measure of support, \* may be taken to represent the view of the Committee. As finally revised, it was accepted by a majority of thirteen as against four, and reads thus:—

"The goal to be kept in view in all constitutional reforms in Mysore should be the establishment of a system of responsible government under the authority and protection of the Sovereign, *i.e.*, a system

---

\* I. Mr. B. S. Puttaswamy's proposition.—

*For*: Messrs. (1) Mahomed Imam, (2) D. H. Chandrasekharaiya, (3) T. Ramachandra, (4) B. S. Puttaswamy, (5) R. Chennigaramiah and (6) Mahomed Hanief.

*Against*: Messrs. (1) D. V. Gundappa, (2) D. H. Chandrasekhara Setty, (3) P. Subbarama Chetty, (4) Mahomed Abbas Khan, (5) C. Narasimhaiya, (6) P. Mahadevayya, (7) C. Hayavadana Rao, and (8) Rev W. E. Tomlinson. (Lost—6 *For* and 8 *Against*.)

II Mr. D. V. Gundappa's proposition.—

*For*: Messrs. (1) Mahomed Abbas Khan, (2) D. H. Chandrasekharaiya, (3) R. Chennigaramiah, (4) D. V. Gundappa, (5) B. Chandrasekhara Setty, (6) P. Subbarama Chetty, (7) Mahomed Imam, (8) C. Narasimhaiya and (9) Sri K. D. Rukminiamma.

*Against*: Messrs. (1) T. Ramachandra, (2) B. S. Puttaswamy, (3) Mahomed Hanief, (4) C. Hayavadana Rao, (5) P. Mahadevayya and (6) Rev. W. E. Tomlinson. (Carried—9 *For* and 6 *Against*.)

III. Mr. Tomlinson's proposition.—

*For*:—Messrs. (1) C. Hayavadana Rao, (2) Mahomed Hanief, (3) T. Ramachandra, (4) D. H. Chandrasekharaiya, (5) B. S. Puttaswamy and (6) Rev. W. E. Tomlinson.

*Against*: Messrs. (1) D. V. Gundappa, (2) B. Chandrasekhara Setty, (3) P. Subbarama Chetty, (4) Mahomed Abbas Khan, (5) C. Narasimhaiya, (6) P. Mahadevayya and (7) Sri K. D. Rukminiamma. (Lost—6 *For* and 7 *Against*.)

in which the administration is carried on by a Cabinet of Ministers appointed by His Highness the Maharaja and enjoying the confidence of His Highness and the support of the Legislature; the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness's subjects, including the minorities, as well as to satisfy the terms of the Treaty with the British Government, remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

Although this formula may be nothing more than a re-statement of well-recognised policy in Mysore, we consider that such a declaration will help to align and harmonise that policy with current political aspirations, that it will tend to educate public opinion on right lines and thus have a great normative value. We would therefore respectfully suggest that it may be incorporated in the Government Order or other document promulgating the reforms. One of us, Mr. N. S. Subba Rao, does not desire to associate himself with the above recommendation.

---

Final voting for Mr. Gundappa's formula.—

*For*: (1) Dr. F. X. De Souza, Messrs. (2) J. Mahomed Imam, (3) D. H. Chandrasekharaiya, (4) T. Ramachandra, (5) Rev. W. E. Tomlinson, (6) Mahomed Hanief, (7) C. Hayavadana Rao, (8) D. V. Gundappa, (9) R. Chennigaramiah, (10) Bhupalam Chandrasekhara Setty, (11) P. Subbarama Chetty, (12) C. Narasimhaiya, and (13) Sri K. D. Rukminiamma.

*Against*: Messrs. (1) M. C. Rangiengar, (2) P. Mahadevayya, (3) S. Hiriannaiya, and (4) Mahomed Abbas Khan.

*Neutral*: Mr. S. C. Malliah.

*Absent*: (1) Messrs. N. S. Subba Rao and (2) B. S. Puttaswamy.



## CHAPTER IV.

### Our Proposals.

#### SECTION I.—The Representative Assembly.

Continu-  
ance of the  
existing  
two  
Houses.

122. In framing a scheme of Constitutional Reform for Mysore, we are not faced with the problem of making suggestions for the creation of a constitution, for happily in Mysore, constitutional machinery already exists in the shape of the two popular institutions, the Representative Assembly, which is indigenous to Mysore, and the Legislative Council, whose growth has proceeded *pari passu* with the development of the internal economy of the State and the political advance of its people. Apart from its other functions, each in its particular sphere has been serving also as a forum for bringing the wants and grievances of the people to the notice of the Government and for getting them redressed as far as practicable. We propose that both of them should be continued under the new polity, with such enlarged powers and functions as we are suggesting in the recommendations that follow.

Proposal  
for a single  
house of  
legisla-  
ture.

123. In recommending the continuance of the two Houses, we are not unmindful of the proposal made by the Mysore State Congress and some others, for the establishment of a single house of legislature, comprising one representative for every 25,000 of the population, with a strength of about 260. This proposal has been considered by us in all its bearings, but with the exception of our colleague, Mr. Bhupalain Chandrasekhara Setty, we are unable to agree to the adoption of unicameralism, without suitable correctives. Apart from other considerations, the adoption of the scheme would necessitate the abolition of the one or the other of the two existing Houses. Such abolition, to judge from the views expressed in the memoranda received by us, seems to be opposed to a large volume of public opinion in the State. By far the large majority of these memoranda are decidedly in favour of the retention of both Houses.

As one well considered memorandum rightly puts it :  
“ For one thing, it (a single house) involves a definite

break with the historical continuity and traditions of the State and is further opposed to the sentiments of the people. The existence of the Assembly goes as far back as 1881, when representative institutions were hardly in existence elsewhere in India. Its powers and functions have been enlarged from time to time as the need arose for such enlargement. The Assembly has been functioning for well over half a century, and the Legislative Council for the past thirty years. The two Houses have come to be institutions cherished by the people, and both of them have served to establish a close and intimate nexus between the people and the administration. It would be quite untrue to say that they have served no purpose simply because their powers were ineffective, and that they had no influence whatsoever in shaping the policy of the State. The two Houses have really helped to bring about that close identity of the interests of the Ruler and the ruled which has been the main strength of Mysore in its evolution as a 'Model State.' The proposal for a unicameral legislature, which involves the extinction of one or other of the two Houses which have definitely come to be part of the political life of the people for over two generations, does not evince a truly constructive spirit which consists in adapting existing institutions to the changing conditions of the times and not in wiping out the old and writing upon a clean slate." We endorse these views and wish to add that a single house of legislature, with more or less the same strength as the present Assembly, would be too unwieldy for the purpose for which it is intended, while any attempt to make it more manageable in size by reducing its strength would entail the loss of the enlarged representation that the people have all along enjoyed, which, it is hardly necessary for us to add, we are loth to recommend.

124. The two Houses do not at present correspond to the two chambers of a bicameral legislature. The Representative Assembly, to quote from the report of the Seal Committee (Para 19) serves "however informally and rudimentarily, two important ends, *viz.*, the Initiative and the Referendum, which are such useful supplements and correctives to the machinery of formal constitutional representation," while the Legislative Council, as a body representing the collective wisdom and virtue of the people, "shapes and formulates legislative measures to

Bicameralism.

secure the well-being of the people by ways and means acceptable to the representatives of the people.”

It is suggested by Messrs. M. C. Rangiengar and P. Subbarama Chetty that the character of the Representative Assembly should be so changed as to make it a regular legislative body, like the Legislative Assemblies in British Indian Provinces, vested with full powers of legislation and control over finance. They propose in short that the Representative Assembly should exercise co-ordinate powers with the Legislative Council.

The rest of us, however, feel that it would be highly inadvisable to make so radical a change in the character and functions of the Representative Assembly as would make it occupy the position of a lower house, with the Legislative Council as an upper house in a bicameral system. The question of a double chamber for Mysore is not new. It was examined by the Seal Committee in 1923, and they gave it as their opinion that a bicameral system was quite unsuited to Mysore. The Committee observed (Para 14): “The population and size of a State, its historic tradition or its imperial or federal character may sometimes demand a double chamber. Such conditions are wanting in Mysore. On the other hand, a compact and not unwieldy population, and a comparatively simple socio-economic structure, without marked differences of economic level and without big land-holding or feudal interests, would naturally point to a single chamber. A double chamber here would be economically wasteful and politically unsound. It would breed friction and dissension without corresponding gain in deliberation, and is also likely to produce congestion and morbid hyper-excitation in the body politic”. Nothing has happened in the State since these words were written, so far as we are aware, to induce us to differ from these weighty observations.

We may further observe that if both Houses are to consist of a majority of non-official members elected on a territorial or population basis, the same party may capture both, as has happened in some of the British Indian Provinces. One will then be a replica of the other, and no useful object will be served by having two Houses. If, on the other hand, the upper house were to be differently constituted, being made representative mainly of faculties

or special interests and of conservative elements, that it might serve as a sort of check on the other house, it would give rise to undesirable differences and friction between the two houses, and the result would be deadlocks, which could be solved only by the intervention of the Sovereign. Besides, there are no such special interests or faculties in the State as would necessitate the formation of a separate house for their representation.

125. The Assembly, as at present constituted, seeks to combine the forms of representation with the substance (and ends) of a referendum and initiative. It has been in existence for over half a century, and as our colleague, Mr. D. V. Gundappa, has forcibly put it: "It is a matter of almost superstitious sentiment that nothing should be done to take away its prestige or its importance." It corresponds to the oriental aspect of government, while the Legislative Council represents its occidental aspect. We are of opinion not merely that its present character and importance should not be altered or diminished, but also that its powers and functions should be enlarged in the manner we suggest. We believe that by its retention, in addition to its other functions, it would also serve as a political training ground for legislators. The necessity for such training has been pressed upon us, *e.g.*, by the representatives of the Depressed Classes, for whom we have proposed very much enlarged representation, and whose extremely backward conditions demand some medium through which they could exercise representative functions of a modified type, without having to bear the burdens attaching to the membership of a full-fledged house of legislature.

Character  
of the  
Representative  
Assembly.

126. As we have seen, the Assembly shares in the work of legislation to some extent, even under the existing constitution. All legislative measures proposed by the Government are referred to the Assembly for the ascertaining of its opinion, although such opinion is not binding on the Government. Under the reformed constitution of 1923, the Assembly had, till recently, the right to be consulted on the general principles of all bills before their introduction in the Legislative Council, except in cases of urgency. The change brought about by the Representative Assembly (Amendment) Act of 1936, however, empowers the Government to introduce a

Representative  
Assembly  
and legisla-  
tion :  
Govern-  
ment bills :  
prior  
consulta-  
tion to be  
obligatory.

bill in the Legislative Council in the first instance and then refer it to the Assembly for an expression of its opinion before finally passing such bill into law. This change of procedure was no doubt made on the recommendation of a committee consisting of officials and non-officials. All the same, it is felt to have considerably diluted the right of previous consultation which the Assembly originally possessed, and thus deprived it of the primacy which it enjoyed in regard to legislation. It is also felt that it is quite possible for the Government under the existing Constitution to disregard the opinion of the Assembly and proceed with the bills in the Legislative Council and get them enacted into law, as happened recently, *e.g.*, in the case of the Power Alcohol bill, the Caste Disabilities Removal bill and two other bills. These two factors have combined to create an impression that the powers of the Assembly have become more or less illusory and that the prestige of the House has been lowered. We desire that every attempt should be made to remove such an impression by providing that the Assembly should invariably be consulted on all legislative measures in the first instance, and by vesting it with larger powers towards the shaping of all such measures. We therefore recommend unanimously that when it is proposed to introduce any bill into the Legislative Council, instead of placing only the general principles of the bill before the Representative Assembly as enjoined by law at present, a copy of the bill together with a statement of the general principles underlying the bill should first be placed by the Government before the Assembly and its opinion ascertained.

Mode of  
consulta-  
tion.

127. We are, however, divided on the point whether, when a bill thus comes up before it, the Assembly should have the power of considering only the principles underlying the bill or any of its provisions as at present, or whether its powers should be extended to the consideration of the bill itself in detail, clause by clause.

A majority of eight of us consisting of Messrs. Bhupalam Chandrasekhara Setty, T. Ramachandra, P. Subbarama Chetty, Mahomed Abbas Khan, D. V. Gundappa, Mahomed Hanief, R. Chennigaramiah and S. C. Malliah are of the opinion that the Assembly should be empowered to express its opinion not only on the main

principles of a bill but also on any of the provisions of the bill, and that amendments may be allowed to be proposed by any member to any clause of the bill and not merely in regard to general principles. We feel that the distinction sought to be drawn between the principles of a bill and matters of detail, is an artificial one, inasmuch as the principles of a bill are generally embedded in its clauses, and it is very difficult in actual practice to maintain any rigid distinction, as could be seen from the present practice of allowing the members of the Assembly sometimes to traverse the entire provisions of bills, although they are entitled, as a matter of right, to consider only the general principles of bills. We consider that this difficulty should be recognised and provision made for avoiding its occurrence by empowering the Assembly to consider all the provisions of a bill in detail. This would, in our opinion, also regularise the existing practice.

A minority of seven consisting of the Chairman, Messrs. B. S. Puttaswamy, P. Mahadevayya, N. S. Subba Rao, S. Hiriannaiya, C. Hayavadana Rao and Mahomed Imam, however, think that the Assembly would be handicapped in the exercise of such powers by its size and composition, and that if such powers were conferred on the Assembly it might start functioning as a select committee on the bill. They are further of opinion that it would be impossible in practice for the Assembly, unless it sits for an indefinite period, to deal with the large number of amendments which might be expected to be brought up in respect of each bill, particularly by members who wish to adopt obstructive tactics to prevent the smooth conduct of business in the House. They, therefore, consider that the Assembly should be entitled to express its opinion only on the general principles underlying a bill or any of its provisions, and propose amendments thereto.

However, we are unanimously agreed that at least seven days previous notice should be given of any amendment which may be proposed by a member, if he wants the House to divide and vote in respect of his amendment.

128. Whichever of the above mentioned recommendations may ultimately find acceptance, we are unanimously of opinion that the decisions of the Assembly in

Effect of  
Assembly's  
opinion.

respect of legislation should not be lightly dealt with by the Government, but that its opinion, especially when supported by a large majority, should carry due weight with them. We accordingly suggest that when the principles of a bill or any of its provisions are opposed or amended by a majority of members forming not less than two-thirds of the total strength of the House, the verdict of the Assembly should be accepted by the Government. It should however be open to the Government to introduce the bill into the Legislative Council, with such modifications as may be deemed desirable by them in the light of the opinions expressed by the Assembly, in exceptional cases, if they consider it necessary to do so in the public interest or for ensuring safety and good government. But we deem it essential, in such cases, that a statement giving reason for their decision should be issued by the Government and a copy of it forwarded to the members of the Representative Assembly as well as the Legislative Council.

Alternative proposals.

129. Our colleague, Mr. D. V. Gundappa, proposes that a bill, if disapproved as a whole by three-fourths of the total strength of the Representative Assembly, should not be introduced in the Legislative Council at all; that if the Assembly passes amendments to any of the clauses of the bill, such of the amendments as are supported by a majority of not less than two-thirds of the number of members present, should be incorporated in the bill before it is introduced in the Legislative Council; and that in the case of amendments by a smaller majority than two-thirds such of them as are not accepted by the Government (or the mover of the bill) should be reported to the Legislative Council when the bill is introduced there.

A somewhat similar proposal is made by Mr. T. Ramachandra to the effect that Government must invariably accept the decision of the Representative Assembly about any bill, if it is supported by a two-thirds majority of the House, and that no permanent measure of legislation should be placed on the statute book if it is opposed by a two-thirds majority of the Assembly.

Neither of these proposals is acceptable to the rest of us at this stage, as they are both inconsistent with the

general trend of our proposals. Under our scheme the Government will have no party of their own in the Assembly, and consequently they will not be in a position to influence the House either way in arriving at its decisions. If decisions for which the Government are not responsible are made binding on them, when supported by a prescribed majority, it is sure to embarrass the Government and make the administration of the State difficult. Where a well-developed party government prevails, the executive commands a party of its own in the legislature, which it could influence to obtain the decisions it wants; and when any adverse verdict is given the executive does not carry it out, but resigns, and the party in opposition which was responsible for the verdict assumes office. So long as it is not possible to adopt such a form of government, it is obviously essential that a measure of discretion should be vested in the Government. Ordinarily the Government, it may reasonably be assumed, will not proceed with a measure when it is unacceptable to a large majority of the representatives in the Assembly. But situations may well arise when the Government may be obliged to proceed with the bill, either "for ensuring safety and good government" or "in the public interest," notwithstanding the opinion of the Assembly. It is inadvisable to fetter the hands of the Government in such cases. The Government must be free to take the bill to the Legislative Council and test the Assembly's opinion there. There need be no apprehension that under this procedure legislation unacceptable to the people will find a place on the statute book. The Legislative Council, under our proposals, will comprise an effective majority of representatives elected by the people, and, if they agree with the verdict of the Assembly, the bill will inevitably be thrown out.

130. The next stage in the process of legislation, after the passage of a bill in the Representative Assembly, is its introduction in the Legislative Council, with or without the modifications suggested by the Representative Assembly. The bill will go through the usual three readings there, and the Council will be free to accept or reject the modifications made by the Assembly. When it is finally passed by the Council, it should not be necessary to place the bill again before the Representative Assembly for any further expression of its views on the changes made

Subsequent stages of legislation.



in it by the Council, but when the bill is submitted to His Highness for his assent, it should be accompanied by a statement of the opinions expressed by the Representative Assembly thereon.

Mr. Bhupalam Chandrasekhara Setty is, however, of opinion that after a bill is passed by the Legislative Council, whether in accordance with the views of the Representative Assembly or in modification thereof, it should again be placed before the Representative Assembly and the Assembly empowered to suggest any further alterations or amendments thereto which it may consider necessary. The rest of us are unable to agree to this view, as it might equally well be urged that the bill should again be referred to the Legislative Council for that body to consider the further opinion of the Assembly; and at this rate there would be no end to the process of legislation.

Private  
members'  
bills.

131. As regards private members' bills, the present position is that such bills can be initiated only by members of the Legislative Council and not by the members of the Representative Assembly. This distinction is obviously based on the view that the Legislative Council alone can strictly be regarded as a house of legislature, and that it is, therefore, only a member belonging to that House that can initiate legislation. In view, however, of the enlarged powers which we have suggested for the Representative Assembly, we think it expedient, both from the point of view of public interest as well as of constitutional harmony and propriety, that the disparity in this respect between the members of the two Houses should be done away with.

Previous  
sanction.

We suggest therefore that, as is the case now in the Legislative Council, it should be open to any member of the Representative Assembly also to bring in a private bill for the consideration of the Assembly. The previous sanction of the Dewan should however be made a condition precedent to the bringing in of such bills, with a view to avoiding the possibility of the legislative policy of the Government being nullified by private bills. Such previous sanction would also serve the purpose of a valuable safeguard for the minority communities by preventing the possibility of bills which are

likely to be harmful to their interests being proceeded with in the Assembly. It is presumed that such permission would be granted, unless in the Dewan's opinion the discussion of the bill is detrimental to public interest.

Any such bill, if thrown out by a majority of the members present and voting, should not be proceeded with any further. We do not think that it is necessary to prescribe a special majority, as we have done in the case of Government bills, for the rejection of such bills. The same procedure should be applicable also to any private bill proposed to be introduced by a member of the Legislative Council and placed before the Representative Assembly for an expression of its opinion.

132. Our general position with regard to legislation is that the Representative Assembly should be consulted on all legislative measures, and that no such measure should be permanently placed on the statute book without being in the first instance placed before the Assembly. The existing provision in Section 9 (2) of the Representative Assembly Act enables the Government to dispense with such consultation in cases of extreme urgency, when even the ordinary rules of business of the Legislative Council may be suspended and the bill passed into law at a single sitting of the Council. It is thus possible for the Government to bring on the statute book important measures of a permanent character with the aid of the Legislative Council alone, on the ground of urgency, without the Assembly having any voice in the matter. This rule conflicts with our main recommendation, and we therefore recommend its abrogation. Emergency  
legislation

We believe that emergent situations could be adequately met by an exercise of the power conferred by Section 12 of the Legislative Council Act of framing temporary regulations having the force of law for a period of six months. This power may be continued with a modification empowering the Government to extend the period of operation of any such emergent enactment by a further period of six months, if necessary, in view of the fact that there might not be any session of the Assembly before the expiry of six months from the date of promulgation of the emergency legislation, or the

period may not be sufficient to permit the passage of the measure through both the Houses.

Excluded  
subjects.

133. The scope of the Representative Assembly and the Legislative Council does not at present extend to matters relating to:—

- (a) the Ruling Family of Mysore ;
- (b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;
- (c) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;
- (d) the provisions of the Legislative Council Act ;
- (e) the provisions of the Mysore Representative Assembly Act ; or
- (f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

The normal effect of these exclusions is that all external relations are beyond the jurisdiction of the two Houses, while all internal matters, excepting those relating to the Royal Family and changes in the constitution of the Representative Assembly and the Legislative Council, fall within the purview of the two Houses. Our colleague, Mr. Bhupalam Chandrasekhara Setty, proposes that both the Houses should be competent to deal with these subjects as well ; or, in other words, that there should be no excluded subjects whatsoever. The rest of us are, however, of opinion that, under existing conditions, the exclusion of these items is a necessary consequence of the relationship of the Ruler with the Paramount Power and the status of Mysore as a State under British protection to which we have already referred at length in the previous Chapter. It is of prime importance to avoid the possibility of either of the two Houses interfering with the freedom of the Maharaja in the exercise of the rights and the discharge of the obligations arising from his relations with the Paramount Power, by allowing matters arising from such relations to be made the subject-matter of a discussion or otherwise in the two Houses. Nor again could the two Houses, which derive their authority from and are brought into existence by a Proclamation, be vested with constituent powers, that is

to say, powers to change their constitution, without prejudice to the ultimate responsibility of the Maharaja under the Treaty for the administration of the State. It is essential, therefore, that the above subjects should continue to be excluded from the scope of the two Houses.

134. The exclusion of changes in the constitution of the two Houses will be confined as at present to legislation only, and will not extend to discussions and resolutions on the subject. Neither of the two Houses will be competent to consider any legislative measure relating to changes in their constitution. Constitutional amendments will be effected as and when required, by enactments promulgated by the Maharaja in the exercise of his prerogative. But discussions and resolutions in the Legislative Council and in the Representative Assembly with regard to such changes are being allowed even now and may well continue to be allowed in future also, with the modification which we suggest below, as such discussions may serve in the words of the Seal Committee (para 40) as "a sort of informal initiative to the unitary sovereign authority centred in the Head."

Discussion regarding changes in the constitution of the two Houses.

The provisions of the Legislative Council are now treated as an excluded subject so far as the Assembly is concerned, with the result that no member of the Assembly can move any resolution relating to the constitution of the Legislative Council, while he is at liberty to bring in resolutions relating to the constitution of the Assembly. There is a similar prohibition in the case of the Legislative Council also preventing the members of the Council from moving resolutions regarding the constitution of the Assembly. This reciprocal exclusion, by which each House might suggest modifications of its own constitution but not that of the other House, is evidently based on the idea that each House is an independent and detached element of the constitution. In our opinion, the two Houses are organically connected and form integral parts of the constitution. Each House should therefore have the privilege of considering and making suggestions for the rectification of the deficiencies of the other, and of suggesting improvements also, if its own functions are to prove more effective and fruitful. We therefore recommend

that the existing restriction should be removed, and that each House should have the power of moving resolutions suggesting changes in the constitution of the other also. As a safeguard, however, against this power being abused and the country being often thrown into a political ferment, we suggest that the Dewan's previous sanction might be made a requisite for the moving of such resolutions.

Bills  
affecting  
religion,  
etc.

135. A good number of the memoranda received by us emphasise the need for providing some safeguard for the protection of the religion, religious rights or usages of minority communities. It is apprehended that, with the democratisation of the Constitution and the transfer of greater responsibility to the people, the religious rights and customs of minority communities might be interfered with by the majority communities by legislation. We think it but right that previous sanction should be made a condition precedent for the introduction in either of the two Houses of any measure affecting the religion, religious rights or usages of any class of His Highness's subjects.

A majority of nine of us <sup>(1)</sup> are of opinion that the sanction required should be that of His Highness, for in any form of government in Mysore the ultimate authority to whom everybody looks for protection in respect of religion, culture and language is not the Government of the day for the time being, but the permanent Head of the State, *viz.*, the Sovereign. Moreover, this would, in our opinion, give an added confidence to the minority communities, as the Maharaja is regarded by all classes of his subjects as the protector of all religious faiths.

A minority of seven <sup>(2)</sup> are of opinion that it is undesirable that the name of His Highness the Maharaja should be drawn within the range of controversy in such matters. They consider that the sanction of the Dewan ought to be quite sufficient for the purpose intended, as no Dewan, whatever his religious persuasion might be, when approached with a proposal which is likely to

(1) *Majority*: Messrs. (1) C. Narasimhaia, (2) J. Mahomed Imam, (3) N. S. Subba Rao, (4) S. Hiriannaia, (5) C. Hayavadana Rao, (6) M. C. Rangienagar, (7) Mahomed Hanief, (8) Mahomed Abbas Khan and (9) Sri K. D. Rukminiamma.

(2) *Minority*: Messrs. (1) S. C. Malliah, (2) B. S. Puttaswamy, (3) T. Ramachandra, (4) P. Subbarama Chetty, (5) P. Mahadevayya, (6) R. Chennigaramiah and (7) Rev. W. E. Tomlinson.

cause unrest in the minds of any religious community, would give or withhold sanction to it except with the previous knowledge and permission of the Ruler.

Mr. Mahomed Hanief is of opinion that the Legislative Council should not be competent at all, whether with or without the sanction of the Dewan or His Highness, to consider any measure relating to the religion or religious rights or beliefs of any community.

136. The Assembly, as the more popular of the two Houses, already possesses the right of being consulted on all proposals for the levy of new taxes or the enhancement of existing taxes. It is statutorily provided even now that no new tax shall be levied in Mysore nor any existing tax enhanced without such consultation. This, coupled with the enlarged powers which we have recommended for the Assembly in respect of legislation, would secure that House an effective voice in respect of the imposition of fresh burdens on the people.

Finance :  
taxation.

137. The estimated annual revenue and expenditure of the State is now laid before the Assembly in the form of a statement which it is empowered to discuss, with the exception of certain heads of expenditure excluded from its purview. Resolutions can further be moved by any member on the general principles and policy underlying the budget, but not with reference to particular grants or appropriations. It is an accepted constitutional principle that the people's representatives should have an opportunity of pressing their needs and grievances on the attention of the Government before supplies are granted. This is generally done by means of cut-motions, the object of which is not, as a matter of fact, to reduce the Government's spending power, but merely to urge in a specific manner the grievances of the people. Such a right has already been conferred on the Legislative Council and is being exercised by it. The large elected majority which we have suggested for that House would render the exercise of this right very effective by ensuring a decisive voice to the representatives of the people in the voting of supplies. The exercise of the same right by the Assembly concurrently with the Council is attended with practical difficulties, for as pointed out by the learned Chairman of the Scal Committee in para 75 of that Committee's report,

Budget.

the voting of "specific money grants being dealt with by two sets of people's representatives in two different Houses, perhaps in opposite ways, is one of peril as inviting collision, and imports a peculiar instability into the Constitution, in fact, a want of co-ordination between its two limbs which amounts to a sort of 'locomotor ataxy'!"

All things considered, we think it better to leave in the hands of the Legislative Council the power of considering the budget in detail and voting on it. At the same time, we are of opinion that in addition to the rights of discussing the budget in general and of moving resolutions on the principles and the policy underlying it, now possessed by the Assembly, some more financial responsibility should be vested in that House. We recommend that the Assembly's powers over the budget may be extended to the moving of resolutions on any of the major heads, but without reference to particular grants or appropriations included therein. This will enable the Assembly to raise specific issues relating to the expenditure of the several departments.

Excluded  
heads of  
expendi-  
ture.

138. The proposals of the Government for the appropriation of revenues or other monies for expenditure under the following heads are not now open to discussion either in the Representative Assembly or the Legislative Council, nor are they liable to be submitted to the vote of the Legislative Council:—

(1) Palace including the staff and household of His Highness the Maharaja.

(2) Military Forces of His Highness the Maharaja.

(3) The pensions of public servants.

(4) Expenditure relating to or affecting:—

(a) the relations of His Highness with the Paramount Power or with other States;

(b) Matters governed by Treaties or conventions or agreements now in force or hereafter to be made by His Highness with the Paramount Power.

(5) Interest on loans and charges on sinking funds guaranteed at the time of raising the loans.

(6) Expenditure of which the amount is specified by or under the law.

The list has been scrutinised by us with a view to finding out whether it would not be possible to bring any one or all of the heads within the purview of the Assembly as well as of the Legislative Council. The majority of the Committee think that the expenditure on the Military Forces of His Highness the Maharaja (excepting Palace Troops) may be allowed to be discussed both in the Assembly and Legislative Council, although no resolution or voting need be permitted thereon. The object in making this suggestion is to give an opportunity to the representatives of the people in both the Houses to press upon the Government their views with regard to the question of recruitment and training, without in any way affecting the efficiency and strength of the Forces. The minority including the Chairman, Messrs. P. Mahadevayya, C. Hayavadana Rao and M. C. Rangiengar are of opinion that the existing practice may continue. The other heads will continue to be excluded as at present.

Mr. Bhupalam Chandrasekhara Setty is not in favour of having any excluded heads at all, while Mr. D. H. Chandrasekharaiya is of opinion that only the first item, *viz.*, Palace, etc., need be excluded.

139. A suggestion was made by our colleague, Mr. Mahomed Abbas Khan, that it should be open to any member, in moving resolutions on the budget, to recommend an increase of expenditure under any head, provided he pointed out therein ways and means for meeting such increase. In support of this suggestion, Para 65 of the Seal Committee report, which runs as follows, was quoted: "If any such resolution is for an increase of expenditure under a certain item, ways and means for meeting the increased expenditure or increase in revenue or receipt should be pointed out by the mover of the resolution." We are unable to recommend the adoption of this suggestion, as it is opposed to one of the fundamental canons of public finance, that no proposal for the imposition of taxation, or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues can be made without the recommendation and except on the responsibility of the executive. This constitutional principle finds a place in practically every Constitution Act throughout the British Empire and is embodied in Sections 37 and 82 of the Government of

Proposals  
for  
enhance-  
ment of  
grants.



India Act, 1935. We do not see any reason for recommending the adoption of a different principle in Mysore.

Resolutions and their effect.

140. Resolutions of the Assembly on matters of public administration as well as on the budget have now the force of recommendations only. It has been urged in some of the memoranda and by a few witnesses that the executive should be bound to carry out the resolutions passed by the Assembly. We are of opinion that this method of attempting to control the executive by direct orders would gravely hamper the administration of the State and prejudice security and good government. We shall have occasion to deal with this in a fuller manner in connection with the nature of the executive. Our opinion, in brief, is that, in keeping with well recognised parliamentary practice, a resolution of a legislative body is entitled to respectful consideration by the Government, but the degree of weight to be attached to any resolution will be determined by the circumstances of each case.

Allotment of days for the discussion of resolutions.

141. We consider it unnecessary to fix a maximum number for the resolutions that may be moved or discussed in any session of the Assembly. Each member of the Assembly may be allowed to send up one resolution for each session, Dasara and Birthday. A prescribed number of days may be allotted for the discussion of resolutions. This may be fixed at five days for the Dasara Session and four days for the Birthday Session, (two days for resolutions on the budget and two for other resolutions), and of these one day may be set apart in each session for the discussion of resolutions sent up by members representing minorities and special interests. The order in which resolutions are to be taken up may be determined by the drawing of lots.

Abolition of the system of district meetings for the selection of resolutions, etc.

142. The method now in vogue for the selection of resolutions, interpellations and representations, which are to be sent up for discussion in the Assembly, is that the members of the Assembly in each district meet at the district headquarters under the presidency of the Deputy Commissioner and select by voting the subjects which are to come up before the Assembly. It is quite possible under this system for a party which is well organised so to manoeuvre matters as to see that only resolutions, representations and interpellations sent up by members

of that party are selected, and to reduce all chances of any subject sent up by members of other parties ever coming before the Assembly. The method has been criticised as working much to the prejudice of minority parties and its abolition suggested. There is much force in the criticism, and we have no hesitation in recommending the abolition of this system. In future the members may be allowed to send up their representations or resolutions or interpellations, as the case may be, direct to the Government. This would instil a higher sense of responsibility in the members on questions of public interest.

143. The right of asking for information regarding the actions of the Government is a valued privilege, the scope for which we should like to see enlarged in the case of the members of the Representative Assembly. Each member may be allowed to send up one question for each session. No maximum limit need be placed on the total number of interpellations to be sent up by all the members for any session, and supplementary questions may be allowed at the President's discretion.

Interpellations.

144. It has been suggested by Mr. D. V. Gundappa that the item of business now known as representations might be abolished, and that, in its place, points of common interest for the whole State might be allowed to be pressed in the Assembly in the form of resolutions. Representations have been, however, a distinctive feature of the Assembly's work ever since its inception. The making of representations is a privilege greatly valued by the rural population, and its importance cannot be minimised. To them the one great object of the Assembly is that representatives from the remotest areas in the State should come into direct contact with the Head of the Administration and place before him the wants and grievances of the people in the form of representations. We think it but proper, in the circumstances, that this item of business should be continued in future and even extended by allowing each member to bring in one representation for each session.

Representations.

It is now provided that subjects falling within the competence of a Municipal Council, District Board or other local body, or officer should not ordinarily be brought up for

discussion in the Assembly. Our colleagues, Messrs. Mahomed Abbas Khan and D. V. Gundappa, suggest that, if representations are continued, this restriction should be removed and even local subjects be included in the agenda of the Assembly. The majority of us are, however, of opinion that discussion on local subjects with a view to the Government taking action thereon might very well lead to interference by the Government with the working of local bodies, which is not desirable either from the point of view of the Government or that of the people themselves. We suggest therefore that if any local subjects are sent up by any member, they might be referred by the Government to the competent authority for disposal. But if that is done, the Government should place before the House for its information a statement of the action taken by them in respect of such subjects.

Con-  
sulta-  
tion on  
important  
measures  
and policies.

145. Apart from the above, we think that when legislative, financial and administrative measures are under contemplation, the Government should, as far as possible, consult the Assembly and ascertain its views on such measures before taking a final decision. It is not suggested that individual acts of administration for which no Government, whatever might be its form, could be expected to divest itself of its responsibility, should be referred to the Assembly. But measures and policies in general proposed to be initiated by the Government, which affect the condition of the people or involve heavy outlay, might with advantage be referred to the Assembly for its opinion at the discretion of the Government. Such consultation would enable the Government to feel the pulse of the people and would strengthen their hands in the carrying out of such measures, when they feel certain that they have the general backing and support of the Assembly. It has become a practice for the Assembly to be consulted even now on all important measures. But a *de jure* recognition of the practice, combined with more frequent resort to it, whenever the Government could do so without prejudice to their own initiative and responsibility, would not merely enhance the status of the Assembly but would also be one more means of establishing a closer nexus between the people and the administration.

Mr. T. Ramachandra suggests that the Legislative Council should also be consulted in similar circumstances

while Mr. D. V. Gundappa and several others suggest that when the Government propose to undertake any scheme (whether included in the budget or not) costing above a certain amount, the proposal should be placed before the Assembly for approval. The majority of the Committee however are not in favour of either of these suggestions.

146. We recommend a small increase in the strength of the Assembly from 275 to 300, distributed as follows :—			Strength and composition of the Assembly.
(1) Rural Constituencies	... ..	165	
(2) Urban Constituencies	... ..	45	
(3) Minorities :—			
(a) Muslims	... ..	26	
(b) Depressed Classes	... ..	30	
(c) Indian Christians	... ..	5	
(d) Europeans	... ..	1	
(4) Special Interests	... ..	28	
	Total	300	

The Government may further be empowered to increase this strength by 10 or 15, if necessary, to enable them to provide for the representation of any new interests or constituencies that may develop in future, *e.g.*, in connection with the proposed retrocession of the Civil and Military Station, Bangalore.

147. The existing allocation of seats in the Representative Assembly is based on the recommendations of a Committee appointed by the Government for the purpose in 1952, and the number of seats allotted to a taluk or sub-taluk is in the proportion of its population, on the following scale :—

Taluks having a population of over one lakh	... ..	3
Taluks or sub-taluks having a population ranging between fifty thousand and one lakh	... ..	2
Taluks or sub-taluks having a population below fifty thousand	... ..	1

There are at present 81 rural constituencies returning 164 members. These constituencies are made up of the 71 taluks and 7 sub-taluks in the State, the Kolar Gold Field Sanitary Board area and the Yelandur and Sringeri Jahgirs.

The area of the taluk constituency is coincident with the revenue jurisdiction of the taluk, except that the headquarters town is excluded from it wherever it is a separate urban constituency. The two Jahgirs as well as the 7 sub-taluks have one member each ; the taluks of Bangalore, Kankanhalli, Goribidnur, Tumkur, Gubbi, Chamarajanagar, Nanjangud, T.-Narsipur, Krishnarajpet, Channarayapatna and Arsikere, *i.e.*, 11 taluks in all have three seats each, and the remaining taluks and the Kolar Gold Field Sanitary Board area two seats each.

The principle on which this allocation is based is acceptable to us, and we do not wish to suggest any modifications except to the extent necessitated by the alterations made in the boundaries of two taluks since the last allocation was made :—

(a) The number of seats allotted to Gubbi may be reduced from three to two, as a portion of that taluk has been added to Turuvckere which may, therefore, be given two seats instead of one as at present.

(b) Similarly, the number of seats given to Krishnarajpet taluk may be reduced from three to two, as the size of the taluk has been reduced by one hobli. This has been added to French-Rocks which may be given two seats.

As a result of these changes the number of rural constituencies will be 82 with 165 seats.

Urban  
consti-  
tuencies.

148. All municipalities having a population of 5,000 and above are at present treated as urban constituencies and allotted one seat each. There are 40 such constituencies, including the cities of Bangalore and Mysore, which on account of their large population and other factors, are given four seats each.

We have considered whether, in view of the fact that a large number of the so-called urban areas have really nothing to distinguish them from the surrounding rural areas, it might not be desirable to raise the population limit, entitling to representation only such towns as have a population of ten thousand and above. This would, however, entail the disenfranchisement of many existing

constituencies, which would be a very unpopular step. Some of these urban constituencies, moreover, are growing towns, and their special problems demand for them separate representation. We therefore think that the existing arrangement may continue, with the slight modification that Bhadravati town, which is growing in importance, may also be recognised as an urban constituency and given one seat.

The number of seats given to the cities of Bangalore and Mysore may be reduced from 4 to 3 in view of the fact that 20 to 25 per cent of the population of these cities consists of Muslims and the Depressed Classes for whom separate seats will be reserved. The total number of urban constituencies will thus be 41, and the number of seats allotted to them will be 45.

149. We propose that all the members other than those representing special interests, should be directly elected from territorial constituencies, as this would give the Assembly a more democratic character. This proposal implies the abolition of what is now generally known as "facultative representation," by which minority communities are entitled to return their representatives through associations recognised by the Government, as well as by nomination by the Government in the absence of such associations. There is a preponderance of opinion in demanding that the method of nomination should cease; and we entirely agree with this view. As regards the system of "facultative representation" through associations, it has been compared to election through the pocket boroughs of the pre-Reform days in England, and has been criticised as liable to grave abuses. The associations too, through which election is sought, have been likened to mushrooms in growth and development, coming into existence at the time of the elections and ceasing to function after they are over. The Seal Committee who recommended the adoption of the system hoped that it might act "as a force for the political education" of the minority communities. That hope has not been realised. On the other hand, the system appears to have actually arrested political development. The certainty of getting into the Assembly through nomination or by election through associations consisting of a small number of members of one's own community, has allowed no scope for the growth of a spirit of enterprise which would lead

Direct election and abolition of "facultative representation.

candidates to face the risks of a general election. It is high time, we think, that this method should give place to direct election through territorial constituencies, which would give a more representative character to the members of the Assembly, as they would be the choice of a larger circle of voters.

Mr. B. S. Puttaswamy is of opinion that provision should be made for the nomination of, say, ten members to the Representative Assembly in order to represent interests and schools of thought not sufficiently represented in it; and Mr. D. V. Gundappa is of opinion that such power to nominate ten members is necessary in order to enable the Government to obtain the services of persons having expert knowledge or technical skill or some kind of special ability in the Assembly. These proposals were not supported by the rest of the Committee.

Reserva-  
tion of  
seats for  
minority  
communi-  
ties.

150. The allocation of seats in any deliberative body in Mysore, as elsewhere in India, is closely interwoven with the important and highly controversial subject of communal representation. This is indeed inevitable in a country with a diversity of population consisting of many distinct social groups, each of which is divided from the others by wide differences of language, religion and culture, and which naturally feel apprehensive lest their interests should suffer unless they are ensured separate representation on the legislature, sufficient to make their influence felt. The method adopted in Mysore for ensuring such representation is the same as that in British India, *viz.*, the system of reserved seats. The Muslims are at present guaranteed 18 seats and the Indian Christians 5 seats. The Depressed Classes, although numerically they form a fairly large percentage of the Hindu community, have 6 seats reserved for them, in view of their economically and socially backward condition, which hardly allows a chance for their representatives to come into the Assembly through the general elections.

The usual arguments have been adduced for and against separate representation for the above mentioned communities; but we do not propose to set them out here at any length as they are well known. The assumption that these communities may be expected to merge themselves in the general population seems to be

belied by the trend of political development in British India, where the problem of communal representation has not only raised its head at every stage of advance, but has actually become for the time being an accepted and even dominant factor in the Indian Constitution. The solution suggested by the Nehru report caused grave dissatisfaction among Muslims and other minorities, and the Indian National Congress felt itself bound to assure them in its Lahore Resolution "that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned." Mahatma Gandhi, the representative of the Congress, proposed at the Minorities Committee of the Second Round Table Conference a system of reserved seats with joint electorates on the basis of population to Hindus and Muslims in any Province where they were less than 25 per cent of the total population. He regarded this "though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned." That was, however, by no means the case, and the prolonged discussions and the protracted negotiations culminated in the Minorities Committee recording with deep regret "that it has been unable to reach any agreed conclusion on the difficult and controversial question." The subsequent Communal Award and the keen controversy which is still going on in British India over the embodiment of this Award in the Government of India Act, demonstrate how frail is the hope of the communities reaching any agreement on this point. These events have had their repercussions in Mysore which is surrounded by British Indian Provinces. All the witnesses belonging to these communities who have appeared before us, as well as individuals and associations of these communities who have sent in their memoranda to us, are unanimous in demanding the continuance of the system of reserved seats. Its discontinuance in the face of such unanimity would be a step which we are not prepared to recommend, especially as it would deprive the communities concerned, not merely of the security which they have all along enjoyed and on which they set great store, but of what is regarded by them as a privilege conceded to their brethren in British India.

151. Coming now to the question of the actual number of seats to be reserved for each community, we

Indian  
Christians  
and Euro-  
peans.



consider that the number of seats, *viz.*, 5, now reserved for Indian Christians, who form a little over one per cent of the population of the State, may be continued, and that 1 seat may be set apart for Europeans, who though small in number are an important community.

Muslims.

152. As regards Muslims and the Depressed Classes, some increase seems to us to be necessary. The population of the Muslim community in the State is 398,628, or nearly 6 per cent of the total population, and 18 seats are now reserved for them in the Representative Assembly. All shades of Muslim opinion are agreed in demanding that Muslims should be given representation with adequate weightage, and that such weightage should be in the same proportion as that conceded to Muslims in the neighbouring Province of Madras, *viz.*, 13 per cent, where the percentage of their population is very nearly the same as that in Mysore. It is urged that if the present form of government, which in their opinion is holding the scales even as between the several communities, were to continue in future as heretofore, there would be no cause for Muslims asking for any special treatment, but that under a form of popular government such as the one envisaged by us, adequate weightage becomes a matter of prime importance, indeed of necessity for Muslims, as otherwise Muslim interests might not remain as safe as they are at present. Instances of what are regarded by Muslims as encroachments on their language and culture under the popular ministries in some of the Provinces have been cited before us in support of the demand for such weightage. There is some force in this argument, and a generous gesture seems to be called for from the majority communities, so as to inspire confidence in the Muslims and to secure their whole-hearted co-operation. But in the opinion of a majority of us the weightage claimed appears to be somewhat excessive. It must be remembered that weightage seats do not come out of a vacuum; they can be given only by depriving the majority communities of their legitimate share. We think that the weightage required should be restricted to the absolute minimum requirements, and accordingly propose that the number of seats to be reserved for Muslims be fixed at 26, which seems to us to be reasonable and adequate.

153. We propose that the seats reserved for Muslims in the Representative Assembly may be distributed as follows :—

Constituencies for Muslim seats.

(1) The cities of Bangalore, Mysore and the Kolar Gold Field Sanitary Board area ; one seat each	...	3
(2) The Districts of Bangalore, excluding the city, Kolar excluding the Kolar Gold Field Sanitary Board area, Shimoga, Tumkur and Chitaldrug ; 3 seats each	... ..	15
(3) The Districts of Mysore, excluding the city, Kadur, Hassan and Mandya ; 2 seats each	.. ..	8
	Total	26

Mr. Mahomed Imam considers that, unless the number of seats for Muslims is considerably increased, it will not be possible to form workable constituencies for them.

154. The Depressed Classes number about 12½ lakhs in a total population of 65 lakhs. It has been claimed that they should be given one-fifth of the total number of seats on the analogy of what obtains in British India, where the Depressed Classes have been allotted, under the Poona Pact, seats in proportion to their population. If this were to be conceded by us, they would be entitled to get 60 seats in an Assembly of 300 members. It is very doubtful whether, in view of their economic backwardness and want of education, it would be possible for the community to return competent members in such large numbers. Thirty seats for the Depressed Classes seem to us therefore to be reasonable for the present, and we unanimously recommend that this number may be set apart for them. This will increase the present representation of these classes five-fold.

Depressed Classes.

155. The system of reserved seats in Mysore is extended at present not merely to the four communities named above, but to the Hindu sub-communities as well. No reservation is made in favour of any particular sub-community, but a number of seats is reserved on the whole, to be made available to any such community as has a population of 20,000 and above, or even to communities with a lesser population, in special circumstances, should they fail to return their own

Abolition of reserved seats for Hindu minority communities.

representatives through general constituencies. We see no reason for continuing this system. The grounds which call for reservation of seats in the case of religious and racial minorities like Muslims, Indian Christians and Europeans are absent in the case of these communities, as they are divided neither by religion, culture nor language from the general body of the Hindu population, but actually form part of it. As the authors of the Montagu-Chelmsford report point out (Para 232) "any general extension of the communal system would only encourage still further demands and would be fatal to that development of representation upon the national basis on which alone the system of responsible government can possibly be rooted." The Seal Committee, who recommended the present system, regarded it as only a temporary measure liable to be abandoned whenever any community might "choose to share in the collective life" and "restore itself by a supreme act of acceptance and faith to communion in the catholic life of the body politic." But it seems to us to be quite contrary to human nature to expect any voluntary surrender by a community of what it may perhaps regard as a privilege. We may add that this is almost the only instance where we have recommended the removal of an existing concession. Our justification is that the larger interests of the country as a whole and even of the communities themselves demand it.

It is suggested by Mr. P. Subbarama Chetty that ten seats may be reserved for Hindu sub-communities to be filled by election by recognised associations of those communities. It is also proposed by Mr. D. H. Chandrasekharaiya and two others that, for the time being, twenty seats may be reserved for Hindu minority communities with a population of 20,000 or above, or for communities with a smaller population which may be recognised by the Government for special reasons. Neither of these proposals met with the approval of the other members of the Committee.

Method of election to reserved seats : joint vs. separate electorates.

156. The method of filling the seats reserved for the minority communities has evoked in India a more bitter controversy than the system of reservation of seats. It is urged by the communities in whose favour such reservation is made, that the seats reserved to them should be filled by persons truly representative of the communities

concerned, and that such representatives should therefore be elected through electorates consisting exclusively of the voters of the respective communities. They apprehend that a member returned from a joint electorate comprising the voters of other communities also would be more concerned to keep the favour of the voters of other communities than to represent the community to which he belonged. This claim was conceded to Muslims in British India under the Minto-Morley Reforms, and though deplored since then by committee after committee, as retarding the growth of a sense of common citizenship, it has been further extended to Europeans, Anglo-Indians, and Indian Christians, and also to the Sikhs in the Punjab; and such communal electorates have become an accepted feature in the Indian Constitution for the time being.

157. The authors of the Montagu-Chelmsford report who were faced with this problem declared that communal electorates were opposed to the teaching of history and that they perpetuated class divisions. They observed (Para 229): "Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur." They further opined that such representation would stereotype the existing relations and stated (Para 230): "A minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground which it has lost compared with the stronger majority. On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow-countrymen, and that they are free to use their power for their own purposes. The give and take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations." They condemned such electorates as "a very serious hindrance to the development of the self-governing principle."

Opinion of the authors of the Montagu-Chelmsford report.

158. A decade later, the problem once again confronted the Simon Commission who, seeing that there was

System in force in British India.

no prospect of agreement between the two communities—the Hindus and the Muslims—themselves, were obliged to recommend the continuance of separate communal electorates. The Commission contented themselves by expressing the hope that the Round Table Conference, which was to be held in London shortly after the publication of their Report, would furnish a new opportunity for reaching a settlement. But as already pointed out, the failure of the communities concerned to arrive at a satisfactory solution at the Round Table Conference and their insistence on separate electorates led to the Communal Award and its later embodiment in the Government of India Act, 1935.

Views  
of the  
Muslim  
community  
in Mysore.

159. The trend of events in British India has not been without its influence on the Muslims in Mysore. The Muslim witnesses who have appeared before us, as well as members of the community who have sent in their memoranda, are almost unanimous in asking for separate electorates. It is argued by them that such electorates are the natural outcome of a system of reserved seats for Muslims, for the benefits which such reservation is intended to secure would be greatly diluted if the seats are filled in not by communities for whom they are reserved, but by an electorate including members of other communities as well. It is further urged that the present system of "facultative" representation under which Muslim representatives are returned to the Representative Assembly is nothing less than a system of separate electorates, as membership of associations is exclusively confined to the community. The reservation of seats, in their opinion, is by itself only a half-hearted concession, and the community will not be fully satisfied unless separate electorates are permitted to them.

Separate  
electorates  
for Mus-  
lims.

160. Our three Muslim colleagues on the Committee entirely agree with this opinion and are emphatically in favour of separate electorates. Mr. Tomlinson is also in favour of separate electorates for Muslims, but as a temporary arrangement. Mr. D. H. Chandrasekharaiya agrees with him, but considers that the arrangement should be only for four years. The majority of us, consisting of Messrs. N. S. Subba Rao, S. Hiriannaiya, P. Mahadevayya, P. Subbarama Chetty, B. S. Puttaswamy, C. Hayavadana Rao and S. C. Malliah, are generally in favour of a system

of joint electorates. We feel that communal electorates would practically break up that close unity of interests between the Hindus and Muslims which has been a happy characteristic of the relations between the two communities in Mysore and would retard the growth of a sense of common citizenship. We suggest that if joint electorates on the whole are unacceptable to the Muslims, some form of it might as a compromise be adopted at least in selected areas, *e.g.*, the cities of Bangalore, Kolar Gold Field Sanitary Board area and Mysore, with the safeguard that the candidate who is chosen therein must get at least a certain percentage of Muslim votes. Such a scheme would in our opinion serve as a check on separatist tendencies in those areas and, if experience should justify it, would also be a beginning towards a possible combination in the other constituencies as well in course of time. We do not, however, wish to suggest that such a system, if unacceptable to the community, should be forced upon it but would leave the final say in the matter to the choice of the community itself so as to inspire confidence.

Messrs. M. C. Rangiar, D. V. Gundappa, T. Ramachandra, Bhupalam Chandrasekhara Setty and C. Narasimhaiya are of opinion that, whatever may be the views of the Muslim community on this matter, there should be some form of joint electorates, and that separate electorates should in no circumstances be recognised. They point out that the majority of the Seal Committee had opposed the system of communal electorates, and that on their recommendation joint electorates have been in force in Mysore all these days, and that it would be a retrograde step now to introduce separate electorates.

161. The Indian Christian community is by no means agreed on the point whether the electorate for the seats reserved for it is to be joint or separate. The memoranda received by us from associations and individual members of the community and the witnesses of the community who appeared before us are divided on the point. One association has indeed sent to us three memoranda at different times, each time giving expression to divergent views. It has thus not been possible for us to determine which of the two types of electorate would be acceptable to the majority of the community.

Views of  
the Indian  
Christian  
commu-  
nity in  
Mysore.

Our colleague, Rev. W. E. Tomlinson, states that he had addressed letters to a number of prominent members of the community to ascertain their views on the matter and that he has received about two dozen replies, out of which all, except about four, are in favour of separate electorates for at least a period of ten years, and that the majority of the Indian Protestant Christians at any rate are decidedly in favour of separate electorates for the present. He urges that if the Indian Christian representatives are to be chosen under a system of joint electorates it would be a practical certainty that they would not be those whom the Christians themselves would have chosen to represent them. He therefore presses that, for the present, separate electorates should be permitted to the Indian Christian community, as has been done in the case of the Muslim community. Our colleague, Dr. F. X. DeSouza states that the members of his community (Indian Catholics) whom he consulted are also in favour of separate electorates, and he would therefore press for them in his capacity as a representative of the community, though personally he is in favour of joint electorates.

Our recom-  
mendation.

162. Messrs. T. Ramachandra, Bhupalam Chandrasekhara Setty and D. V. Gundappa are opposed to separate electorates, as the All-India Christian Association has protested against the system and the views of the community in Mysore are divided. The majority of us, while in favour of joint electorates for the community, are of opinion, that the wishes of the community should be respected and that separate electorates should be given to it, as in the case of Muslims, as a transitional measure, if the majority of the community press for it.

Indirect  
election for  
Europeans.

163. Indirect election for the seats allotted to Europeans in the Representative Assembly and the Legislative Council is inevitable, for it is impossible to form a territorial constituency for them, as the population of the community is very small and is dispersed in various parts of the State. The European Association, which we are told, is likely to include all adult Europeans in the State, may therefore be recognised as the electorate for the seats assigned to the community.

Depressed  
Classes :  
the Poona  
Pact.

164. Separate electorates were proposed to be extended even to the Depressed Classes under the

Communal Award in British India. This evoked a vigorous protest from Mahatma Gandhi, who had consistently opposed the extension of such electorates to these classes and had given forcible expression to his views in the Minorities Committee of the Second Round Table Conference in 1931. On the publication of the Communal Award, the proposals were criticised by Mahatmaji as 'introducing an artificial division between two parts of the Hindu community', and he expressed his intention of 'fasting unto death' as a protest against them. Thereupon, negotiations were initiated between representatives of the caste Hindus and of the Depressed Classes and an agreement resulted which was embodied in the Poona Pact. According to this Pact the seats reserved for the Depressed Classes are filled "by an unusual form of double election. All members of the Depressed Classes who are registered on the general electoral roll of certain constituencies will elect a panel of four candidates belonging to their own body; and the four persons who receive the highest number of votes in this primary election will be the only candidates for election to the reserved seat; but the candidate finally elected to the reserved seat will be elected by the general electorate, that is to say, by caste Hindus and by members of the Depressed Classes alike." (1)

165. The Depressed Classes in Mysore do not seem to be very enthusiastic about the merits of this scheme, nor anxious to adopt it for filling the seats reserved for them in the Representative Assembly and the Legislative Council. Mr. R. Chennigaramiah, the representative of the Depressed Classes on our Committee, strongly urged before us at first that, though he himself was personally for joint electorates, he found that some of the Harijan leaders in British India, as well as the members of the Depressed Classes themselves here in Mysore, whom he had consulted in the matter, were strongly against joint electorates even under the Poona Pact. He stressed the fact that it is very difficult for a Harijan candidate to get returned by election through joint electorates, unless he sacrificed the interests of his own community and joined some other party which was likely to catch the votes of the majority of the electors in such an electorate, and that it was, moreover,

Views of  
the Dep-  
ressed  
Classes in  
Mysore.

(1) Report of the Joint Select Committee on Indian Constitutional Reform: Paras 118 and 119.



quite impossible for "an untouchable" to approach others, especially caste Hindus, and canvass their votes. He therefore urged that separate electorates should be conceded for at least two terms of the Representative Assembly and the Legislative Council and that the question should be reconsidered at the end of the period.

Scheme of  
joint  
electorate  
for the  
Depressed  
Classes.

166. The majority of us, however, felt that, whatever might be the views of the community on this matter, it was very desirable in the interests, not only of the community itself, but of the Hindu community at large that there should be some form of joint electorate, and that while there might be some measure of justification for conceding separate electorates in the case of Muslims, Indian Christians and Europeans, whose culture, religion and language are quite different from those of their Hindu brethren, there was no reason whatever for adopting such electorates in the case of the Depressed Classes who are neither different nor distinct from the Hindu stock; also that a system of separate electorates would not, in the circumstances, be conducive to the interests of the Depressed Classes themselves, as it would tend to a further widening of the cleavage between those Classes and caste Hindus, instead of bringing the two together into closer union. As a result of free discussion and a full consideration of the problem in all its aspects, we are happy to be able to report that certain definite proposals were made by Mr. Chennigarajah, and that we have finally arrived at a unanimous settlement on this important question, which, while avoiding the evils attendant upon separate electorates, secure to the Depressed Classes the return of members as truly representative of their interests as the members elected under such an electorate.

(a) Special  
franchise.

167. We propose, in the first place, that the franchise qualifications should be lowered in the case of the Depressed Classes. As their name itself implies, the great majority of the Depressed Classes have at present neither the minimum property nor the minimum educational qualifications we have proposed. They will not, on general franchise qualifications, secure admission to the electoral rolls in numbers proportionate to their population, and will not therefore be able to exercise influence over the elections commensurate with their numbers. We therefore recommend that some form of

differential franchise should be devised for levelling up the Depressed Classes votes by enfranchising the same percentage of those Classes as that of the caste Hindus to their total population. It is not possible for us to say with any approach to accuracy what would be the total number of persons likely to be enfranchised under our proposals among caste Hindus and the Depressed Classes. In these circumstances it is not possible for us to suggest to what extent the franchise qualifications could be reduced in the case of the Depressed Classes in order to secure the desired percentage. We recommend that this question might be remitted by the Government for the consideration of the Committee which, as we suggest elsewhere, may be appointed for the delimitation of certain constituencies.

Secondly, members of the Depressed Classes may be allowed to vote jointly along with other caste Hindus in general constituencies, and to stand also as candidates in such constituencies.

Thirdly, the deposit money required from the candidates of these Classes may be reduced to Rs. 25 in view of their extreme poverty.

168. In the constituencies to which the seats reserved for the Depressed Classes are assigned, both the voters of the Depressed Classes as well as the caste Hindus will vote together, but the method of election should be as follows :—

(a) Where only two Depressed Classes candidates contest the seat, the candidate who gets 60 per cent or more of the Depressed Classes votes polled should be declared elected, irrespective of the total votes polled in his favour, provided he gets not less than 10 per cent of the non-Depressed Classes votes for the Depressed Class candidates.

If either of the two candidates fails to secure the above percentage of the Depressed Classes votes, the candidate who gets the larger number of votes polled in his favour by all the voters (including the caste Hindus) should be declared elected.

(b) Where three or more candidates of the Depressed Classes contest the seat, the candidate who gets the largest number, and not less than 40 per cent, of the votes polled by the Depressed Classes, should be declared elected, provided he gets not less than 5 per cent of the non-Depressed Classes votes for Depressed Class candidates.

If two candidates secure an equal number of votes of the Depressed Classes, then the candidate who secures the larger number of total votes (including those of caste Hindus) among them should be declared elected.

If none of the candidates secures 40 per cent of the votes polled by the Depressed Classes, the candidate who gets the largest number of votes polled (including those of caste Hindus) and not less than 10 per cent of the votes polled by the Depressed Class voters should be declared elected.

Special  
interests.

169. We have increased the seats allotted to special interests from 20 to 28, which will be distributed as follows :—

<i>Name of Interest</i>	<i>No. of seats</i>
University ... ..	1
Agriculture including Sericulture	1
Planting ... ..	2
Inamdars ... ..	1
Trade and Commerce ... ..	3
Industries ... ..	2
Women ... ..	11
Labour ... ..	5
Co-operation and Banking ... ..	1
Gold Mining ... ..	1
	—
Total ... ..	28
	—

The general grounds for such increase will be dealt with in connection with the Legislative Council. For the Representative Assembly, it will be seen that, under our distribution, no seat is allotted to the Legal Interest which has now got one seat. Such separate representation does not seem to us to be called for in the case of the profession, as the Assembly always contains a fairly large number of lawyers elected through the general constituencies. Agriculture and Sericulture which have at present one seat each, may be grouped together and given a single seat. Of the two seats given to Planting, one seat each may be given to European Planting and Indian Planting in view of the importance of the interests concerned. We have increased the representation of Trade and Commerce by one and of Labour by three and have allotted two seats to Industries, as it appears to us essential to provide for the adequate representation of these interests, in view of the large expansion of trade and commerce and the development of industries which the country is witnessing.

The proposal of Mr. D. V. Gundappa to give two seats to the Mysore University, as also the proposal of Mr. Bhupalam Chandrasekhara Setty to reserve one seat for the Legal Interest and to give one of the two planting seats to Indian and European Coffee Planters and the other to other planting interests were not approved by the Committee.

170. The necessity for reserving a certain number of seats for women in the circumstances which Mysore shares with the rest of India is generally recognised. The number of seats now reserved for women is 4 which could hardly be regarded as adequate. We recommend that this number might be increased to 11, with liberty to contest additional seats in the general constituencies, as in British India. In British India the percentage of the seats in the provincial legislatures reserved for women varies from 2 to 5 in the several Provinces, while under the distribution proposed by us the number of seats given to them would be about 3·5 per cent, which can by no means be regarded as unreasonable in the circumstances. We further propose that out of the seats thus allotted one seat each may be reserved for Depressed Classes women and Muslim women. Our colleague, Sri K. D. Rukminiamma considers that there should be no communal distribution in respect of the seats reserved for women and that, if seats are to be specially reserved for women belonging to the Depressed Classes or the Muslim community, they should not be allotted out of the 11 seats proposed to be reserved for women, but that the number should be increased by two.

Reserva-  
tion of  
seats for  
women.

171. A system of indirect election has been suggested by some of the members in connection with women's seats, on the ground that territorial constituencies would put too great a strain on the candidates, if they have to canvass an entire district or an entire city. It is therefore proposed by the lady member of the Committee, Sri K. D. Rukminiamma, and by Messrs. C. Narasimhaiya, Bhupalam Chandrasekhara Setty and D. V. Gundappa that at least for a term of years the women's representative for each district might be elected by recognised women's associations in that district.

Method of  
election for  
women's  
seats.

The majority of us, however, are not in favour of indirect election. We think that it would practically exclude

women living in rural areas from getting representation, for women's associations are generally to be found in the cities and the larger towns, where they are for the most part confined either to educated women or women belonging to the rich or upper middle classes capable of paying a prescribed subscription. We would therefore propose that the seats allotted to women should in all cases be filled by direct election through territorial constituencies, rural and urban, specially created for the purpose consisting of women voters alone.

We are aware that in British India the electorate for the women's seats is composed of both men and women voters. The seats reserved for women there are assigned to special territorial constituencies, the electorate in such an area being the electors belonging to that area, both men and women, the voters in those areas having two votes, one in the general constituency and the other for a woman candidate. But in the opinion of the majority of us the social difficulties in Mysore standing in the way of the adoption of a composite electorate of this kind are formidable, and may well deter the best qualified women candidates from standing for election in such a constituency. We are therefore constrained to recommend that the electorate for the women's seats should consist of women alone.

The cities of Bangalore and Mysore may be formed into a single constituency for the one seat reserved for Muslim women. Similarly the two cities will serve as a single constituency for the seat reserved for Harijan women.

Delimitation of constituencies.

172. The electorate for the seat allotted to the University in the Representative Assembly as well as in the Legislative Council may, as at present, consist of the members of the Senate and the registered graduates of the Mysore University. Excepting in this case and that of seats reserved for women other than those allotted for Harijan and Muslim women, it has not been possible for us to submit proposals for delimiting the constituencies for the seats reserved in other cases, *e.g.*, the Christians, the Depressed Classes and special interests in both Houses. We are of opinion that the task of delimitation of these constituencies would require detailed consideration by a smaller Committee than ours, a Committee in which the

communities and interests are adequately represented, and we would suggest that, if the proposal commends itself to the Government, the task may be entrusted by them to a special Committee appointed for the purpose.

173. The Dewan is now the President of the Assembly, and the Members of Council are *ex-officio* Vice-Presidents. In view of the fact that one of the principal functions of the Assembly is to serve as a forum for the making of representations to the Government and obtaining direct redress regarding the wants and grievances of the people, we consider it only appropriate (Messrs. Bhupalam Chandrasekhara Setty and D. V. Gundappa dissenting) that the Dewan and the Ministers should continue to be respectively the President and Vice-Presidents of the Assembly in future also. A non-official President, being merely an officer of the House and having no connection with the administration, would not be in the same advantageous position to deal with representations as the members of the administration.

The President, etc., of the Assembly.

174. A majority of eight of us are in favour of raising the term of the two Houses from three to four years, in view of the enlarged electorate proposed by us and the dislocation that would be caused by elections at shorter intervals. A minority of seven would like to maintain the existing period of three years.

Term of the two Houses.

In any case, we would suggest that some device, such as the extension of the life of one of the Houses by one year, for the first term, may be adopted to prevent the simultaneous dissolution of both the Representative Assembly and the Legislative Council, which we consider undesirable.

175. The Assembly now meets twice a year, and it is provided that the maximum duration of the session should not exceed a period of eight sitting days in the Dasara session and six sitting days in the Budget session. It is, however, open to the President to extend the term of any session for the completion of Government business. It has been represented to us that sufficient time is not being allotted at present to non-official business, *viz.*, representations and resolutions, and that most of the resolutions and representations now sent up do not come

Length of sessions and order of business.

up for discussion at all, but lapse for want of time. There is much force in this contention. A suggestion by Mr. D. V. Gundappa that the Representative Assembly should meet thrice a year did not find favour with the majority of the Committee. We think that while the Assembly may continue to meet ordinarily twice a year as at present, it is desirable that more time should be allotted for the transaction of non-official business and that every attempt should be made to go through all the representations and as many of the resolutions as possible. We suggest the following order and arrangement of business :—

Dasara Session—

Address of the Dewan-President and Questions and Government business	...	...	2 days.
Representations (not more than)	...	...	7 „
Resolutions do	...	...	5 „
		<b>Total</b>	...
			<b>14 days.</b>

Budget Session—

Dewan's Address, Questions and Government business	..	..	...	1 day.
General discussion on the budget (not more than)	...	...	...	2 days.
Resolutions on the budget (not more than)	...	...	...	2 „
Representations do	...	...	...	3 „
Other resolutions do	...	...	...	2 „
		<b>Total</b>	...	
				<b>10 days.</b>

Allowances to members.

176. The present system of payment to the members of both the Representative Assembly and the Legislative Council of travelling allowance and daily allowance for the days of attendance at the meetings of these bodies may be continued, the rate of travelling allowance being the same as at present. The daily allowance, however, may be fixed at a uniform rate of Rs. 10 per day for the members of the Legislative Council as well as for those of the Representative Assembly, in view of the expensiveness of Mysore during the Assembly session. The system of providing free quarters for the members of the Representative Assembly and free lunch to the members of both the Legislative Council and the Representative Assembly may be done away with, facilities being provided for quarters and satisfactory catering arrangements made for the supply of lunch on payment.

## SECTION II—The Legislative Council.

177. The position which the Legislative Council would occupy under our proposals has already been indicated to some extent in the course of the recommendations we have made in respect of the powers of the Representative Assembly regarding legislation. We have suggested there that all bills should, in the first instance, be placed before the Assembly. Subject to this provision, the Council will continue to exercise its powers as heretofore. When any bill is introduced into the Council, it will pass through the several stages of the process of legislation, *viz.*, the three readings and reference to a select committee. The Council will be free to consider the bill in detail in the light of the modifications suggested by the Representative Assembly, which it would however be free to accept or reject. After passing through the Council, the bill will be submitted to His Highness the Maharaja for his assent along with a statement embodying the modifications suggested by the Representative Assembly; and after receiving his assent, it shall have the force of law.

Its powers:  
legisla-  
tion.

178. We have considered the possibility of enlarging the powers of the Council, by bringing within its purview any or all of the items which are now excluded from its legislative or financial jurisdiction, or by eliminating the powers now vested in the Government of restoration of rejected or reduced demands, or of authorising expenditure in cases of emergency. We have come to the conclusion that neither of them is practicable at present. The reasons which appear to us to make it necessary to maintain the present lists of excluded subjects and excluded heads of expenditure, other than that relating to the Military Forces of His Highness the Maharaja, have been set out in an earlier section of this Report. As we have stated there, the passing of resolutions and the voting of expenditure, as also discussions on the excluded subjects, will be outside the purview of the Council; provided that, as proposed by the majority of us, an exception is made in the case of expenditure on the Military Forces of His Highness the Maharaja (excepting Palace Troops) in respect of which the Council will have the right to discuss it, though it will not have the right to pass resolutions or vote on it. The legislation required in the field of the excluded subjects will be framed by the Government as at present, and will come

Excluded  
subjects.



into force on receiving the assent of His Highness the Maharaja.

Mr. Bhupalam Chandrasekhara Setty thinks that there should be no excluded subjects at all, and Mr. D. H. Chandrasekharaiya agrees with him excepting as regards the first item, *viz.*, the Ruling Family of Mysore.

Finance.

179. At present all proposals for appropriation of revenue and other monies, excepting those pertaining to the excluded heads, are to be submitted to the Council in the form of demands for grants, and the Council has the right to assent to, or reduce, or to refuse assent to, any demand. The vote of the Council is decisive, subject to the two usual qualifications. First, the Government shall have power in relation to any demand rejected or reduced by the Council to act as if it had been assented to, notwithstanding such rejection or reduction, if they consider that the expenditure provided in the demand is necessary for the carrying on of any department or for the discharge of the Government's responsibility. Secondly, the Government may authorise, in cases of emergency, such expenditure as may, in their opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of the Government's responsibility.

Restoration  
of rejected  
or reduced  
demands.

180. The power of restoring rejected demands might be out of place in a system of full responsible government on party lines, as the circumstances necessitating their exercise would be met by a change of the ministry. But where there is no full responsible government such reserve powers are essential for the Government to carry on the administration, as in their absence the administrative machinery could at any time be brought to a standstill by a capricious or factious vote of the Council.

The powers of restoration are at present being exercised by the Government. As "Government" is an impersonal body, we consider it more proper that the power should be vested in the highest administrative authority in the State, *viz.*, the Dewan, on the analogy of the practice in British India, where a similar power is exercised by the Governor-General or the Governor as the case may be. We are also of opinion that there should be a formal certification that the restoration of the rejected or reduced

demand is necessary for the carrying on of the administration or for the discharge of the Government's responsibility. There was a suggestion in the Committee that the certification of rejected demands should be made by His Highness and not by the Dewan. The majority of the Committee are, however, of the opinion that it is undesirable, for obvious reasons, to throw on His Highness the responsibility for ordinary acts of administration of this type. They consider that, except in matters like the issuing of Royal Proclamations, the giving of assent to legislative measures and the enactment of emergent legislation, the name of His Highness should be kept out of current politics as far as possible. The present rules of business of the Executive Council which, we presume, will apply *mutatis mutandis* to the future Cabinet, require that all matters of importance, which are called "scheduled subjects," to whichever Minister's portfolio they may belong, should go before the whole Council, and that its views thereon should be submitted to His Highness. It is only after His Highness's approval is obtained that orders are issued in the name of the Government in regard to these matters. As the question of certification of demands is a matter of more than ordinary importance, it will necessarily form a "scheduled subject," and the certification, although made by the Dewan, would, we presume, be done only with the previous approval of the Maharaja.

181. The main criticism against the present Legislative Council is based not so much on the inadequacy of its powers, as on its composition. The strength of the Council is 50, of whom 21 are elected, while the remaining 29 are nominated by the Government. Though the Council is vested with full powers, yet in actual working such powers could hardly be exercised in accordance with the wishes of the representatives of the people, as the composition of the House is such as to keep the elected representatives always in a minority. We think that the time has come when the Legislative Council should be made an effective democratic instrument by giving it a decisive elected majority. After a full consideration of the several alternative proposals made by our colleagues, we suggest that the strength of the Council may be fixed at 68 composed as shown below. In proposing this strength, we have not taken the Civil and Military Station of Bangalore into

Composition of the Council.

account. When the retrocession of the Civil and Military Station, which is understood to be under contemplation, comes into effect, it will become necessary suitably to increase the strength of the Council, so as to provide for adequate representation therein to all communities and interests in that area. We suggest the following composition:—

## I. ELECTED.

(a) *General Constituencies*:—

Districts of Bangalore, Mysore, Kolar and Tumkur; three each	...	12	
Districts of Hassan, Katur, Shimoga, Chitaldrug and Maudya; two each	...	10	
Cities of Bangalore and Mysore; one each	...	2	
			24
	Total	...	24

(b) *Minorities*:—

Muslims	...	4	
Depressed Classes	...	4	
Indian Christians	...	1	
Europeans	...	1	
		10	
		...	10

(c) *Special Interests*:—

University	...	1	
Trade and Commerce	...	1	
Mining	...	1	
Other Industries	...	1	
Planting:—			
(a) Indian	...	1	
(b) European	...	1	
Labour	...	2	
Women	...	2	
		10	
	Total elected seats	...	44

## II. NOMINATED.

Officials	...	16	
Non-officials	...	8	...
			24
	Total	...	68

182. We are proposing an increase in the strength of the Legislative Council from 50 to 68, of whom 44 will be elected members and 24 nominated. Out of the elected members, 24 will be returned by general territorial constituencies. At present each of the eight districts is returning 2 members, no differentiation being made between the several districts either on the ground of population or of importance. In future there will be nine districts, and we think it would be proper to make some differentiation on the basis of population. Under our scheme, the districts of Bangalore, Mysore (New), Kolar and Tumkur which have each a population exceeding eight lakhs will have 3 seats each, and the remaining five districts including Mandya, 2 seats each. The cities of Bangalore and Mysore will have 1 seat each as at present.

General territorial constituencies.

Each district will be a multi-member constituency, returning two or three members as the case may be.

Messrs. Bhupalam Chandrasekhara Setty, S. C. Malliah, D. H. Chandrasekharaiya and Mahomed Imam consider that each district should have three seats irrespective of its population. But the majority of us do not favour the proposal.

183. We propose to increase the representation for Muslims and the Depressed Classes to 4 seats each. The Indian Christians and Europeans will have 1 seat each. We would recommend that, excepting in the case of Europeans, the representatives for these seats should be directly elected by suitable territorial constituencies to be formed.

Seats for minority communities.

The reserved seats for the Muslims may be distributed as follows:—

Bangalore City, Bangalore District	...	1 seat.
Kolar and Tumkur	...	1 "
Chitaldrug, Shimoga and Kadur	...	1 "
Mysore City, Mysore District, Hassan and Mandya	...	1 "

Our colleague Mr. Mahomed Imam is of opinion that unless more seats are allotted to Muslims in the Legislative Council, it is not possible to delimit the Muslim constituencies.

In this connection, we have considered the question as to whether Anglo-Indians as a community should be given separate representation in the Legislative Council. The population of Anglo-Indians in the State, excluding the Civil and Military Station, is at best under 2,000, and we do not consider that in the existing circumstances, there is any necessity for allowing them an elected representative. When the retrocession of the Civil and Military Station comes into effect the population of Anglo-Indians within the limits of the State will be greatly increased and adequate representation for them will be a necessity. This, we are sure, will receive the attention of the Government at the proper time. At present, we think the Government may, if necessary, nominate a member of the community to one of the seats provided for by us for nominated non-officials.

Special  
interests.

184. The modern tendency in constitutional development is to give greater recognition to economic interests in the formation of electorates. It has been felt, especially in India, that there is a danger of local and communal interests being kept in the foreground in the elections from territorial constituencies. It is hoped that larger representation on vocational and economic basis may go a long way towards securing representatives who stand for more direct and substantial interests. At present, only four special interests have been recognised for purposes of representation in the Legislative Council, *viz.*, the Mysore University, Trade and Commerce, Planting, and Labour, which have been given one seat each. Under our proposals Planting and Labour will be given two seats each and the University, Trade and Commerce will have one each as before. In addition, we propose that Women should be given two seats and Mining and other Industries one each. The number of seats for special interests will thus be raised from four to ten. We would recommend that all these seats should be made available for election.

Nominated  
seats : non-  
officials.

185. We consider it essential for the Government to nominate some non-officials so as to enable them not merely to give representation to important interests which might otherwise go unrepresented, but also to secure the co-operation of men of experience and eminence, as well as of experts with special knowledge, whose presence

in the Council would be of great advantage. This measure of nomination, while it will add to the weight of the deliberations of the Council, will not checkmate or defeat the will of the elected element.

186. The presence of officials in the Council, for some time to come, necessarily follows from the recognition of the fact that the political conditions of the country do not warrant the immediate establishment of responsible government on party lines. We are proposing a composite executive, as a transitional measure, and this has inevitably to find its reflection in the composition of the Legislative Council also. The number of officials will however be kept at the lowest possible limits. We do not look upon the number of nominated officials and non-officials proposed by us as a fixed minimum, but rather a maximum which is not to be exceeded. We expect that in the progress towards the goal of responsible government, it should be possible to reduce the number of nominated members—particularly the officials—at every stage. Officials.

Our colleague Mr. Bhupalam Chandrasekhara Setty is not in favour of having any nominated member at all, whether official or non-official.

The relative strength of the elected and nominated members will be 44 and 24 respectively, while the relative strength of the non-official and the official *blocs* will be 52 (including the 8 nominated members) and 16 respectively. The balance of effective power will thus be largely shifted on to the elected representatives of the people.

187. The Dewan is now the *ex-officio* President of the Legislative Council, and the Members of the Executive Council are *ex-officio* Vice-Presidents. We think that it is now high time to give the Legislative Council the privilege of having its own President outside the Executive to preside over its deliberations and regulate its business. We propose therefore that the Council should in future have a non-official President elected by the House itself, subject to the approval of His Highness the Maharaja. But as the conduct of business in a deliberative Assembly is a task which requires experience, we President and Deputy President of the House.

would recommend that, for the first term, the President may be nominated by His Highness the Maharaja. Our colleague, Mr. Mahomed Hanief, is however of opinion that the President should be elected from the very beginning.

The Council may also be allowed to have an elected Deputy President whose appointment will also be subject to the approval of His Highness. He will preside over the deliberations in the absence of the President. A panel of four Chairmen may further be selected by the President from among the members of the House to preside over the deliberations of the Council in the absence of both the President and the Deputy-President.

Emolu-  
ments of  
the Presi-  
dent and  
Deputy  
President.

188. The emoluments of the President for the first term, during which he will be appointed by His Highness, may be fixed by His Highness. But later, when the President is elected by the Legislative Council, his emoluments will naturally have to be fixed by the Council itself. He may be given the rank and status of a Minister. The salary of the Deputy President may, from the start, be fixed by the Council.

Removal of  
President  
and Deputy  
President.

189. The nominated President will hold office during the pleasure of His Highness the Maharaja. The term of office of the elected President and the Deputy President will be coterminous with that of the Council. They will, however, be removable by His Highness on the submission to him of a resolution of no-confidence passed by a majority of not less than two-thirds of the total strength of the House. As a safeguard, however, against hasty or frivolous motions in this behalf being brought in the House, it may be provided (i) that 15 days' previous notice should be given by a member of a proposal to bring a motion of no-confidence against the President or the Deputy President, and (ii) that such a proposal should have the support of at least 15 members before discussion on it is permitted.

Secretary  
and staff.

190. The Council should be provided with a Secretary and a staff adequate to the conduct of the work. These will form part of the Government Secretariat Staff, but they should work in subordination to and be subject to the control of the President, who should also have an effective

voice in the selection and appointment of the Secretary as well as of the staff.

191. The Council meets at present ordinarily twice a year and in some years there have been three sessions. There is, however, no statutory provision fixing the minimum number of times that it should meet in a year. This may be remedied by providing that there should be not less than two sessions every year.

Sessions of  
the Houses,  
etc.

As regards the term of the House and the allowances payable to its members, we have already made our proposals in the course of our recommendations with regard to the Representative Assembly.

### SECTION III.—The Executive.

192. At the time of the Rendition, the necessity for assuring the people of Mysore of the continuity of the good administration to which they had become used in the days of the British Commission, was recognised and a new experiment tried in the government of an Indian State. Although the chief executive authority and ultimate governmental responsibility would rest in all cases, actually as well as nominally, with the Ruler, it was sought for the first time to temper the system of personal rule by providing that all important acts and orders should be subject to certain departmental formalities and undergo a regular process of examination and joint consultation before issue in the Ruler's name. Accordingly a Council was constituted over which the Maharaja was ordinarily to preside. The duties and responsibilities of the Dewan and the Councillors were defined, and it was provided that a large part of the current business should be disposed of by them. For this purpose, it was considered essential to give them a voice in all important deliberations, and the right to place on record their views regarding important matters affecting the administration of the country, although no independent status or authority would thereby be conferred on them. In actual working, however, the Council appears to have failed to act as a corporate body and to assume that position in the administration which it was intended to occupy. Its position before the demise of the late Maharaja in 1894 was described by the Dewan,

The  
beginnings  
of the  
Executive  
Council.



Sir K. Seshadri Iyer, as follows:—"The Dewan was responsible to the Maharaja for the executive administration of the country; and the Dewan and the Councillors were jointly responsible to the Maharaja for the advice they tendered in regard to the general measures of administration specified in the rules of July, 1881, and the Councillors were responsible to the Dewan and the latter to the Maharaja for the proper discharge of the administrative duties delegated by the Dewan to the Councillors."

Evolution  
of the  
Council.

193. At the time of the Regency, the Government of India deemed it expedient that the Council should take an active and not merely a nominal share in the business of the State. Arrangements were accordingly made to confer greater authority and jurisdiction on the Council. This new constitution was in operation for a period of eight years, 1895-1902. Even this Council does not appear to have functioned as satisfactorily as might have been desired, and it was considered at the time that an undue share of authority had passed into the hands of the Dewan. In the opinion of Lord Curzon, such a state of things did not betoken a healthy future, and he considered that the Maharaja ought to be the actual ruler and master in his own house. So when the present Maharaja assumed power, the Council resumed its old character of being a consultative body, although care was taken to maintain its efficiency in co-operating with the Dewan, as well as serving as a sort of check upon his actions. The list of scheduled matters which were to engage the attention of the Council was revised. While the Dewan was to be responsible to the Maharaja for the efficient conduct of the administration in various branches and to be the channel of communication with His Highness in all matters of State business, continued knowledge and interest in the working of the various departments of the State was ensured by entrusting the Councillors also with specific portfolios.

Its consti-  
tutional  
status.

194. With the inauguration of this Council, a new epoch in executive administration was started in Mysore, which has continued down to the present day. The position of the Council has been elucidated by the Seal Committee. The Dewan and Councillors act as constitutional advisers to the Ruler, and initiate, organise and direct policy, but are not centres of independent

delegated sovereign authority. They are members *ex-officio* of the Legislature, and form a Ministry responsible to the Head, and not liable to be turned out by a vote of the Legislature. The Committee cited Switzerland and the United States as instances of advanced democratic constitutions, where the executive was not removable as under the British type of responsible government. This irremovability of the executive was considered a necessity in the peculiar circumstances of the country. As the Committee put it (Para 29): "Indeed, in the absence (or breakdown) of the party system and on the emergence of shifting or loosely co-ordinated groups in the legislature, this will be seen to be a constitutional necessity in the interests of the strength and stability of the administration."

195. Regarding the composition of the Council, the Seal Committee considered that there was nothing to restrict the Ruler's choice to the members of the permanent services. In fact, they considered that a non-official with a large experience of public affairs, especially one chosen by the Head for his assured hold on the affections of the people would, in the Executive Council, "contribute to strengthen that living harmony between the administration and the people which is of no less vital import than the conformity of the Executive to the Legislature which it is the object of constitutional machinery to secure." (Para 30) They also deemed it essential that a Minister so nominated, whether he be with or without portfolio, should take his seat on the legislature *ex-officio*, and, so long as he was in office, cease to represent any particular constituency in either of the two Houses. "He would represent the people at large unofficially, and not through the constitutional media or Houses or electorates." The Committee were definitely opposed to the appointment of a Councillor elected by the people's representatives or selected out of a panel nominated by them, as they thought that it would be virtually introducing dyarchy—a system which was alien to the reforms then under contemplation.

The Seal Committee's suggestions regarding the direction of growth.

Effect was not given to the suggestion made by the Seal Committee. It is, therefore, for us to reconsider the whole position in the light of experience gained in Mysore and outside, and to judge what further advance is feasible in the present circumstances. Full

responsible government, not being—as we have already stressed sufficiently—an immediate possibility, three alternatives have been suggested for our consideration.

The Swiss model.

196. The first alternative is that there may be an irremovable executive, on the Swiss model, where the ministry need not resign on an adverse vote defeating its policy or measures, but as a matter of course conform to the wishes of the people constitutionally ascertained. There was, in fact, a hint to this effect in the Seal Committee's report. The Swiss Federal Government, however, exercises very limited functions and deals only with foreign policy, communications, customs and the like, and the day-to-day administration is carried on solely by the Governments of the constituent units. Whatever circumstances there might be in a loose and heterogenous Federation like Switzerland, favourable to the working of such a system, we are convinced that it is altogether unsuited for a unitary State with the traditions of Mysore. No doubt, a certain class of politicians has always been very much attracted by the proposal that the Executive Government should be bound to carry out the "resolutions" of the legislature. But the political experience in all advanced countries has made it clear that government by large deliberative bodies is an impossibility. The British Parliament has never regarded itself as an administrative body, and in Great Britain it has been said that "the Government does, in truth, govern, and the function of Parliament is first to register its decisions, secondly to serve as an outlet for an individual and collective grievance, and thirdly to warn the Government when it is becoming unpopular." The authors of the Montagu-Chelmsford report have observed (paragraphs 168 and 169) that "the method of attempting to control the executive by direct orders on points of detail is wrong in principle" and "not in accordance with modern English constitutional practice;" that even in England there is no sanction for the enforcement of resolutions other than the general powers of control enjoyed by the House; and that the House could make its resolutions effective only by withdrawing its confidence from the executive. They point out that with an irremovable executive there is no such sanction possible and conclude by saying "we should in any case therefore

hesitate to approve a proposal which has not to our knowledge been applied elsewhere, which it is difficult to find a method of enforcing, and which involves abrupt interference with the details of administration by a body that acts without due knowledge, is not charged with the duty of carrying out what it dictates, and cannot be held responsible for a wrong decision." We are in entire agreement with these observations.

197. Another alternative is some form of dyarchy, with a dual executive partly responsible and partly irresponsible and the division of subjects into reserved and transferred. It has been said that, in the conditions obtaining in the Indian States, so long as reservations are necessary in order to provide for the satisfactory discharge of the Ruler's responsibilities to the Paramount Power, dyarchy of some type is inevitable for all time, and that there is no alternative to it, if the legitimate aspirations of the people for a share in Government are to be satisfied. It is urged on behalf of dyarchy that, notwithstanding its admitted defects, it has helped to train people in parliamentary forms and usages and to fit them for full responsible government, and that the States could take a lesson from the working of dyarchy in the British Provinces and eschew its defects. Dyarchy.

198. We may say at the outset that dyarchy is not wanted by any considerable body of opinion in the State. Whatever might be said of dyarchy or the degree of success that has attended its working in British India, we consider that it is not suited to the conditions of the Indian States, where the Ruler is responsible for the administration of the State and for all important acts done or decisions taken by the ministers in any department of administration—whether reserved or transferred, and where consequently the ministers or the executive councillors in charge of the several portfolios cannot have the same amount of power and freedom of action as the executive councillors or ministers might have had under the system of dyarchy in British India. Further, dyarchy is based on the assumption that it is possible to divide the field of government into mutually exclusive sections. But in practice this is found impossible. The functions of government overlap at every stage, and it is indeed a problem to think of any sphere of administration or Its defects.

legislation where they do not. Above all, they interpenetrate in the ground of finance. Owing to the practical impossibility of sharply demarcating governmental activity within water-tight compartments, the theoretical division of functions and responsibility in dyarchy necessarily gives rise to a great deal of friction with consequent weakness and inefficiency in the Government. Besides, as it is admittedly a half-way house on the road to full responsible government, the anxiety will be more to hasten its end rather than to work it to its full capacity. The most serious defect underlying dyarchy is that the division of subjects into "Reserved" and "Transferred" is based on distrust of the capacity of non-official ministers to handle certain all-important departments like Law and Order, which although they have an intimate bearing on the life of the people, are withheld from popular control. The ministers under dyarchy thus start with an incurable inferiority complex. On the whole, we are convinced that the defects inherent in dyarchy are fundamental, and that the circumstances obtaining in an Indian State like ours, instead of being more favourable for its working are, on the other hand, more likely to hamper its functioning than in British India.

The third alternative.

199. The third alternative, which we favour, is that of an executive consisting of a cabinet of ministers, some of whom would be chosen from among the elected members of the legislature, and the rest either from among the officials or non-officials at the discretion of the Ruler. There would be no division of functions into "Reserved" and "Transferred", the ministers being jointly responsible for all the decisions of the Government. The ministry would be appointed by the Ruler and be primarily responsible to him and would hold office during his pleasure, but at the same time would in a large measure be answerable for their actions and policies to the legislature, although not necessarily removable on a vote of no-confidence by the legislature.

Criticism thereof.

200. It might be said that there is nothing new in the idea, and that it had been considered in British India and rejected in favour of dyarchy. But we believe that the very reasons which entailed their rejection in British India may, owing to difference in the conditions, entitle them to serious consideration in the Indian States, or for our

purpose at least in Mysore. The first and foremost objection raised against the scheme is, that with a composite cabinet of this type, there could be nothing more than a semblance of responsibility in the absence of removability on a vote of no-confidence, as at every step the executive could retreat behind its corporate responsibility, and the legislature would only be in a position to influence but not control the executive. The critics also point out that the scheme embodies a divided allegiance, although technically both the official and non-official members of the Government would be responsible to the legislature as well as to the Ruler. In the event of a material difference of opinion, if the non-official half, while agreeing with the views of the legislature, should choose to support their official colleagues, the element of responsibility to the legislature would disappear; while on the other hand, if they opposed their colleagues they would fail in their responsibility to the Ruler, and the unity of the Government would cease to exist. The official members, too, would be faced constantly with a similar dilemma. It is urged that, under an apparent unity, the scheme thus masks a dualism, and that perhaps of a worse type than dyarchy, as the two parts of the executive would have joint responsibility over the whole sphere of work, with the possibility of continuous friction and deadlocks. The other feature objected to is the presence of officials in the ministry. We shall now proceed to examine these objections.

201. Although we have already dealt with certain general implications underlying the vexed question of responsibility to the legislature, the matter requires examination from a closer and more practical standpoint. In fact the great problem of representative or democratic institutions is how to combine popular control with strong, efficient and stable government. According to the Joint Parliamentary Committee, the strength of the Executive in the United Kingdom is due to the inveterate and cherished tradition of Parliament, that the prerogatives of the Legislature are not to be jealously or factiously asserted in such a way as to prevent the King's Government from being carried on—a tradition which they said is yet unknown in India. They therefore sought to embody in the Government of India Act this "principle of executive independence" by which they meant the exclusive

Responsibility in actual practice.

responsibility of the executive for the fundamental functions of government, *viz.*, the enforcement of law and order and the maintenance of an upright administration. They held<sup>(1)</sup> that there is no greater danger to good government than to take the performance of these fundamental functions for granted, and that their performance was a responsibility which "no executive can share with any legislature, however answerable it may be to that legislature for the manner of its discharge," words which recall to mind what Gladstone once told the House of Commons:—"Your business is not to govern the country, but it is, if you think fit, to call to account those who do govern it." The Joint Parliamentary Committee considered<sup>(2)</sup> that the function of the legislature is "to vote supply, to criticise, to educate public opinion and legislate" and pointed out that "to magnify the legislature at the expense of the executive is to diminish the authority of the latter, and to weaken the sense of responsibility of both." They added: "We have no wish to underrate the legislative function; but in India the executive function is, in our judgment, of overriding importance." According to their recommendation all executive authority is vested by the Act in the Governor, who although normally acting on the advice of his ministers in the ministerial sphere, has the power to reject their advice whenever he deems it essential for the exercise of his special responsibilities or in the interests of tranquillity and good government. The Joint Parliamentary Committee, however, hoped<sup>(3)</sup> and were "willing to believe" that it might never become necessary to put the Governor's reserve of powers into action; but they thought that their existence in the background "may well prove the most effective guarantee for the development of a genuine system of responsible government."

Status of  
Provincial  
Ministers.

202. We may briefly refer here to the status of the Ministers under provincial autonomy. Regarding the selection of Ministers the Joint Parliamentary Committee recommended<sup>(4)</sup> that "the course of wisdom is to give the Governor the widest possible latitude." The Act thus provides that the Governor's Ministers are to be chosen

---

1. Report of the Joint Parliamentary Committee, Para 19.

2. *Ibid.*, Para 111.

3. *Ibid.*, Para 114.

4. *Ibid.*, Para 118.

and summoned by him and are to hold office during his pleasure, and he has to exercise those functions, including the dismissal of Ministers at his discretion, subject of course to certain directions given to him in the Instrument of Instructions. The Council of Ministers is "to aid and advise" the Governor in the exercise of his functions. It has been held that although the Ministers might be popularly referred to as "the Government," their functions are in law only advisory and that the use of the word "aid" in the Act does not legally vest the Ministers with any right to exercise authority or executive functions, which according to Section 49 of the Act shall be exercised only by the Governor "either directly or through officers subordinate to him." On the question of responsibility of the Ministers to the Legislature, the Joint Parliamentary Committee observe (Para 113): "The collective responsibility of ministers to the legislature is not a rule of law to be put into operation at discretion, but a constitutional convention which only usage and practice can define or enforce." There is accordingly no *statutory* responsibility of Ministers to the Legislature. Whatever provisions there are in this behalf, are contained in the Instrument of Instructions to the Governor.

203. The broad principles underlying the constitution of the provincial Executive in India, to the extent to which they are embodied in the Government of India Act, are acceptable to us. They involve the recognition, as we have seen, of a differentiation between the functions of the Legislature and the Executive, so that one may not encroach upon the sphere of the other. The supreme Executive in the Provinces is distinct from the Ministry, whose functions constitutionally are only advisory, and whose appointment is left to the discretion of the supreme Executive. The Ministry is the link between the Executive and the Legislature, and responsibility is to be achieved in an increasing measure by the growth of conventions. These principles could be applied almost straight away to Mysore. Their application would in fact be a much simpler affair, as there would be no need for a cumbrous Instrument of Instructions, seeking on the one hand to safeguard the position of the supreme Executive, and on the other to give body to the rudimentary conventions regarding the principle of popular control. An unfortunate cleavage of interests between the rulers and the ruled, to which we have

Applica-  
bility to  
Mysore.



referred, has been the dominating factor in British Indian politics. In India, in the words of the Montagu-Chelmsford report, "the two sides have been divided by race, and also by differences of standpoint," which have always made any *rapprochement* difficult, if not impossible. It might well have been feared that in such circumstances, a composite cabinet (of the type we contemplate) with one half actuated by loyalty to British interests represented by the Secretary of State, and the other by the views of the Indian Legislature, would prove a hotbed of dissensions and deadlocks. But in Mysore we think that there is no ground for apprehending that the Ruler and the official members in the cabinet would pull in one direction, and the elected members in the other. Even with an Executive Council like the present, theoretically responsible only to the Ruler, the constitutional tradition has been such that the Rulers have kept their personal inclinations in the background, and have looked only to the best interests of the people, expressed in an increasingly effective manner through their accredited representatives. The introduction therefore into the Ministry of a non-official element, in intimate touch with the Legislature, cannot but prove the means of further materialising the responsibility on the part of the Government which already exists in a large measure. We foresee no particular difficulties, too, in the dual nature of the responsibility which we envisage, because of the absence of any real conflict of interests between the Ruler and the ruled. We are sure that, in the course of growth, equilibrium will establish itself at each stage, by a process of natural adjustment. We consider that responsibility to the Ruler must be a necessary feature of "responsible government under the ægis of the Ruler,"—a formula representing the extreme political demand in the State; and it would present no real problem inasmuch as it would be no imposition from outside, but would be reinforced from within by the age-long traditions of loyalty to the Person and Throne of the Ruler which every Mysorean cherishes in his inmost heart, whatever may be his political complexion. If the Joint Parliamentary Committee could hope that the Governor, with his reserve powers in the background, might prove "the most effective guarantee for the development of a genuine system of responsible government," we may, with all the more reason, base such a faith in the judgment and fostering solicitude of His Highness the Maharaja.

204. Our immediate problem is to devise an "Executive" (in the popular sense) which will not entail too sudden a break with the existing system, but will be flexible enough to allow for development within the constitutional framework. The purpose will be served, we believe, by a Council or Cabinet consisting of the Dewan and a certain number of Ministers to be appointed at the discretion of the Ruler, of whom not less than half the number, to start with, would be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council—one at least from each body—the rest being chosen from among officials or non-officials, whether members of either House or not.

The  
Council of  
Ministers.

Our colleague Mr. Bhupalam Chandrasekhara Setty does not agree in this view and urges the immediate establishment of full responsible government.

205. We have given our most anxious consideration to the manner of selection of the non-official Ministers from among the elected members of either House. We consider it out of question that the leaders of the majority party in either House should be sent for and asked to join the Ministry, as suggested by Mr. Bhupalam Chandrasekhara Setty. We consider, that for reasons already given at great length, the present political conditions in the State do not warrant such a course. We agree, however, that the non-official Ministers selected should be persons who may be expected to enjoy the confidence of the Houses and that no room should be allowed for the suspicion that they are chosen because they are "safe" and not likely to give trouble. This is essential if the Legislature and the Ministry are to work smoothly together. One of the suggestions pressed in the Committee in this behalf by Mr. Mahomed Abbas Khan and some others was that they should be appointed from out of panels chosen by the elected members of each House, if not directly elected by the members of the Houses. But in the earlier stages it is imperative that general capacity and worth and aptitude for administrative work, if not actual experience, ought to be the primary considerations in judging fitness, rather than success in election, which may depend on other qualities, as the qualities which make a good spokesman do not necessarily make a good administrator. The majority of us are therefore convinced that for some

Selection of  
non-official  
Ministers.

time to come, at least, the discretion of the Ruler to make the best selection should not be fettered in any way, by the imposition of a panel or otherwise, and he should be free to give the members of all communities an opportunity to hold the appointments.

The place  
of officials  
in the  
Cabinet.

206. We would not stipulate that there should be any prescribed number of officials or any officials at all in the Cabinet. But it will be conceded that when non-officials are being allowed for the first time to participate directly in the executive government, and cannot be expected to bring with them previous administrative traditions or experience, it will be very desirable, if not necessary, for some time at least to associate officials with them in the Council. The forthcoming changes will tax both the tact and ability of the Cabinet, and at such a critical time we are not prepared to deprive them of the help of official experience. It might be said that non-official Ministers may well derive this kind of help from secretaries or official subordinates. But we are afraid that such advice is not likely to be either free or independent. In order to secure these essential qualities, officials must be able to co-operate with the non-official Ministers on a footing of equality as colleagues. We have also to take into account the effect upon the Services of excluding them at one stroke from some share in positions which they have hitherto been looking upon as within their normal range of preferment. It would, therefore, in our opinion, be a short-sighted policy to preclude their employment in the domain where, especially during a transitional period, they will be of the utmost usefulness. For these reasons we consider that for the present some of the members in the Cabinet may have to be officials. We would, however, make no difference whatever between the official and non-official Ministers, either in pay or status or eligibility to hold any portfolios. Absolutely no scope will thus be left for any inferiority complex to develop among the non-official Ministers.

Relation  
between  
the Execu-  
tive and  
the  
Legislature.

207. In regard to the nature of the relationship between the Legislature and the Executive, and the mode by which the Legislature could control or influence the Executive, two proposals were considered by the Committee. The first was that provision should be made for a vote of no-confidence being proposed against the Ministry, and for

the Ministry being made removable on such a vote. This was pressed by Mr. D. H. Chandrasekharaiya. The suggestion, however, did not find favour with the majority of the Committee, who are of opinion that a direct vote of no-confidence is an incident of full responsible government on party lines which is not suited to the present conditions in the State. We consider that a Cabinet composed in the manner proposed by us should not necessarily be made removable by a vote of the Legislature.

The other suggestion was put forward by Mr. D. V. Gundappa and we present it in his own words: "When the Legislature feels that things are going wrong and that a change of policy is necessary, the device that I would suggest is not a motion of no-confidence for the removal of the Ministers. I would provide for the two Houses moving separately Addresses to His Highness requesting a direction to the Ministry to change its policy. This would be a convention. When a specified majority of each of the Houses passes a resolution to the effect that the policy of the Government does not commend itself to the public and that there is a need for some change in policy, it should be construed as a vote of censure on the Ministry and it should be left to His Highness to change the Ministry either in part or in whole."

There are, however, serious practical difficulties in the way of the working of this proposal, which have to be reckoned with. If the responsibility of the Ministers should be individual it will lead to dissensions of a very undesirable type. The defects of dyarchy will be multiplied as many times as the number of the Ministers. This can only be avoided by the principle of joint responsibility and action. But when the functions of government overlap, the responsibility is inevitably diffused and cannot be fixed except on the Cabinet as a whole. In these circumstances, an Address by the two Houses directed against the policies of the whole Ministry would in no way differ from a vote of no-confidence. In fact, instead of being a half-way house, as Mr. Gundappa thinks, it would perhaps be even more pointed and specific than a vote of no-confidence, as it would be passed by a specified majority. The Ruler would either have to accept the opinion of the Houses or differ from it on his own personal responsibility and set himself

against the deliberately expressed wishes of the representatives of the people. It would thus place the Ruler in a situation of unprecedented embarrassment which it is imperative to avoid at all costs. We would not say that the Cabinet as envisaged by us should be statutorily irremovable, but we are convinced that removability of the Ministry, either in part or in whole, will have to grow up by convention. The real discretion to change it should rest with the Ruler, and his hands should not be tied down in any manner. Even in the House of Commons, the real control or influence over the Government is exercised, not merely through votes of no-confidence as such, but also in many other and not less effective ways, *e.g.*, by resolutions, by questions, by adjournment motions, and by budget debates. In fact, it has been said that the recent tendency has been to treat every question as a matter of "confidence." All these modes will be available in our constitution, and it will also be open to the Legislature to refuse to vote grants if they disapprove of the policy of the Government in general or in respect of any particular department or measure. We consider that provision may be made that all resolutions casting any reflection on the policy of the Ministry or its work and efficiency must be brought to the notice of His Highness, it being left to His Highness to decide what course of action is called for, whether to direct the Ministry to change their policy in accordance with the views of the Legislature, or to dismiss the Ministry either in part or in its entirety, or to disregard the resolution altogether if the circumstances should justify it. All these results could be achieved under our scheme without the inconvenience resulting from an Address or a vote of no-confidence.

Dr.  
DeSouza's  
views.

Our colleague, Dr. F. X. DeSouza, who was not able to attend the sittings of the Committee when Mr. Gundappa's proposal regarding Addresses to the Ruler was discussed, desires to place on record that he is in favour of some provision being made for moving such Addresses, which will have to be initiated on the requisition of a specific number of members of both Houses, and carried by a specified majority. He thinks that they would be an indication to the Ruler of the existence of grave discontent in the body politic, whereas, on the other hand, a resolution of the type contemplated by the Committee might only be a move in the game of party politics

and might be carried by a snatch vote, and as such would have little or no value as an index of the existence of deep-seated public feeling in the country. He is of opinion that such a procedure, by failing to bind the Ministry, would miss the goal of the political aspirations of the people. He feels that the provision for an Address would be a more substantial and effective step in the direction of Ministerial responsibility, than that proposed by us. In the absence of such a provision he would prefer some form of dyarchy, *e.g.*, similar to that introduced in Cochin, as he fears that in the scheme proposed by us for the Executive, there is the possibility of a deadlock in the event of an irreconcilable difference of opinion between the official and non-official members of the Cabinet.

208. We will now proceed to detail our specific proposals in regard to the composition of the Cabinet or the Executive Council. It will consist of the Dewan and not less than four Ministers appointed by the Ruler. The  
Cabinet.

209. The Dewan will be selected by the Ruler at his pleasure either from among officials or non-officials. A majority of eleven are of opinion that the selection for the Dewan's appointment should ordinarily be confined to Mysoreans. A minority of five, which includes the Chairman, are, however, not in favour of placing any such restriction on the choice of the Dewan by the Ruler. The majority are also of opinion that the term of the office of the Dewan should not ordinarily exceed five years. The  
Dewan.

The Dewan will be the President of the Cabinet. He will not be a member of the Legislative Council, but will have powers to attend its meetings and address it, if necessary.

210. The Ministers will be *ex-officio* members of the Legislative Council. Their number which, as already stated, will be not less than four, may to start with be fixed at four. Of these not less than two should be non-officials from among the elected members of the Representative Assembly or the Legislative Council—one at least from each body selected, as already explained in the previous paragraph, by the Ruler at his pleasure. The rest will be The  
Ministers.

appointed by the Ruler from among the officials or non-officials, whether members of the Representative Assembly or the Legislative Council or otherwise. Our colleague, Mr. D. H. Chandrasekharaiya, considers that at least three of the Ministers should be non-officials.

The elected non-official members of the two Houses who are appointed as Ministers will retain their seats as elected members in the Houses. The term of office of the non-official Ministers who are members of the Houses, as well as of those appointed from outside, will, subject to the pleasure of the Maharaja, be co-extensive with the term of the Houses. The official Ministers will hold office during the pleasure of the Maharaja, provided that their term should not ordinarily exceed five years and should be subject to the provisions of the Mysore Service Regulations. Four of our colleagues (Messrs. B. S. Puttaswamy, D. H. Chandrasekharaiya and two others) are of opinion that the term of office of the non-official and official ministers should be the same and co-terminous; but the majority are not in favour of the proposal.

The pay and status of non-official Ministers will be the same as those of the official Ministers. Various suggestions were put forward in the Committee, proposing salaries which ranged from Rs. 500 to Rs. 2,500. But it was generally agreed that the salaries of the Ministers may be left to be determined by the Ruler at his discretion. We would propose that the term, Minister, may be used in preference to the present designation of Member of Council, although the designation of the Dewan may continue, without being altered to Chief Minister or Prime Minister. The distribution of portfolios between the Dewan and the several Ministers will be wholly at the discretion of the Ruler; and no Minister will be disqualified from holding any portfolio on the ground of having been selected from among non-officials.

A proposal was made by Mr. Abbas Khan and supported by the other Muslim members of the Committee that it should be provided in the Constitution itself that one of the Ministers should be a Muslim, by increasing the number if necessary. Similarly it was urged by Mr. Chennigaramiah that provision should be made in the

Constitution for an Adikarnataka Minister. Neither of these proposals met with the approval of the other members of the Committee, who were of opinion that it should be left to His Highness to choose his Ministers so that they may be as representative of the several communities in the State as possible, and that the number of Ministers should not be increased merely in order to provide representation for any particular community.

#### SECTION IV—The Franchise.

211. The progressive reduction of qualifications for the franchise in Mysore has been referred to in Chapter II. The eligibility to vote depends at present on considerations of taxation, education, and other qualifications, *e.g.*, being a retired pensioned officer of the Mysore State Troops or being a holder of a British Indian or Mysore title, all of which could be clubbed together under the designation, plural franchise. The Seal Committee were of opinion that, ultimately, all forms of plural franchise are "destined to merge in the final form, *viz.*, universal adult suffrage." In our Committee it has actually been proposed by Mr. Bhupalam Chandrasekhara Setty and Mr. R. Chennigaramiah that adult franchise should be introduced immediately. The proposal however does not commend itself to the other members of the Committee, who feel strongly that, apart from the almost insuperable practical difficulties presented by the sudden increase of the electorate from about a lakh and a half, as at present, to over thirty lakhs, the franchise should be enjoyed not as a matter of course, but should be regarded as, to some extent, a privilege. We have in this matter the support of no less a personage than Mahatma Gandhi who, in a recent statement, has explained why he has had to abandon his original advocacy of adult franchise, in favour of the view that the franchise should be based on some qualification, be it only literacy. We are generally agreed that extension of the franchise is an essential prerequisite for any measure of democratic advance; but at the same time it has to be recognised that such extension can only be made in stages, if we are to avoid the possible breakdown of the electoral machinery through sheer weight of numbers.

Extension  
of the  
franchise.

212. Before going into the details of the nature of the reduction in the franchise qualifications which we consider advisable, we wish to take up the question as to whether

Differential  
franchise  
for the two  
Houses.



there should be any difference in the franchise for the Representative Assembly and the Legislative Council, keeping in view their different functions. In this connection, the Seal Committee have pointed out that wherever there are two houses, one an originating house, and the other a revising chamber, both of popular origin, it is usual to have higher qualifications for the voter or candidate, or for both, for the upper house. It is also not unusual to have primary or direct election to the so-called lower house, and secondary or indirect election to the so-called upper house, and to have wider or larger constituencies (or more carefully grouped constituencies) for one house than for the other. With specific reference to Mysore, the Committee observed that the reasons for such difference were stronger than usual, as in their opinion, the Legislative Council and the Representative Assembly differed from each other even more widely than the two chambers of a bicameral legislature; so, they sought to provide a difference in qualifications between the voters for the Representative Assembly and those for the Legislative Council. Although the recommendations of the Seal Committee were accepted by the Government in the first instance, the differential franchise was abolished a couple of years later in response to resolutions passed in this behalf in the Representative Assembly.

Now, with the changes which we have proposed in the constitution and powers of the Representative Assembly and the Legislative Council, increasing the powers of the one, and the elected element in the other, and also in view of our recommendations in respect of the executive we think that the grounds advanced by the Seal Committee for having a differential franchise for the two Houses hold good with all the greater force. We would therefore create a difference between the voters for the two Houses, by retaining the qualifications of voters for the Legislative Council as at present, except as regards the educational qualification for women, while materially reducing the qualifications of voters to the Representative Assembly. Mr. D. H. Chandrasekharaiya, however, favours the reduction of the property qualification for the Legislative Council to the level of payment of Rs. 15 as land revenue. The question of specially reducing the property qualifications in the case of voters of the Depressed Classes has already been dealt with.

213. At present the voters in territorial constituencies for the Representative Assembly are divided into two classes—rural and urban. The proportion of these two is roughly 2: 1 in a total of 150,000 approximately. The property qualifications of urban voters are at present, in our opinion, pitched sufficiently low, being identical with those entitling a person to a vote in municipal elections in the area forming the constituency. We considered the question of the enfranchisement of sole tenants of houses who pay a certain amount of municipal tax in urban constituencies, but we are generally not in favour of the proposal. On the whole, we do not see any necessity to enlarge this electorate further, except to the extent effected by the reduction of the educational qualification to which we shall refer later. On the other hand, we would enlarge the rural electorates substantially by reducing the qualifications based on taxation, *e.g.*, the payment of land revenue from Rs. 25 to a lower figure. Three alternative proposals were considered by the Committee, *viz.*, reducing the minimum land revenue payable by a voter to (1) Rs. 15, (2) Rs. 10, and (3) Rs. 5. The Committee by a majority of 10 members are for reducing the minimum to Rs. 10, while 7 members voted for reducing it to Rs. 15 and 4 members to Rs. 5. The payment of taxes under the Panchayet, Mines and Municipal Acts entitling a person to vote in rural areas is at present Rs. 5. We would reduce this to Rs. 4. Similarly, the *beriz* of inam villages which will qualify Inamdars to vote, may be reduced from Rs. 125 to Rs. 100. The present rules require that an Inamdar, in addition to possessing the prescribed qualifications, should also reside in the constituency. As no such residential qualification has been prescribed in respect of persons who pay land revenue or other taxes, we consider that there are no grounds for placing this additional restriction on Inamdars, and would propose that the distinction may be abolished. The effect of our proposals will be to enlarge the rural electorate for the Representative Assembly about three-fold.

Property qualifications for voters to the Representative Assembly.

214. We now come to the educational qualification. The observations of the Seal Committee in this behalf (Para 177 of their report) are very much to our point, and we shall quote the passage in extenso:—

“The Committee considered that it was not desirable *at this stage* to recognise the school-leaving certificate as qualifying for the

Educational qualification for voters to the Representative Assembly.

vote (or for candidature), irrespectively of property qualifications. At the same time, it was felt that when civic and vocational developments (and other improvements) of secondary education will have been introduced, a school-leaving certificate as the terminus of the secondary or intermediate stage should in reason confer elementary rights of a civic (or a political) franchise, rather than the Bachelor's degree, which would be caviare to the general! This is all the more desirable, because, with coming changes in the political arena, education will no longer be regarded with jealousy by the governing class as an unsettling factor, but rather with complacency as a much-needed safeguard against the universal danger of an uneducated but politically-minded proletariat."

We consider that, as anticipated by the Seal Committee, the time has now come when the educational qualification should be reduced to the possession of the S. S. L. Certificate, and we are of opinion that this should be applied to rural as well as urban constituencies. A minority of eight members of the Committee was for reducing it still further—to the Upper Primary, Lower Secondary or Middle School standard; but this view did not meet with the support of the majority.

Qualifications for women voters to the Representative Assembly and the Legislative Council.

215. In the case of women, we think that the educational qualification for voters to the Legislative Council may also be reduced to the possession of the S. S. L. Certificate, and that it may be further reduced to a pass in the Upper Primary, Middle School or Lower Secondary examination, for women voters to the Representative Assembly.

Disqualifications of voters.

216. We have next to consider the question of the disqualifications of electors. The present rules which are based on the recommendations of the Seal Committee disqualify, at the outset, any person who is not a subject of His Highness the Maharaja by birth or domicile, and who has not resided in the Mysore State for six months prior to the preparation of the electoral roll, provided that, in the case of persons possessing the required property qualifications, residence in the Civil and Military Station, Bangalore, shall not disqualify for voting. The period prescribed for domicile is at present five years. The other provisions disqualify persons under 21 years of age, or of unsound mind, undischarged insolvents, and (subject to certain reservations and provisions) dismissed officials of Government and persons convicted of certain criminal offences.

The principles on which these disqualifications are based are generally acceptable to us, and we do not consider any modifications necessary, except to some extent in respect of details. We are agreed by a majority that the period of six months prescribed for residence in the State in order to qualify a person to have his name entered in the electoral roll should be raised to one year; and that the period entitling a person to claim to be a subject of His Highness the Maharaja by domicile should be extended from five to ten years. Messrs. T. Ramachandra, D. H. Chandrasekharaiya and Mahomed Hanief object to this on the ground that as subjects of Indian States have the right of voting in British India without any limitation regarding the period of residence, there should be reciprocity in Mysore in this respect. In this connection, we may mention that our colleague, Mr. D. V. Gundappa, considers that there is a necessity for the enactment of a law of naturalisation in Mysore on the lines of the British Nationality and Status of Aliens Act and the Naturalisation Act of British India. We would commend this suggestion for the consideration of Government.

We are unanimously of opinion that the period of operation of the disqualification in the case of persons convicted of certain criminal offences, or of dismissed Government servants, which is now fixed at ten years, acts as a hardship and may well be reduced to five years. We are also generally agreed that the disqualification on the ground of a sentence or conviction for certain criminal offences should be made applicable only to such offences as involve moral turpitude, it being left to the Government to determine what is moral turpitude in any case.

We are also of opinion that the modifications which we have proposed in respect of the disqualifications of voters to the Representative Assembly should, for identical reasons, be made applicable to voters for the Legislative Council also.

217. The next point for our consideration is the qualifications of candidates. The qualifications for candidates for the Representative Assembly are at present identical with those for voters, with the restriction that candidates should be non-officials. The Committee

Candida-  
ture.

considered a proposal that the qualifications for the candidates should be higher than those for the voters. The majority of the Committee are, however, not in favour of making any difference in this behalf, except that we would propose a higher minimum age for candidates, as we consider that, with the proposed extended franchise, candidates should ordinarily be persons with at least some experience of affairs. We believe that this would be secured if the minimum age for a candidate for the Assembly is fixed at 25 years instead of 21 as at present. We are also agreed, with the exception of Mr. T. Ramachandra, that the educational qualification of a member of the Representative Assembly, in the absence of any other qualification, should be that of a graduate of a University. Mr. T. Ramachandra is, however, in favour of having in this respect also identical qualifications for candidates and voters.

Eligibility  
of village  
officers.

218. The question of the eligibility of the village officers for membership of the Representative Assembly was considered by us at some length. Under the existing rules, shanbhogs and patels are treated as non-officials for purposes of membership of the Assembly. The position of these officers is somewhat anomalous. They are not, strictly speaking, whole-time officers of the Government, as they do not receive salary, but only a *potgi* which is in the nature of a commission or honorarium; but they are still treated as public servants under the Indian Penal Code. It is urged on the one side that, in the present state of education in rural areas, village officers by reason of their close touch with the people are best qualified to put before the Government the wants and grievances of the people. On the other side it is said that, being practically Government servants, they are likely to support the Government in all matters and even to influence the opinion of the other members of the Assembly so as to suit the wishes of the local officers, and that consequently the popular side is not likely to receive proper representation. It is also pointed out that village officers themselves, as members of the Assembly, might find themselves in a very awkward situation and incur the displeasure of their superiors whenever they gave expression to views not in accordance with the policy of the Government—apart from the doubtful propriety of allowing shanbhogs and patels in the Assembly to criticise the Government, when

Government officers of a higher status were not permitted to do so.

After carefully weighing the several arguments advanced, the majority of us are of opinion that, notwithstanding the progress of education, patels and shanbhogs still continue to be among the persons best qualified to represent rural areas, wherever they command the confidence of the electors. Possessing influence among the people on the one side, and the confidence of the Government on the other, they would be in a position to discharge their duties as members of the Assembly with efficiency, which is after all what ought to count. We have also avoided, as far as possible, the deprivation of any class of people of the political privileges hitherto enjoyed by them, and we feel that we should be doing injustice to a large and useful section of the public if we disqualified Patels and Shanbhogs. We are of opinion that it would neither be in the interests of sound administration, nor would it be correct in principle, to deal with them on the same footing as full-time paid public servants, seeing that they form part and parcel of the *Barabaluti* system, the most ancient of popular rural organisations. In fact, we would go further and recommend that the privilege of eligibility to membership of the Assembly may be extended specifically to other minor village servants also, such as thotis and thalaris.

219. One more point remains to be mentioned in connection with the question of candidature to the Representative Assembly. As the rules stand at present, every person who is a non-official and is qualified as an elector in any constituency is eligible to stand for election, subject to certain provisos. The wording of the rule leaves room for doubt as to whether a person having the necessary qualifications as an elector in any one constituency could stand as a candidate in any other constituency. Now, in the case of the Representative Assembly we consider that local knowledge and sympathy are very essential qualifications for members, if they are to serve effectively to represent the wants and grievances of the people. We are therefore of opinion that it should be made clear that a person who possesses the necessary qualifications as an elector in any constituency can stand as a candidate for election only in that constituency. The

Relation of  
candidate  
to constitu-  
ency.

other alternative, *viz.*, that a person who possesses the necessary property qualifications as an elector in any one constituency may stand as a candidate for election in that or any other constituency, was specifically considered by us and rejected, as was also the modified proposal that, in view of the difference in nature between rural and urban areas, it should be provided that a person who possesses the necessary qualifications as an elector in any rural constituency should be able to stand as a candidate in that or any other rural constituency, and correspondingly for the urban constituencies.

Candidates  
for the  
Legislative  
Council.

220. We may complete the topic of franchise by stating here the modifications we would propose with regard to the candidates for the Legislative Council. We are of opinion that in their case the minimum age may be raised from 25 to 30. We would also recommend that the amount of income-tax paid, qualifying a person as a candidate may be reduced from Rs. 100 to Rs. 50 and the *beriz* of inam villages from Rs. 250 to Rs. 100, removing the existing restriction that Inamdars should reside within the constituency. With these modifications the qualifications of candidates for the Legislative Council will remain as at present.

#### SECTION V.—Privileges of the two Houses and their Members.

Privileges  
of legisla-  
tive assem-  
blies in  
general.

221. The legislative assemblies of most countries enjoy various privileges which are necessary for the support of their authority and for the proper exercise of the functions entrusted to them. Other privileges, again, are enjoyed by individual members of the legislatures, which protect their persons and secure their independence and dignity. The privileges are not necessarily incidental to the exercise of legislative functions by a house. In some countries the privileges have been specifically conferred on the legislature by the constitution, while in others, *e.g.*, in the case of the House of Commons in England, they have been acquired by virtue of ancient usage and prescription and by the law and custom of Parliament. In general, the privileges of the houses relate to the right to the exclusive cognisance of matters arising within the house, the right to provide for its own proper constitution

and working and to punish breaches of privilege. The privileges of members ordinarily comprise freedom of speech, and freedom from arrest under certain circumstances.

222. In Mysore, both the Representative Assembly and the Legislative Council already possess the power to make standing orders for the conduct of their business, subject to rules framed by the Government. But neither the members of the Representative Assembly nor of the Legislative Council possess any privileges at present. The Committee appointed by the Government in 1935 for the purpose of examining and suggesting modifications in the Representative Assembly and the Legislative Council Acts considered this question of privilege under three headings: (1) exemption from serving as jurors and assessors, (2) exemption from being arrested or detained in prison under civil process when the Representative Assembly and the Legislative Council are in session, and (3) freedom of speech subject to suitable limitations. They considered it unnecessary to grant the exemptions referred to in items (1) and (2), as the meetings of the Assembly and the Council were few and of short duration and as the exemptions were not likely to be of much practical importance. In regard to freedom of speech, however, all the members of the Committee, except one, were of the opinion that the same amount of freedom as is allowed in the Indian Legislative Assembly might be granted to the members of the Legislative Council only, the reason for such differentiation being that though freedom of speech was suitable for a compact body like the Legislative Council, it was undesirable to extend it to a big assembly like the Representative Assembly. The Government, however, did not pass orders on this question, but deferred it for later consideration.

The recommendations of the Committee of 1936.

223. We are of opinion that provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those contained in Section 71 (i) of the Government of India Act, 1935, which reads as follows:—

Freedom of speech, etc.

“Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or



any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings."

The majority of the Committee further propose that the members of the Representative Assembly and the Legislative Council should be exempted from arrest under civil process (excepting in respect of insolvency proceedings) during the sittings or any meetings of the House. Our colleague, Mr. Bhupalain Chandrasekhara Setty, suggests that no member of the Legislative Council or of the Representative Assembly should be arrested or prosecuted for any offence during the continuance of any meeting of the Houses, without the consent of the House. The rest of us are unable to agree to this suggestion, as the legislature is not ordinarily allowed to interfere, on the plea of privilege, with the course of criminal justice.

#### **SECTION VI.—State's Representatives to the Federal Legislature.**

Election of half the State's quota of representation.

224. The State has been assigned three seats in the Federal Council and seven seats in the Federal Assembly, in the event of its accession to the proposed Federation. The method of appointment of these representatives, and their relations with the Government and the legislative bodies in the State is one of the items in our terms of reference. The considerations which we have dealt with at some length when dealing with the question of Paramountcy, and the fact that the entry into the Federation is effected by an Instrument of Accession executed by the Ruler, under which he accepts certain obligations and responsibilities, make it obvious that the representatives of the State in the Federal Legislature cannot but be treated as nominees of the Ruler. The interests of democratic advance, which we have recognised in the internal administration of the State, demand however that they should find expression also in the selection of representatives to be sent to the Federal Legislature. Several alternative proposals were made by the members—that all the members to both Houses of the Federal Legislature should be elected; that all the members to be members of the Federal Council should be nominated by the Ruler; and that some members should be elected and some nominated. After a consideration of all the

proposals, the majority of the Committee are of opinion that with regard to the Federal Assembly not less than four members may be allowed to be elected and the rest nominated by the Ruler, and with regard to the Federal Council, one may be elected and two nominated. Under this scheme, it will be observed that half the number of the State's representatives to the Federal Legislature on the whole would be elected and the remaining half nominated. We are of opinion that this would be a substantial concession to the democratic principle, which constitutionally speaking cannot be claimed as a matter of right. Election could be only a privilege conceded by the Ruler in respect of some of the representatives, and the elections in every case would necessarily have to be subject to the approval of the Ruler. We would, however, make it clear that all the representatives, whether elected or nominated, would be regarded as nominees of the Ruler.

225. We are not in favour of the indirect election of representatives from the Representative Assembly or the Legislative Council to either of the Federal Houses. On the other hand, we think that they should be directly elected on a territorial basis, the entire State forming a single multi-member constituency, the method of voting being that of proportional representation by means of the single transferable vote. Consti-  
tuency.

Messrs. D. H. Chandrasekharaiya and Chennigaramiah differ from the majority and are in favour of the representatives to the Federal Council being indirectly elected by the Representative Assembly and the Legislative Council.

226. We are of opinion that the qualifications of voters for the Federal Legislature, should be fixed somewhat higher than those in force for the local Legislative Council, and that the property qualification may correspond to the payment of a sum of Rs. 50 by way of land revenue or income-tax, the qualifications based on other taxation also being correspondingly raised, but the educational and other qualifications remaining the same. Mr. D. H. Chandrasekharaiya wants the property qualification to be reduced to the level of payment of land revenue of Rs. 25. Qualifica-  
tions of  
voters.

227. There was a proposal before us that although elections might be directly on a territorial basis, the Candi-  
dature.

candidature should be confined only to the members of the Representative Assembly and the Legislative Council. We are, however, unable to see any grounds for making such a restriction, and think that candidature should be open to all who possess the requisite qualification. We think that this qualification may be the same as that prescribed for voters.

Mr. D. V. Gundappa proposes that candidates for election should be required to sign a pledge or declaration to the effect that, if elected, they will make every endeavour possible to understand the aims and policies of the Government in relation to the issues to be considered by the Federal Legislature, and conduct themselves as members thereof with a conscientious regard for the interests of the State. The majority of us accept his suggestion in the hope that a declaration or pledge of this type may serve to define the attitude of the elected representatives towards the State and throw on them the responsibility for acquainting themselves with the views of the Government.

Mr. T. Ramachandra suggests that on the analogy of Section 68 (2) of the Government of India Act, 1935, the same person shall not be eligible for membership of the Federal and the local Legislature simultaneously. We would leave this to the decision of the Government.

Relations  
of the  
representa-  
tives with  
the Govern-  
ment, etc.

228. Regarding the relations of the representatives with the Government, we presume that the Government would ordinarily place the representatives in possession of facts relating to the subjects which may come up in the Federal Legislature and also communicate their views or suggestions to them. The question of the relations of the representatives with the local Legislature does not arise as they are not to be indirectly elected by the Legislature.

## SECTION VII—Miscellaneous Provisions.

### A. FUNDAMENTAL RIGHTS.

Funda-  
mental  
rights and  
modern  
constitu-  
tions.

229. We shall now take up certain questions of a miscellaneous nature which, although not among the items specifically referred to us, the majority of the Committee consider as coming within the purview of para 12 of the

Government Order appointing this Committee which empowers us to make recommendations "on all matters pertaining to the development of the Constitution." They relate to Fundamental Rights, a Public Services Commission, the Independence of the Judiciary and some aspects of Local Self-Government. Foremost among these is the question of the necessity for a declaration of fundamental rights. From the days of the French Revolution it has been the fashion with constitution-makers to incorporate a declaration of their political creed in the fundamental laws of their country. Latterly even economic and social rights have been brought within the scope of such declarations. It was a favourite American practice to include a Bill of Rights in the constitution of every State, comprising—as has been said—"a whole series of primordial platitudes concerning human equalities, the rights of man, the duty of law observance, inviolability of private property, dignity of labour, value of education and the sanctity of every citizen." This has, however, come up for much criticism on the ground that the experience of Australia and Canada, for example, where the constitutions do not contain any Bill of Rights, has shown that the liberties of the citizen are quite as well respected there as in any of the States where such rights have been specifically declared.

230. On this subject the Indian Statutory Commission observed (Vol II, Para 36):—"We are aware that such provisions have been inserted in many Constitutions, notably in those of the European States formed after the war. Experience, however, has not shown them to be of any great practical value. Abstract declarations are useless, unless there exist the will and the means to make them effective." The recommendations of the Committee of the All-Parties Conference in India in 1928 (the Nebru Committee), however, included a long list of fundamental rights, which has now been adopted, almost verbatim, in the scheme submitted to us by the Mysore Congress. The general position with regard to a declaration of rights has been expressed as follows by the Government of India in their Despatch on Constitutional Reforms (Para 50). "If they (the rights) were expressed as so many general political maxims, they are unlikely to serve the purpose for which they are framed. On the other hand, at first sight, there seem to us to be objections to making at least some of such

Conflicting views on the subject.

rights justiciable. If administrative decisions of all kinds can be taken to the Courts, grave disadvantages and embarrassments may be expected to ensue. There may, however, be a *via media* between these two alternatives."

Views of  
Sir Mirza  
Ismail and  
the Joint  
Parlia-  
mentary  
Committee.

231. At the time of the Round Table Conferences, Sir Mirza Ismail, Dewan of Mysore, suggested the adoption of a selection from the list prepared by the Nehru Committee, as constituting a possible middle course. He pointed out that if a declaration of rights was to be made in the Indian Constitution, it should be confined to those rights which are really fundamental and well-recognised, and should not seek to embody disputed principles or to lay down expensive programmes of social reform; and that in such circumstances it might be assumed that those principles would be habitually respected by the legislatures of the country. The proposal to include a declaration of rights in the constitution did not, however, find favour with the Joint Parliamentary Committee. Their objection was the usual one which has been mentioned above. As they put it (Para 366):—"Either the declaration of rights is of so abstract a nature that it has no legal effect of any kind, or its legal effect will be to impose an embarrassing restriction on the powers of the Legislature and to create a grave risk that a large number of laws may be declared invalid by the Courts because inconsistent with one or other of the rights so declared. An examination of the lists to which we have referred shows very clearly indeed that this risk would be far from negligible."

The need  
for declara-  
tion.

232. After a careful consideration of the matter, we have come to the unanimous conclusion that the balance of advantage would lie in making a declaration. We do not propose, however, that the declaration should either be incorporated in the constitution or that the fundamental rights should be enforceable in a court of law. We agree that many complications would result from such a course. But we believe that even a formal declaration of rights will not necessarily be a futile compound of "declarations and declamations", but that it will serve a useful purpose in supplying standards and prescribing limits for the legislature and for the executive as well as for the administration of justice.

Besides, its educational value will by no means be inconsiderable. This is especially the case where the general level of political education is not very high. We are afraid that this aspect of the matter has not been given the consideration which it deserves, in previous discussions on the subject.

We are constrained to add what seems to us to be a necessary warning as we touch upon another aspect of this question. Historically, declarations of fundamental rights have, as a rule, been first made in opposition to absolute monarchy and arbitrary government. The time may not be far distant in this country when, as in the past in other lands, the fundamental rights of the individual will be threatened in the name of the people, a threat the more dangerous as the outcome of so-called democratic rule. It therefore seems to us timely to make now a declaration of those liberties of the subject which are the inalienable rights of all men—labourers and capitalists, men of advanced religious views and the orthodox, castemen and outcastes alike—liberties that remain the rights of man, whatever form of government may be adopted.

233. We would recommend the adoption of Sir Mirza Ismail's selection based on the list prepared by the Nehru Committee, with a few minor modifications. We think that in clause (iii), the right of free expression of opinion, and of assembly and of forming associations or unions, ought to be guaranteed only for purposes which, in addition to being not opposed to public order and morality are also not opposed to law. With regard to the possession of equal civic and other rights by all people, we would suggest the specific inclusion of the words 'not excluding the so-called untouchables' in clause (iv), as it might go some way towards eliminating untouchability in the State. Regarding access to public roads, wells, tanks and other places of public resort, we have considered it necessary to state in clause (ix) that such access shall be subject to the maintenance of public peace and order. The list as modified by us is as follows:—

Suggested  
list of  
rights.

(i) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.

(ii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iii) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to law, public order or morality.

(iv) All citizens, not excluding the so-called untouchables, are equal before the law and possess equal civic rights.

(v) There shall be no penal law whether substantive or procedural of a discriminative nature.

(vi) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(vii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(viii) No person shall merely by change of faith lose any civic right or privilege or be subject to any penalty.

(ix) Subject to the maintenance of public peace and order (1), all citizens have an equal right of access to, and use of, public roads, wells and tanks and all other places of public resort.

(x) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one of whatever occupation. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xi) Men and women shall have equal rights as citizens.

It is well known that most of these rights are now being actually enjoyed by the people in Mysore. Still, we consider that a formal enunciation and declaration of their recognition will serve a very useful purpose in fixing the attention of the public on them. We would leave it to the Government to make the declaration in any manner they may deem appropriate, if our suggestion commends itself to them.

234. In this connection, we may refer to the safeguards necessary for minority groups, which is one of the items in our terms of reference. We are agreed that these safeguards may be in the shape of an additional clause in the fundamental rights. The formula we would suggest

1. A minority of our members consisting of Messrs. Bhupalam Chandrasekhara Setty, D. V. Gundappa, B. S. Puttaswamy, P. Subbarama Chetty, D. H. Chandrasekharaia, S. C. Malliah, T. Ramachandra and K. Chennigarantiah suggest the deletion of the words "Subject to the maintenance of public peace and order." But the rest do not agree to it. Also, the proposal of Mr. Tomlinson to delete those words in clause (ix), and to make them applicable to all the rights mentioned in the paragraph did not meet with the approval of the majority, the voting on the proposal being: For 7 and Against 10.

in this behalf is based on a note presented by Mahatma Gandhi at the Second Round Table Conference and is to the following effect: "The protection of their culture, language, script and education will be guaranteed to all minority communities." We have considered it unnecessary to refer to the profession and practice of religion in this context, as it has been already provided for in the general list of fundamental rights. We would propose the inclusion of this clause also in the declaration.

## B. PUBLIC SERVICES COMMISSION.

235. The case for a Public Services Commission has been well set out by the Lee Commission in the following passage:—"Wherever democratic institutions exist, experience has shown that to secure an efficient Civil Service, it is essential to protect it as far as possible from political or personal influences, and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument by which Governments, of whatever political complexion, may give effect to their policies." The purpose of such bodies is thus to maintain adequate standards of recruitment and to advise Government in regard to the action to be taken in matters affecting promotions, discipline, etc., in the services.

Need for a  
Public  
Services  
Commis-  
sion.

236. On a consideration of all the issues involved, we would recommend the appointment of a Public Services Commission for dealing with all appointments carrying a salary of Rs. 25 and above, appointments below Rs. 25 being left to be made by the officers concerned in accordance with the rules that may be issued by the Government in that behalf. The role of the Public Services Commission, we would state at the outset, should be purely advisory in character. It should be consulted in regard to the principles to be followed in respect of promotions and transfers from one service to another, and also regarding the suitability of candidates for such promotions and transfers. It should see that in all appointments the prime considerations are the efficiency of the public services, and the merits of the candidates. Subject to this, the principle of giving a fair opportunity to all communities for a share in the public services of the country should also be recognised.

Appoint-  
ment of a  
Commis-  
sion and its  
functions.



We have no doubt that a Public Services Commission organised and functioning in this manner will be of great assistance to the Government, and by sharing its onerous responsibilities in this connection, will serve in some measure to divert criticism from the Government. We would add that, in order to avoid overlapping and possible conflict of functions, the present Central Recruitment Board may be abolished, when the Public Services Commission is brought into being.

Our colleagues Messrs. B. S. Puttaswamy and S. C. Malliah, while agreeing to the appointment of a Public Services Commission, consider that it should deal only with appointments carrying a salary of Rs. 100 per month and above, and that the Central Recruitment Board should continue to deal with appointments on less than Rs. 100 per month.

#### C. THE JUDICIARY.

Provisions  
for securing  
the inde-  
pendence  
of the  
Judiciary.

237. The independence of the Judiciary is admittedly one of the most important principles in any constitution. In Mysore the Judges of the High Court are appointed by the Ruler and they function under statute. Their uprightiness and integrity, as well as efficiency, have all along been beyond question. There has not been even a breath of suspicion that the Executive has ever tried to put pressure on them or to influence them in any manner. It is, however, usual in modern constitutions to provide for the independence of the Judiciary by statute. In British India the independence of the Judges of the Federal and High Courts is secured to some extent by the fact that they are appointed by the Crown. In addition, it is provided in Section 220 (2) of the Government of India Act that a Judge of the High Court shall hold office until he attains the age of 60 years, unless he resigns or is removed by the Crown on the ground of misbehaviour or infirmity. We are of opinion (Mr. P. Mahadevayya dissenting) that in Mysore it may now be provided that the Judges of High Court should on no account be granted an extension of service beyond the age prescribed generally for superannuation, though they may be removed by His Highness for misbehaviour, incapacity or infirmity, at any time before it; that the terms of their appointment (such as salary) should not be varied during their term of office;

and that they should not be eligible for any other appointment or office of profit under the Government either before or after retirement. We believe that these provisions would secure the position and tenure of Judges of the High Court, and firmly establish the existing traditions of independence of which we are justly proud.

#### D. LOCAL SELF-GOVERNMENT.

238. We have briefly reviewed the progress of local self-governing institutions in chapter II. It is, strictly speaking, beyond our scope to make any detailed proposals in regard to the development of local self-government in Mysore. We should like to refer here, however, to two points. We think that the interests of the local bodies will be greatly promoted and a well thought out co-ordination of their functions and activities effected by the appointment of a whole-time officer with the necessary powers to supervise local self-governing institutions and do all things necessary for their improvement. Another suggestion which the majority of us would press for the consideration of the Government is that all city and town municipalities should be given the privilege of electing their own presidents. We are aware that, although the principle has been recognised by the Government, there have been difficulties in the way of carrying it out in practice. We hope, however, that the difficulties may be overcome in the near future.

239. Our main recommendations may now be summarised:—The Representative Assembly and the Legislative Council will be retained as at present, with a somewhat increased strength, providing for adequate representation for the minorities and special interests, including women. The term of the Houses will be four years instead of three years as at present. The privileges of the members will be defined. The powers and scope of the Representative Assembly will be enlarged, consistently with maintaining its character as a body for consultation and reference. The rural electorate for the Assembly will be substantially widened by a reduction of the property and educational qualifications for the franchise. A non-official President and a strong elected majority will be provided in the Legislative Council, so as to shift the balance of power to the elected representatives.

Supervision of local bodies.

Summary of proposals.

There will be reservation of seats in both the Houses for Muslims, Indian Christians and Europeans. The representation now allowed to sub-sections in the Hindu community will be done away with. For the Depressed Classes there will be joint electorates with seats reserved in multi-member constituencies, the successful candidate for the reserved seat being required to get prescribed percentages of the communal as well as the general votes. For the first time, an effective popular element will be introduced into the Executive Council making it largely amenable to the influence of the Legislature. While essential responsibility to the Ruler will be maintained, the risks and complications involved in a system of dyarchy with the water-tight division of subjects into "Transferred" and "Reserved" will be avoided. Among the miscellaneous recommendations may be mentioned the recognition of the fundamental rights of citizenship, including special safeguards guaranteeing to all minority communities the protection of their culture, language, script and education; the appointment of a Public Services Commission to regulate the distribution of appointments in the services on a just and efficient basis; provisions for securing the independence of the Judiciary and a fair number of elected representatives to the Federal Legislature; and finally, the declaration of the goal of reform as responsible government under the authority and protection of the Sovereign, subject to necessary safeguards. We believe that these proposals embody the largest possible measure of advance on democratic lines compatible with the existing political conditions in the State.

### Conclusion.

240. In concluding our Report, we may state that we have confined ourselves to a realistic consideration of the conditions as they obtain in Mysore to-day. At present, the problems pertaining to the States are in the limelight of Indian public opinion, and it would not be unnatural if our Report attracted interest outside of Mysore. We may, however, record our view that the nature of the reforms to be effected in each State must depend largely, if not solely, on the local conditions, and we have accordingly tried to avoid the ever present temptation to indulge in imperfect generalisations of uncertain validity. Even in our

State we are passing through times of such rapid change that it is impossible for any one to foresee the trend of political actualities a decade ahead. Our proposals are therefore essentially, we would emphasise, for a period of transition, and lay no claim to finality. It is possible that they may not find favour with those who are impatient for the immediate establishment of full responsible government. Between them and us the difference is not so much in regard to the ultimate objective, as about the pace of approach to the goal as envisaged by us. What we want to ensure is that the anxiety for reform and change may not prejudice the prospects of good government or unsettle our time-honoured traditions of *Satya* and *Dharma*. It is our most cherished desire that we may be able to apply to Mysore the noble lines of Tennyson :

“ A land of settled government,  
A land of just and old renown,  
Where Freedom slowly broadens down  
From precedent to precedent.”

BANGALORE, } K. R. SRINIVASA IYENGAR,  
Dated 24th August, 1939. ) *Chairman.*

C. HAYAVADANA RAO.	N. S. SUBBA RAO.
*S. HIRIANNAIYA.	*P. MAHADEVAYYA.
*B. S. PUTTASWAMY.	F. X. DESOUZA.
*J. MD. IMAM.	*K. D. RUKMINIAMMA.
S. C. MALLIAH.	C. NARASIMHAYYA.
*W. E. TOMLINSON.	*MOHOMMED ABBAS KHAN.
*MD. HANIEF.	P. SUBBARAMA CHETTY.
*D. H. CHANDRA- SEKHARAIYA.	*BHOOPALAM R. CHANDRA- SEKHARAYYA.
*D. V. GUNDAPPA.	*R. CHENNIGARAMAIAH.
†M. C. RANGIENGAR.	*T. RAMACHANDRA.

K. GURU DUTT,  
*Secretary.*

\* Subject to a separate note or minute of dissent.

† Signed at Hole-Narsipur on 25th August, 1939.

## Summary of Recommendations.

(The recommendations are of the majority. Dissents are indicated where necessary.)

PARAS

### I. The Goal of Reforms.

118-121 1. *Declaration of goal.*—It would be advisable to declare the goal of constitutional reform in Mysore in terms of "Responsible Government," due reservation being made in regard to the powers of the Ruler for safeguarding the legitimate interests of minorities, to ensure peace, order and good government and to satisfy the obligations under the Treaty with the Paramount Power. (Messrs. P. Mahadevayya, Mahomed Abbas Khan and some others *dissenting*).

### II. The Legislature.

122-123 2. *Continuance of the two Houses.*—Both the Representative Assembly and the Legislative Council should be continued. (Mr. Bhupalam Chandrasekhara Setty *dissenting*).

124-125 3. *Character of the two Houses.*—The two bodies should be maintained practically in their present form and character, but with such enlarged powers as may be conferred upon them. (Messrs. M. C. Rangiar and P. Subbarama Chetty *dissenting*).

### III. The Representative Assembly.

126 4. *Government bills.*—(a) Every bill should first be placed before the Assembly, before its introduction into the Legislative Council, with a statement of the general principles underlying the bill and the opinion of the Assembly ascertained.

(b) The Assembly should be empowered to express its opinion, not only on the main principles of the bill, but

also on any of the provisions of the bill, and amendments may be proposed by any member to any clause of the bill. (A minority consisting of the Chairman, and six others *dissenting*.)

127

(c) At least seven days' previous notice should be given of any amendment which a member may propose to move.

127

(d) When the principles of the bill, or any of its provisions, are opposed or amended by a majority of not less than two-thirds of the total strength of the Assembly, the verdict of the Assembly shall be accepted by the Government, provided that it shall be open to them to introduce the bill into the Legislative Council with such modifications as may be deemed by them to be desirable, if they consider it necessary to do so in the public interest or for ensuring safety and good government. In such a case, a statement giving reasons for their decision should be issued by the Government, and a copy of it forwarded to the members of the Representative Assembly as well as of the Legislative Council. (Mr. D. V. Gundappa *dissenting*.)

128-129

(e) After the bill is passed by the Assembly, it shall be introduced into the Legislative Council with or without the modifications suggested by the Assembly, as the case may be. When the bill is finally passed by the Council, it need not be placed again before the Assembly, but may be submitted to His Highness for assent together with a statement of the opinions expressed by the Assembly thereon. (Mr. Bhupalam Chandrasekhara Setty *dissenting*.)

130

5. *Private members' bills*.—(a) Any member of the Assembly may place a bill before the Assembly after obtaining the permission of the Dewan.

131

(b) Any such bill, if thrown out by a majority of the members present and voting, will not be proceeded with any further.

131

(c) The same procedure will be adopted in the case of any private member's bill proposed to be introduced into the Legislative Council and placed before the Assembly for ascertaining its opinion.

131

132 6. *Emergency legislation.*—(a) The power now vested in the Government of dispensing with the previous consultation of the Assembly in cases of urgency should be extinguished.

132 (b) Emergent situations may be met by the exercise of the power of framing temporary regulations having the force of law for a period of six months which may be extended by a further period of six months, if necessary.

133 7. *Excluded subjects.*—(a) No modification is necessary in respect of subjects which are now excluded from the purview of the two Houses. (Mr. Bhupalam Chandrasekhara Setty *dissenting*).

134 (b) The exclusion of matters relating to changes in the constitution of the two Houses should be confined as at present to legislation only and should not extend to discussions, resolutions and representations.

134 (c) The existing restriction which precludes each House from suggesting modifications of the constitution of the other House should be removed. Resolutions may be moved with the previous sanction of the Dewan in either House proposing amendments to the constitution of one or the other of the two Houses.

135 8. *Bills affecting religion, etc.*—(a) Previous sanction should be made a requisite for the introduction of any measure affecting the religion, religious rights or usages of any class of His Highness' subjects.

135 (b) Such previous sanction should be that of His Highness the Maharaja. (Rev. W. E. Tomlinson and six others *dissenting*).

136 9. *Taxation.*—No new tax should be levied nor any existing tax enhanced without the consultation of the Assembly.

137 10. *Budget.*—The powers of the Assembly in respect of the budget may be enlarged by conferring on it the right of passing resolutions on any of the major heads in the budget, provided that such resolutions do not have reference to particular grants or appropriations.

11. *Excluded heads of expenditure.*—The present list of heads of expenditure excluded from discussion may

be so modified as to permit discussion regarding "the Military Forces of His Highness the Maharaja" (excepting Palace Troops), although no resolution or voting thereon might be permitted. (The Chairman, and four others *dissenting*). The other items may continue to be excluded as at present. (Mr. Bhupalam Chandrasekhara Setty and Mr. D. H. Chandrasekharaiya *dissenting*.) 138

12. *Enhancement of grants, etc.*—No proposal for the imposition of taxation, or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues, should be made except on the recommendation of the Executive. (Mr. Mahomed Abbas Khan *dissenting*.) 139

13. *Resolutions.*—(a) Resolutions of both the Houses on matters of public administration as well as the resolutions of the Assembly on the budget will have the force of recommendations only. 140

(b) Each member of the Assembly may send one resolution for each session—Budget and Dasara. 141

(c) Five days in the Dasara and four days in the Birthday sessions (2 days for resolutions on the budget and 2 for other resolutions) may be allotted for the discussion of resolutions. 141

(d) Of these days, one day may be assigned for the discussion of resolutions sent by members representing the minorities and special interests. 141

(e) The order in which resolutions are to be discussed may be determined by the drawing of lots. 141

14. *Interpellations.*—(a) Each member may send one question for each session. 143

(b) No maximum limit need be placed on the total number of interpellations to be sent by all the members for any session. 143

(c) Supplementary questions may be allowed at the President's discretion. 143

15. *Representations.*—(a) The practice of submitting representations for the consideration of the Government may be continued. (Mr. D. V. Gundappa *dissenting*.) 144



144 (b) Matters falling within the competence of a local body or officer should not ordinarily be made the subject-matter of a representation. (Messrs. D. V. Gundappa and Mahomed Abbas Khan *dissenting*.)

144 (c) If any such local subjects are sent by the members, they may be referred by the Government to the competent authority for disposal.

144 (d) The Government should place a statement before the House on the action taken by them in respect of what they regard as local subjects.

144 (e) Each member may send one subject for each of the sessions—Birthday and Dasara.

142 16. *District meetings*.—The present system of selecting the resolutions, representations and interpellations which are to come up before the Assembly, at preliminary meetings in each district may be abolished, the members being allowed to send up their resolutions, etc., direct to the Government.

145 17. *Consultation on important measures and policies*.—(a) In the case of legislative, financial and administrative measures under contemplation the Government should, as far as possible, consult the Assembly and ascertain its views on such measures before taking a final decision.

18. *Strength of the Assembly*.—The strength of the Assembly may be increased to 300 and distributed as follows :—

1. Rural Constituencies	...	...	165
2. Urban Constituencies	...	...	45
3. Minorities :—			
(a) Muslims	...	...	26
(b) Depressed Classes	...	...	30
(c) Indian Christians	...	...	5
(d) Europeans	...	...	1
4. Special Interests	...	...	28
		<b>Total</b>	<b>300</b>

146 The Government may be empowered to increase this number by 10 or 15 more to provide for the representation of any new interests or constituencies that may develop in future.

19. *Rural constituencies.*—The existing allocation of seats among rural constituencies may be maintained with the following modifications:—

(a) Turuvekere may be allotted two seats, and the number of seats for Gubbi may be reduced from three to two. 147

(b) The newly constituted French-Rocks taluk may be given two seats and the number of seats for Krishnarajpet taluk may be reduced from three to two.

20. *Urban constituencies.*—

(a) Bhadravati town may also be recognised as an urban constituency with one seat. 148

(b) The number of seats for each of the cities of Bangalore and Mysore may be reduced from four to three. 148

21. *Direct election.*—All the members of the Assembly, excepting those representing Europeans and the Special Interests, should be elected directly from territorial constituencies and the present system of “facultative representation” of minorities, *i.e.*, by election through associations, or by nomination by the Government in the absence of such associations should be abolished. (Mr. B. S. Puttaswamy and some others *dissenting*). 149

22. *Minorities.*—The present method of ensuring the representation of minorities by a system of reserved seats may be maintained. But such reservation should be made as in British India only in favour of religious and racial minorities like Indian Christians, Europeans and Muslims, and the Depressed Classes who, though forming part of the Hindu community, are economically and socially so backward as to require special protection. 150

(a) *Indian Christians and Europeans.*—The number of seats now reserved for Indian Christians, *viz.*, five, may be continued, and one seat may be set apart for Europeans. 151

(b) *Muslims.*—The number of seats guaranteed to Muslims may be raised from 18 to 26. 152

These seats may be distributed as follows (Mr. J. Mahomed Imam *dissenting*):—

	(i) The cities of Bangalore, Mysore and the Kolar Gold Field Sanitary Board area; one seat each	...	...	...	3
	(ii) The districts of Bangalore (excluding the city), Kolar (excluding the Kolar Gold Field Sanitary Board area), Shimoga, Tumkur and Chitaldrug; three seats each	...			15
	(iii) The districts of Mysore (excluding the city), Kadur, Hassan and Mandya; two seats each.	...	..	...	8
153			Total	...	<u>26</u>

154 (c) *Depressed Classes*.—The seats allotted to these Classes may be increased from 6 to 30.

155 (d) *Hindu sub-communities*.—The system now in force of keeping a number of seats in reserve for Hindu sub-communities which fail to get representation through the general electorate may be abolished. (Messrs. P. Subbarama Chetty, D. H. Chandrasekharaiya and two others *dissenting*).

23. *Mode of election: Reserved seats*.—(A) *Muslims*. All the three Muslim members of the Committee are emphatically in favour of communal electorates.

A majority of eight members are generally in favour of a system of joint electorates under some system of compromise, but they do not like to go against the wishes of the Muslim community and would therefore leave the final decision in the matter to that community.

160 A minority of five members are for some form of joint electorates, whatever may be the views of the Muslim community.

161-162 (B) *Indian Christians*.—Separate electorates may be granted, if the majority of the community press for such electorates. (Messrs. T. Ramachandra, Bhupalam Chandrasekhara Setty and D. V. Gundappa *dissenting*).

163 (C) *Europeans*.—The seat allotted to Europeans may be filled by election by the European Association.

(D) *Depressed Classes*.—The following arrangements may be made in regard to these Classes :—

(i) The qualifications for the vote should be so lowered as to enfranchise the same percentage of the Depressed Classes as that of the caste Hindus to the total population. 167

(ii) Voters of the Depressed Classes should vote jointly with other caste Hindus in general constituencies and be entitled to stand also as candidates in such constituencies. 167

(iii) The deposit amount required from the Depressed Classes candidates may be reduced to Rs. 25. 167

(iv) In constituencies for the reserved seats, both the voters of the Depressed Classes as well as the caste Hindus will vote together, provided that :

(a) Where only two candidates contest the seat, the candidate who gets 60 per cent or more of the Depressed Classes votes polled should be declared elected, provided he gets not less than 10 per cent of the non-Depressed Classes votes for the Depressed Class candidates.

If either of the two candidates fails to secure the above percentage of Depressed Classes votes, the candidate who gets the larger number of votes cast in his favour by all the voters (including the caste Hindus) should be declared elected.

(b) Where three or more candidates contest the seat, the candidate who gets the largest number, and not less than 40 per cent of the votes polled by the Depressed Classes should be declared elected, provided he gets not less than 5 per cent of the non-Depressed Classes votes for Depressed Class candidates.

If two candidates secure an equal number of votes of the Depressed Classes, then the candidate who secures the largest number of votes (including those of caste Hindus) among them should be declared elected.

If none of the candidates secures 40 per cent of the votes polled by the Depressed Classes, the candidate who gets the largest number of votes polled (including those of

caste Hindus) and not less than 10 per cent of the votes polled by the Depressed Class voters should be declared elected.

24. *Special interests.*—The seats reserved for special interests may be allotted as follows :—

<i>Name of Interest.</i>	<i>No of seats.</i>
University	1
Agriculture (including Sericulture)	1
Planting	2
Inamdars	1
Trade and Commerce	3
Industries	2
Women	11
Labour	5
Co-operation and Banking	1
Gold Mining	1
Total	28

Of the 2 seats for Planting 1 may be given to European Planting and the other to Indian Planting.

25. *Women.*—(a) 11 seats may be assigned to Women's Interest with liberty to contest additional seats in the general constituencies.

(b) Of the reserved seats, one seat each may be allotted to Muslim and Harijan women respectively. (Sri K. D. Rukminiamma *dissenting.*)

26. *Electorate for women's seats.*—(a) Women's seats should in all cases be filled by direct election through territorial constituencies consisting of women voters alone. (Sri K. D. Rukminiamma, and three others *dissenting.*)

(b) The cities of Bangalore and Mysore will form a single constituency for the seats reserved for Muslim and Harijan women respectively.

27. *University.*—The members of the Senate and the registered graduates of the University will form the electorate for the seat given to the University in the two Houses.

28. *Delimitation of other constituencies.*—A Committee may be appointed by the Government for delimiting the constituencies for the seats reserved in both Houses to Christians, Depressed Classes and special interests other than the University and Harijan and Muslim women. 172

29. *President and Vice-Presidents.*—The Dewan will continue to be the President of the Assembly, and the Ministers Vice-Presidents thereof. (Messrs. D. V. Gundappa and Bhupalam Chandrasekhara Setty *dissenting.*) 173

30. *Term of the two Houses.*—(a) The term of the Assembly, as well as that of the Council may be raised to four years. (A minority of seven are in favour of 3 years.) 174

(b) Some device such as the extension of the life period of one of the two Houses may be adopted to prevent the simultaneous dissolution of both the Assembly and the Council. 174

31. *Session of the Assembly.*—There should at least be two sessions every year, as at present—one during the Dasara and one at Budget time. (Mr. Gundappa and some others *dissenting.*) 175

32. *Order of business and allotment of days for the sessions of the Representative Assembly.*—The following order and arrangement of business is suggested:—

*Dasara Session.*

Address of the Dewan-President, questions and Government business	...	...	2 days
Representations (not more than)	...	...	7 "
Resolutions (not more than)	...	...	5 "
			<hr/>
	Total	...	14 days
			<hr/>

*Budget Session.*

Dewan's Address, questions and Government business	...	...	1 day
General discussions (not more than)	...	...	2 days
Resolutions on the Budget	...	...	2 "
Representations (not more than)	...	...	3 "
Other resolutions (not more than)	...	...	2 "
			<hr/>
	Total	...	10 days
			<hr/>

176 33. *Allowance to members.*—(a) The members of both the Houses may be paid travelling allowances at the present rates, and a daily allowance of Rs. 10 for each day of attendance.

176 (b) The practice of providing free quarters for the Assembly members and free lunch to the members of both the Assembly and the Council may be done away with, facilities being provided for quarters and satisfactory catering arrangements made for the supply of lunch on payment.

#### IV. The Legislative Council.

177 34. *Its powers: legislation.*—The Council will continue to exercise its existing powers of legislation, subject to the condition that every bill should, in the first instance, be invariably placed before the Representative Assembly.

178 35. *Excluded subjects.*—(a) The subjects as well as the heads of expenditure which are now excluded from the jurisdiction of the Council will remain so, (Messrs. Bhupalam Chandrasekhara Setty and D. H. Chandrasekharaiya *dissenting*) except that matters connected with expenditure on the Military Forces of His Highness the Maharaja (other than Palace Troops) may henceforward be discussed in the Council, although no resolutions or voting thereon may be permitted.

178 (b) Legislation required for the excluded subjects will be framed by the Government as at present and will come into force as law on receiving the assent of His Highness.

36. *Finance.*—Proposals for the appropriation of revenue will be submitted to the Council in the form of demands for grants, and the vote of the Council on any demand will be final subject to two qualifications:—

(i) Any rejected or reduced demand may be restored on a certification made by the Dewan that the restoration is necessary for carrying on the administration or for the discharge of the Government's responsibility.

179-80 (ii) The Government shall have power, as at present, to authorise emergent expenditure for ensuring the safety or tranquillity of the State or for the discharge of the Government's responsibilities.

37. *Composition.*—(1) The Council will be considerably enlarged and given an effective elected majority, and the number will be raised to 68, the seats being distributed as follows :—

## I. ELECTED.

(a) General Constituencies	...	24
(b) Minorities :—		
Muslims	... 4	
Depressed Classes	... 4	
Indian Christians	... 1	
Europeans	... 1	
	—	10
(c) Special Interests	...	10
		—
Total elected	...	44

## II. NOMINATED.

Officials	... 16	
Non-officials	... 8	
	—	
Total nominated	...	24
		—
Total	...	68
		—

181

(2) When the retrocession of the Civil and Military Station, Bangalore, comes into force, the number of seats should be suitably increased.

181

38. *General constituencies.*—(a) The distribution of seats among the general constituencies will be as follows (Mr. Bhupalam Chandrasekhara Setty and three others *dissenting*):—

The districts of Bangalore, Mysore, Kolar and Tumkur (each of which has a population of 8 lakhs and above) at 3 seats each	...	12
The districts of Mandya, Hassan, Chitaldrug, Kadur and Shimoga (with a population of less than 8 lakhs) at 2 seats each	...	10
The cities of Bangalore and Mysore at 1 seat each.		2
	—	
Total	...	24
		—

182

(b) Each district will form a single multi-member constituency, returning the number of members allotted to it.

182



183

39. *Minorities.*—(a) With the exception of the member representing Europeans who will be returned by indirect election by the European Association, the members representing the other minorities should be returned by direct election from territorial constituencies.

(b) The constituencies for the seats reserved for Muslims will be as follows (Mr. Mahomed Imam *dissenting*):—

Bangalore City and Bangalore District	...	1 seat
Kolar and Tumkur	... ..	1 ..
Chitaldrug, Shimoga and Kadur	... ..	1 ..
Mysore City, Mysore District, Hassan and Mandya	... ..	1 ..

183

40. *Special interests.*—The special interests will be represented by election and the distribution of seats will be as follows:—

(1) University	... ..	1
(2) Trade and Commerce	... ..	1
(3) Mining	... ..	1
(4) Other Industries	... ..	1
(5) Planting—		
(a) Indian	... ..	1
(b) European	... ..	1
(6) Labour	... ..	2
(7) Women	... ..	2
		10

184

41. *Delimitation of constituencies.*—Constituencies for special interests other than the University as well as for the seats reserved for minorities other than Muslims may be delimited by a separate Committee.

184

42. *Nominated members.*—The maximum number of nominated members shall be 24 of whom not more than 16 may be officials (Mr. Bhupalam Chandrasekhara Setty *dissenting*).

185-186

43. *President.*—(a) The Council may be allowed to elect a President and Deputy President from among the non-official members, subject to the approval of His

Highness the Maharaja. For the first term of the Council, however, the President may be nominated by His Highness. (Mr. Mahomed Hanief *dissenting*.) 187

(b) The President may select a panel of four Chairmen for presiding during the absence of the President and the Deputy President. 187

(c) The nominated President will hold office during the pleasure of His Highness. The term of office of the elected President and Deputy President will be conterminous with that of the Council, unless removed on a vote of 'no-confidence' earlier. 189

44. *Removal of the President and the Deputy President.*—The elected President or the Deputy President may be removed by His Highness on the submission to him of a vote of no-confidence passed by a two-thirds majority of the total strength of the House. Fifteen days' previous notice should be given by a member of his proposal to bring in a motion of no-confidence against the President or the Deputy President, and the proposal should have the support of at least 15 members before it could be taken up for discussion. 189

45. *Salary of the President.*—The salary of the nominated President may be fixed by the Maharaja. The salary of the elected President and Deputy President may be fixed by the Council itself. The President may have the rank and status of a Minister. 188

46. *Secretary and staff.*—The Secretary to the Council as also the clerical and other staff may form part of the Government Secretariat staff, but they should work in subordination to and be subject to the control of the President. The President shall also have an effective voice in their selection and appointment. 190

47. *Sessions.*—Statutory provision may be made to the effect that the Council should meet not less than twice every year. 191

## V. The Executive.

48. *The nature of the Executive.*—The grant of full responsible government is not an immediate possibility.

The Executive will consist of a Cabinet of Ministers, some of whom should be chosen from among the elected members of the Legislature and the rest may be selected from among officials or non-officials at the discretion of the Ruler. There should be no division of functions, the Ministers being jointly and primarily responsible to the Ruler and holding office at his pleasure. They will at the same time be answerable for their actions to the Legislature, although not necessarily removable on a vote of no-confidence. This type seems to be best fitted for Mysore, for the present, as it does not entail too sudden a break with the existing system, and is at the same time capable of developing into full responsible government in course of time. (Mr. Bhupalam Chandrasekhara Setty *dissenting*.)

192-204

208

49. *Size of the Cabinet.*—The Cabinet may consist of the Dewan and not less than four Ministers. For the present the number may be fixed at four.

209

50. *Office of Dewan.*—(a) The Dewan will be appointed by His Highness the Maharaja at his pleasure either from among officials or non-officials.

209

(b) The selection for the Dewan's appointment should be confined ordinarily to Mysoreans. (A minority of five including the Chairman *dissenting*).

209

(c) The Dewan will be the President of the Cabinet.

209

(d) The term of office of the Dewan should not ordinarily exceed five years.

209

51. *Dewan's relation to the Legislative Council.*—The Dewan need not be a member of the Legislative Council, but may attend its meetings and address it whenever he wishes to do so.

210

52. *Ministers selected from the Legislature.*—(a) Not less than two of the Ministers should be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council—one at least from each body. (Mr. D. H. Chandrasekharaiya *dissenting*.)

(b) On their appointment, the two Ministers will continue to be members of the Houses to which they belong. 210

53. *Representation of minority communities in the Ministry.*—The selection of the ministers may be made so as to be representative of the several communities as far as possible. No specific provisions need be made in the Constitution for the appointment of a Muslim or Adi-Karnataka Minister (Messrs. Mahomed Abbas Khan, Mahomed Imam, Mahomed Hanief and Chennigaramiah *dissenting*). 210

54. *Other Ministers.*—The remaining Ministers may be appointed from among officials or non-officials, whether members of the two Houses or otherwise. 210

55. *Mode of appointment of Ministers.*—All the Ministers should be selected and appointed by His Highness the Maharaja at his pleasure. (Mr. Bhupalam Chandrasekhara Setty and some others *dissenting*). 205

56. *Term of office of Ministers.*—The tenure of office of the non-official Ministers who are members of the Houses as well as of those appointed from outside will, subject to the pleasure of the Maharaja, be co-extensive with the life of the Houses. The official Ministers will hold office during the pleasure of His Highness, provided that their term of office should not ordinarily exceed five years and should be subject to the provisions of the Mysore Service Regulations. (Messrs. B. S. Puttaswamy and three others *dissenting*.) 210

57. *Distribution of portfolios.*—The distribution of portfolios between the Dewan and the other Ministers will be at the discretion of the Maharaja. No Minister should be under a disability to hold any portfolio on the ground of his being a non-official. 210

58. *The Ministers' relation to the two Houses.*—  
(a) All the Ministers should be *ex-officio* members of the Legislative Council. 210

(b) There is no need for making special provision for a vote of no-confidence against the Ministers or for an

Address to the Ruler, as the existing provisions for the rejection of demands for grants, for cut motions on demands, for discussing the budget and for passing resolutions provide sufficient opportunities for bringing to the notice of the Ruler any deficiencies and defects in the administration and for giving expression of the Legislature in respect of policies and measures of the Government. (Mr. D. V. Gundappa and some others *dissenting.*)

207

## VI. Franchise.

59. *Franchise for the Legislative Council.*—The existing qualifications of voters for the Legislative Council may be maintained except as regards the educational qualification for women. (Mr. D. H. Chandrasekharaiya *dissenting.*)

212

60. *The Representative Assembly—Educational qualification.*—The educational qualification of voters to the Representative Assembly may be reduced to the possession of the S. S. L. Certificate.

214

61. *The Representative Assembly : Property qualification.*—(a) *Urban constituencies.*—The property qualifications of urban voters are sufficiently low, being identical with those entitling a person to vote in municipal elections in the area forming a constituency and may accordingly be retained.

213

(b) *Rural constituencies.*—The qualifications based on taxation, *e.g.*, the payment of land revenue may be reduced from Rs. 25 to Rs. 10; the payment of taxes under the Panchayet, Mines and Municipal Acts being reduced from Rs. 5 to Rs. 4; similarly the *beriz* on inam villages may be reduced to Rs. 100.

213

62. *Abolition of residential qualification for Inamdars.*—The rule requiring that an Inamdar, in addition to possessing the prescribed qualifications, should also reside in the constituency may be abolished.

213

63. *Special qualification for women.*—The educational qualification of women voters for the Legislative

Council may be reduced to the possession of the S. S. L. Certificate, and for the Representative Assembly it may further be reduced to a pass in the Upper Primary, Middle School or Lower Secondary examination.

215

64. *Disqualifications of voters*:—The following modifications in the rules prescribing general disqualifications of voters are suggested in the case of both the Representative Assembly and the Legislative Council:—

(i) The period of six months prescribed for residence in the State, in order to qualify a person to have his name entered in the electoral roll may be raised to one year.

(ii) The period entitling a person to claim to be a subject of His Highness the Maharaja by domicile should be extended from 5 to 10 years. (Messrs. T. Ramachandra, D. H. Chandrasekharaiya and Mahomed Hanief *dissenting*.)

(iii) The period of operation of the disqualification in the case of persons convicted of certain criminal offences or of dismissed Government officials which is now fixed at 10 years may be reduced to 5 years.

(iv) The disqualification on the ground of a sentence or conviction for criminal offences should be applicable only to such offences as involve moral turpitude, it being left to the Government to determine what is moral turpitude in each case.

216

65. *Qualifications of candidates*:—(i) The minimum age for candidates to the Representative Assembly may be fixed at 25 years.

217

(ii) The educational qualification for a member of the Representative Assembly in the absence of any other qualification should be that of a graduate. (Mr. T. Ramachandra *dissenting*.)

217

(iii) The minimum age for candidates to the Legislative Council may be raised from 25 to 30 years.

220

(iv) The amount of income-tax paid qualifying a person as a candidate for the Legislative Council may be reduced from Rs. 200 to Rs. 50; and the *beriz* on inam villages from Rs. 250 to Rs. 100.

220

218

66. *Eligibility of village officers to the Representative Assembly* :—The existing rule under which shanbhogs and patels are treated as non-officials and allowed to stand as candidates for election to the Representative Assembly may be continued. This privilege may also be extended to other minor village servants such as thotis and thalaris.

219

67. *Relation of candidate to constituency* :—A person who possesses the necessary qualifications as an elector in any constituency may stand as a candidate for election only in that constituency.

### VII. Privileges of the two Houses and their members.

223

68. (a) *Freedom of speech* :—Provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those contained in Section 71 (1) of the Government of India Act.

223

(b) *Freedom from arrest under civil process* :—The majority are further of opinion that the members of the two Houses should be exempted from arrest under civil process excepting in respect of insolvency during the sittings or any meetings of the Houses. There need be no exemption from arrest under criminal process or from prosecution for any offence. (Mr. Bhupalain Chandrasekhara Setty *dissenting*.)

### VIII. State's Representatives on the Federal Legislature.

224

69. *Election of half the State's quota of representation* :—With regard to the Federal Assembly not less than four members may be elected and the rest nominated ; and with regard to the Federal Council one member may be elected and the remaining two nominated. All the representatives should be regarded as nominees of the Ruler.

225

70. *Constituency* :—The representatives should be directly elected on a territorial basis, the entire State forming a single multi-member constituency, the method of voting being that of proportional representation by means of the single transferable vote. (Messrs. D. H. Chandrasekharaiya and R. Chennigaramiah *dissenting*.)

71. *Qualifications of voters* :—The qualifications of voters should be somewhat higher than those prescribed for the local Legislative Council, the higher qualification corresponding to the payment of a sum of Rs. 50 by way of land revenue or income-tax, the qualifications based on other taxation being suitably raised and the educational and other qualifications remaining the same. (Mr. D. H. Chandrasekharaiya *dissenting*.)

226

72. *Qualifications of candidates* :—(a) The qualifications of the candidates may be the same as those for the voters.

227

(b) The candidates should be required to sign a pledge or declaration to the effect that if elected they would make every endeavour possible to understand the aims and policies of the Government in relation to the issues to be considered by the Federal Legislature, and conduct themselves as members thereof with a conscientious regard for the interests of the State.

227

73. *Relations of the representatives with the Government* :—The Government may place the representatives in possession of facts relating to the subjects which may come up in the Federal Legislature and also communicate their own views or suggestions to them.

228

### IX. Miscellaneous Provisions.

74. *Fundamental Rights* :—The following fundamental rights of the people may be recognised by the Government in such manner as the Government may consider suitable :—

- (i) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.
- (ii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.
- (iii) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to law, public order or morality.
- (iv) All citizens, not excluding the so-called untouchables, are equal before the law and possess equal civic rights.



- (v) There shall be no penal law, whether substantive or procedural, of a discriminative nature.
- (vi) No person shall be punished for any act which was not punishable under the law at the time it was committed.
- (vii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.
- (viii) No person shall merely by change of faith lose any civic right or privilege or be subject to any penalty.
- (ix) Subject to the maintenance of public peace and order, all citizens have an equal right of access to, and use of, public roads, wells and tanks and all other places of public resort.
- (x) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.
- (xi) Men and women shall have equal rights as citizens.
- (xii) The protection of their culture, language, script and education will be guaranteed to all minority communities.

229-33

75. *Public Services Commission*:—(a) A Public Services Commission may be constituted by His Highness for the purpose of making recommendations to the Government in regard to all appointments which carry a monthly salary of Rs. 25 and above, appointments below Rs. 25 being left to be made by the officers concerned in accordance with the rules that may be issued in that behalf. (Messrs. B. S. Puttaswamy and S. C. Malliah *dissenting*.)

(b) The Commission should be consulted in regard to the principles to be followed in respect of transfers and promotions from one service to another, and also regarding the suitability of candidates for such promotions and transfers.

(c) All appointments are to be made by the Commission, having first regard to the efficiency of the public services and the merits of the candidates, and subject to that, to the principle of giving a fair opportunity to all communities for a share in the public services of the country.

76. *Independence of the Judiciary*:—It is recommended (Mr. P. Mahadevayya *dissenting*) that :

(a) The Judges of the High Court should not be granted an extension of service beyond the age prescribed generally for their superannuation, though they may be removed by His Highness for misbehaviour, incapacity or infirmity at any time before it ;

(b) they should not be eligible for any other appointment or office of profit under the Government either before or after retirement ; and

(c) the terms of their appointment such as salary should not be varied during their term of office.

237

77. *Local self-government*:—(a) All city and town municipalities may be given the privilege of electing their own Presidents.

(b) A whole-time officer may be appointed with the necessary powers to watch and supervise local self-governing institutions, to co-ordinate their work and do all things necessary for improving their efficiency.

238



## APPENDIX I.

GOVERNMENT ORDERS RELATING TO THE COMMITTEE  
ON CONSTITUTIONAL REFORM IN MYSORE.

(1)

GOVERNMENT OF HIS HIGHNESS THE  
MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 2691-2751—C. B. 165-37-1, dated 1st April 1938.

At the meeting of the Legislative Council held in January, 1938, after the discussion of certain resolutions on the subject, the Government expressed their intention of taking up the examination of the question of constitutional reforms in the State. Under the gracious orders of His Highness the Maharaja, they now proceed to implement this undertaking.

In view of the special character of the Mysore constitution it is desirable to glance back very briefly over the history of the developments that have taken place up to this time.

2. The association of the people with the Government has in Mysore a very long history. In the sphere of local self-government the constitution of local municipal committees dates back to 1862. Soon after his assumption of power in 1881, His Highness the late Maharaja Sri Chamarajendra Wadiyar Bahadur, actuated by a deep and genuine desire that "the views and objects which his Government had in view in the measures adopted for the administration of the State should be better known and appreciated by the people for whose benefit they were intended," constituted the Representative Assembly, as a first step in the direction of ensuring that "the actions of the Government should be brought into greater harmony with the wishes and interests of the people." The policy of associating the people with the administration of the State inaugurated at so early a date, and much in advance of any similar development elsewhere in India, was carried a step further in 1907 by His Highness the present Maharaja when he constituted the Legislative Council in order to associate in the actual process of the making of laws and regulations non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements.

3. The two bodies thus established have, in the process of their evolution, been granted a constitutional status. Their powers and functions have been enlarged and the franchise extended step by step as the outcome of the benevolent desire of His Highness to secure in an increasingly large measure the association of his subjects with the Government of his State. That association\* has throughout been developed in a manner in consonance with truly Indian traditions,

not relieving the Ruler and his Government of the duty of administration, but providing ampler opportunities for His Highness's subjects to represent their wants and to take their part in the service of the State.

4. In this history of constitutional development, the years 1923 and 1924 stand out as especially important. It was in the former year that the Committee on Constitutional Developments, which was presided over by *Rajatantrapravina* Sir Brajendranath Seal, made its report. That Committee examined in detail the whole theory of government as applied to a State, in which the Ruler remains supreme but desires to give as large a share as possible in the government to representatives of his people. The Committee enunciated some fundamental considerations relating to constitutional reform in Mysore.

“ In the first place, a constitution is not made but grows. The new plan must evolve out of historic conditions and traditions in response to new needs and new facts. In Mysore we have had certain unique constitutional and ultra-constitutional developments in the past, notably the Representative Assembly and the Economic Conference, unknown to British India. We have also had in the Legislative Council the rudiments of a legislature intended to voice the collective will of the people. We have, finally, the basic tradition of the sovereignty of the Head of the State as the one original organ as regards all functions, legislative, judicial and executive—a feature which Mysore possesses in common with many other states, Indian as well as foreign. All new constructions to-day must build on these foundations.” The Committee pointed out that “ the Head of the State in Mysore is the Supreme Executive Head as well as the source (and sanction) of law. ”

5. The proposals put forward by the Committee were, in the main, accepted by the Government. In the course of the message delivered on the 12th of March, 1924, to the joint session of the Representative Assembly and the Legislative Council, His Highness the Maharaja was pleased to describe the constitution, as then developed, as one “ sufficiently flexible to expand with the expanding political consciousness of the people”, and to declare that “ in making our plans for the future we have got to take note of the tremendous changes of the recent past. ”

His Highness was pleased to observe further,

“ India, under the beneficent guidance of the British nation, is shaping into a federation of Provinces and States. We in Mysore form, as it were, a nation within a nation. While co-operating with both the Government of India and the rest of the Indian public in measures which lead to the prosperity of the country as a whole, we in our local sphere should promote education and economic growth to the fullest extent permitted by our resources, so that our people may not fall behind other Provinces and States in the race of progress. That the history of Mysore in the recent past has run smoothly is a good omen for the future. We have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment

of the people, and the quickening and the utilising of their energies in the business of the State. Progress of this kind has been the constant aim of the Government of Mysore. The ceremony which I am performing to-day is thus a step in a continuous and well-ordered process of development, which has been going on for over forty years; and it is my hope that the process will continue with the same adaptability in the future.

\* \* \* \* \*

" This day, therefore, marks the dawning of a new era in the history of Mysore. My faith in the power and willingness of my people to render patriotic service is firmly rooted in experience, and you may rely on my abiding sympathy with your aspirations. If every act of yours is guided by common sense, goodwill and useful study of facts and of experience, if your new powers are used only for the promotion of the common good, you cannot fail to rise in power and influence. You will help to build up the prosperity and reputation of our State, and will become custodians with me of its permanent interests."

6. In providing for the further development which was contemplated in this gracious pronouncement, it is desirable to consider in the first place the developments that have taken place both inside and outside the State since it was made.

7. To consider the internal developments in the first instance. With the constitutional reforms of 1923-24, Standing Committees have been appointed for Finance, Railways and Public Works, Local Self-Government, Medicine and Public Health. The Committee on Public Accounts is empowered to scrutinise the expenditure of the State and to submit its observations to the Legislative Council. Recently, Government have announced their intention of appointing a special committee to advise them on constitutional and political questions. At the same time, decisions on many matters of current importance have been taken only in the light of the advice received from *ad hoc* committees set up for their investigation. The Traffic Board, the Board of Industries and Commerce, the Stores Purchase Committee, the Central Recruitment Board and the Krishnaraj Sagar Committee are vested with administrative and quasi-administrative functions in their respective spheres. All these bodies which are in practical working form part of the complicated machinery of Government.

The devolution in respect of the administration of local affairs has been extensive. The District Boards, as reconstituted by the Act of 1926, have been given the privilege of electing their own presidents. The local bodies have also been vested with the administration of primary education as local education authorities. One of the most important features of local administration in recent years has been the revival of village panchayets by the Act of 1926. There are nearly 11,600 of these bodies exercising their full functions, levying taxes and contributing in a large measure to the processes of rural reconstruction.

8. Meanwhile, there have been vast changes outside the State. In the world at large changes in political ideas and forms of government have been rapid and revolutionary. The speeding up of transport and

the multiplication of means of communication have altered the outlook of large numbers of the population. In British India the Provinces have been given what is known as provincial autonomy. The Government of India Act has been passed and it contains provisions which intimately affect this State. The Act defines matters which are to go before the federal legislative bodies and assigns to this State three seats on the Council of State and seven seats in the Federal Legislative Assembly, and a decision has now to be arrived at as to how to secure, taking into consideration the matters that will come under discussion, the best possible representatives of the State, and how to determine the relations of the State's representatives on these legislative bodies with the Government of the State and the existing representative bodies inside it.

9. In view of all these circumstances, His Highness the Maharaja and his Government have for some time past been giving consideration to the question of reviewing the experience gained during the past fourteen years of the working of the constitutional bodies in the State with a view to determining the lines of their further development; and from time to time suggestions in regard to these matters have been received from representatives of the public.

10. It has been accordingly decided to appoint a Special Committee for the purpose of examining, in relation both to the public administration and to the public life of the State, the development and working of the Representative Assembly and the Legislative Council, as well as the other representative bodies and institutions connected with them, such as Standing Committees. The Committee will consist of the following:—

#### Chairman.

Rajasabhabhushana Diwan Bahadur  
MR. K. R. SRINIVASA IYENGAR.

#### Members.

##### Official.

Rajakaryapravina MR. N. S. SUBBA RAO,  
VICE-CHANCELLOR, MYSORE UNIVERSITY.

2. MR. K. V. ANANTARAMAN, REVENUE COMMISSIONER.

##### Non-Official.

1. MR. B. CHANDRASEKHARA SETTY, M.R.A.
2. MR. K. CHENGALARAYA REDDY.
3. MR. D. H. CHANDRASEKHARAIYA, M.L.C.
4. DR. F. X. DeSOUZA, LATE I.C.S., M.L.C.
5. MR. D. V. GUNDAPPA, M.L.C.
6. Rajacharitavisharada Rao Sahib MR. C. HAYAVADANA  
RAO, M.L.C.

7. Rajasevasaktha MR. S. HIRIANNAIYA.
8. MR. J. MAHOMED IMAM, M.L.C.
9. Khan Bahadur MR. MAHOMED ABBAS KHAN, M.L.C.
10. MR. C. NARASIMHAIYA.
11. MR. B. S. PUTTASWAMY, M.L.C.
12. MR. T. RAMACHANDRA, M.L.C.
13. Rao Bahadur MR. M. C. RANGIENGAR.
14. SRI. K. D. RUKMINIAMMA, M.R.A.
15. MR. P. SUBBARAMA CHETTY, M.L.C.
16. THE REV. W. E. TOMLINSON.
17. MR. V. VENKATAPPA, M.L.C.

**Secretary.**

MR. K. GURU DUTT.

**Assistant Secretary.**

MR. M. K. VARADARAJAN.

11. The Committee is requested to formulate, having due regard to the present state of education and public spirit, the growing political consciousness of the people and other relevant factors, such as the practical efficiency of the District Boards and Municipalities and Panchayets, comprehensive proposals as to the further changes which may be desirable in order to secure the steady and harmonious constitutional progress of the State from the point of view of all the interests concerned. In particular the Committee is requested to deal with the following questions :—

(i) The composition, functions and powers of the Representative Assembly and the Legislative Council, respectively, having special regard, among other matters, to the possibility of the extension of the franchise and to the representation of special interests and minorities which have developed since 1924.

(ii) The relation of the two Houses to each other and to the Executive Authority of the State.

(iii) Their sessions, duration and dissolution.

(iv) Their Presidents and other functionaries.

(v) Allowances and honoraria payable to their members and officers.

(vi) Their privileges and the privileges of their members, and remedies in cases of breach of privilege.

(vii) Their power to appoint committees and to delegate authority to such committees.

(viii) The safeguards necessary for minority groups, special interests and emergencies.



(ix) The method of appointment of representatives of the State to the two Houses of the proposed Federal Legislature, and their relations with the Government and the legislative bodies in the State.

12. The Committee will have power to enquire fully into the above and all cognate questions, to call for information and opinions from Government officers and experts as well as from members of the public and public bodies, to interview and examine witnesses and to make recommendations on all matters pertaining to the development of the constitution, the object in view being, on the basis of the ideals and principles enunciated in the gracious message of His Highness the Maharaja quoted above, to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship.

The Committee will meet at Bangalore and the Chairman and nine Members will constitute a quorum.

The Secretaries to Government and all other officers of Government are requested to furnish the Committee with any information at their disposal on requisition from the Secretary to the Committee.

The Superintendent, Government Printing and Stationery, is requested to comply with all requisitions from the Committee for printing and stationery.

B. T. KESAVIENGAR,  
*Chief Secretary to Government.*

(2)

**G. O. No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938.**

READ—

Government Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the development and working of the Representative Assembly and the Legislative Council as well as the other Representative Bodies and Institutions connected with them and to formulate comprehensive proposals as to the further changes which may be desirable in order to secure the steady and harmonious constitutional progress of the State.

**ORDER No. 3271-3371—C. B. 165-37-2, DATED BANGALORE,  
THE 26TH APRIL, 1938.**

Government are pleased to nominate Mr. S. C. Malliah, Representative Assembly Member, as a member of the Committee referred to in the Government Order read above.

H. V. RAMASVAMI,  
*Offg. Chief Secretary to Government.*

**G. O. No. 3862-3931—C.B., dated Mysore, the 17th May, 1938.**

The Government of His Highness the Maharaja greatly deplore the misunderstandings which have lately arisen, and which have interrupted that co-operation between the Government and all sections of the people which is so necessary for the constitutional progress of the State. Above all, His Highness the Maharaja and his Government deeply regret the tragic happening at Viduraswatha. They express again the deep sympathy which they feel for any innocent sufferers, and for the relations or dependents of all the sufferers in that unhappy incident. His Highness's subjects are aware that an impartial body of eminent gentlemen of high judicial experience has been appointed to investigate the whole matter, and that the Government are determined that the causes of the occurrence and sequence of events should be fully examined and brought to light.

2. His Highness's Government are happy to feel that these misunderstandings are now being cleared away and that the time has come when, with renewed vigour, the Government and all subjects of His Highness may together approach the task of determining how best the people may be further associated in the work of government—a task which will require the sustained and devoted labour of all who are anxious to promote the welfare of the State. With the assurance of this co-operation His Highness's Government are pleased to make the following declarations.

3. The Government understand that the Mysore State Congress are prepared now to co-operate with the Government in the task of constitutional reform: that they will act as a political party formed within the State and composed of subjects of His Highness, and that they intend to carry on their work in a peaceful and constitutional manner, as befitting a party which has declared its aim to be the attainment of responsible government under the ægis of His Highness the Maharaja. Having this belief, His Highness's Government are prepared to recognise the Mysore State Congress as a political organisation.

4. The Government desire that all political organisations within the State should have the fullest opportunity to make constructive proposals in the Committee on Constitutional Reforms, and are, therefore, pleased to add to the members of that Committee three new members to be selected by the Mysore State Congress. They confirm explicitly, as they have previously made clear and as is implied in the Committee's terms of reference, that it is open to the Committee to discuss and recommend any plan for constitutional reform, including a plan for responsible government under the ægis of His Highness the Maharaja.

5. A powerful cause for misunderstanding has been cleared away by the declaration of the Mysore State Congress that the hoisting by it of the flag of the Indian National Congress has never been intended to be derogatory, hostile or disrespectful to the Mysore flag or to the throne of His Highness the Maharaja. To make this clear, the party, accepting the advice of Mahatma Gandhi, have decided that on all

ceremonial occasions it shall hoist the Mysore flag and the flag of the Indian National Congress together, hoisting the latter flag alone at purely party meetings only. The Government have recently declared that their policy regarding the hoisting of the flag of the Indian National Congress is solely dictated by their determination—a determination that is shared by all His Highness's loyal subjects—that no act should be done or ceremony performed within the State which can be construed in any way as being inconsistent with that devotion and loyalty to His Highness the Maharaja which is felt throughout the length and breadth of the State. His Highness's Government are glad to know that the Mysore State Congress have unequivocally declared their loyalty in this way, and feel that no further misunderstanding need arise. They foresee no difficulty in adjusting points of detail which have not been made clear in the party's declaration, and propose to issue a further memorandum on these points shortly.

6. The Government understand that the Mysore State Congress, being prepared to co-operate with the Government in the onerous tasks which lie ahead, will now withdraw their civil disobedience and no-tax campaigns.

7. His Highness's Government, being assured that the recent clouds upon the political life of the State have been happily lifted, have already been pleased to order that all political prisoners should be released and all prohibitory orders withdrawn. These orders have been given effect to as far as has been practicable, and further orders in respect of pending cases are shortly to be issued. This act will, they hope, mark the conclusion of a period of doubt and difficulty, and the inauguration of a new era of progress and prosperity in the State.

H. V. RAMASVAMI,

*Offg. Chief Secretary to Government.*

(4)

**G. O. No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938.**

Government are pleased to appoint the following as additional members of the Special Committee, constituted in Government Orders No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938 and No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, to examine and formulate comprehensive proposals to secure the steady and harmonious constitutional progress of the State:—

1. Mr. K. T. Bhashyam Iyengar, M.R.A.
2. „ R. Chennigaramiah, M.R.A.
3. „ H. C. Dasappa.
4. „ H. B. Gundappa Gowda, M.L.C.
5. „ Mahomed Hanief.

H. V. RAMASVAMI,

*Offg. Chief Secretary to Government.*

(5)

READ—

Government Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the development and working of the Representative Assembly and the Legislative Council, as well as the other representative bodies connected with them, and formulate proposals as to the further changes which may be desirable in order to secure the steady and harmonious constitutional progress of the State, and appointing Mr. K. V. Anantaraman as one of the members of the said Committee.

ORDER NO. 1634-70—C. B. 165-37-24, DATED, BANGALORE,  
THE 16TH NOVEMBER, 1938.

Government are pleased to direct that *Rajadharmapravina Diwan Bahadur* Mr. P. Mahadevayya be appointed a member of the Committee constituted in the Government Order read above, *vice* Mr. K. V. Anantaraman (resigned) with effect from the 17th November, 1938.

A. SUNDARARAJA RAO,  
For Chief Secretary to Government.

---

## APPENDIX II.

*Letter dated 17th January, 1939, from the Secretary, the Mysore Congress, to the Chairman, Committee on Constitutional Reform in Mysore.*

DEAR SIR,

I am enclosing a copy of the resolution adopted by the Working Committee of the Mysore Congress at its meeting held this morning for your kind information and request you to please place it before the Committee. I am to inform you that in pursuance of the said resolution, the Congress nominees on the Reforms Committee will not be attending the sittings of the Committee.

Yours Sincerely,

K. CHENGALARAYA REDDY.

(ENCLOSURE.)

*Resolution passed by the Working Committee at its meeting held on 17th January, 1939.*

Whereas according to the terms of the settlement which resulted in the Government Order of 17th May, 1938, the Government agreed to treat Messrs. V. Venkatappa, D. H. Chendrasekharaiya, Bhoopalam Chendrasekharaiya and K. Chengalaraya Reddy who had already been appointed to the Reforms Committee and who had refrained from co-operating with the said Committee in accordance with the directions of the Mysore State Congress, as nominees of the Congress which institution was duly recognised by the Government under the said Government Order, and three more members chosen by the Mysore Congress were added to the Committee, making in all 7 nominees of the Mysore Congress on the Committee,

Whereas it is clear from the above as well as from Mr. Bhoopalam Chendrasekharaiya's admissions evidenced by the pledge form which he along with other nominees of the Mysore Congress has signed to the effect that he has agreed to serve on the Reforms Committee as a representative of the Mysore Congress and undertaken to be responsible to and act according to the directions of the Congress from time to time and has also made his position clear by various other statements and has acted throughout on the Reforms Committee in his representative capacity only,

Whereas Mr. Bhoopalam Chendrasekharaiya has now ceased to be a member of the Mysore Congress, in view of which the Mysore Congress treating him no longer as its nominee on the Reforms Committee has requested the Government to fill up the vacancy caused thereby by the appointment of Shri. H. Siddiah of Shimoga and,

Whereas the Government which was bound to nominate Mr. H. Siddiah as desired by the Mysore Congress has in its reply dated 6-1-1939 neither given a satisfactory reply in this behalf nor has as yet replied to a subsequent communication explaining the position of the Congress,

The Working Committee feels that until the vacancy is filled up as desired by the Mysore Congress, the Congress cannot honourably function on the Reforms Committee through its representatives, and therefore resolves :—

(1) to address the Government once again in the matter calling for an honourable and satisfactory settlement of the question and

(2) to direct the nominees of the Congress on the Reforms Committee to refrain from attending any meeting of the Committee until the matter is finally and honourably settled.

BANGALORE CITY, }  
17th January, 1939. }

K. CHENGALARAYA REDDY

---

## APPENDIX III.

Details of the Sittings of the Committee on  
Constitutional Reform.

<i>Session</i>	<i>Date</i>	<i>Nature of work done</i>
I	... 26th April, 1938	} Preliminary discussions regarding procedure.
II	... 2nd July, 1938	
III	... 16th July, 1938	
IV	... 4th August, 1938	
V	... 5th to 8th September, 1938	... Taking of evidence. 5 witnesses examined.
VI	... 19th to 21st September, 1938	... 6 witnesses examined.
VII	... 17th to 20th October, 1938	... 12 do do
VIII	... 10th to 12th November, 1938	... 5 do do
IX	... 30th November, 1938	... 3 witnesses examined. Oral evidence concluded.
	1st and 2nd December, 1938	} General discussions on the terms of reference.
X	... 13th to 15th December, 1938	
XI	... 17th to 19th January, 1939	... Discussions regarding the Representative Assembly and its powers of legislation.
XII	... 6th to 10th February, 1939	... Discussions regarding the composition and strength of the Representative Assembly, and the Franchise.
XIII	... 20th to 24th February, 1939	... Discussions regarding the general powers of the Representative Assembly and the Legislative Council, and the electorates.
XIV	... 18th to 17th March, 1939	... Discussions regarding the Executive and its relation to the Legislature.
XV	... 27th to 29th March, 1939	... Discussions regarding the selection of State's representatives to the Federal Legislature and declaration of goal of reforms.
XVI	... 12th to 15th April, 1939	... Discussions regarding Fundamental Rights, Safeguards for Minorities, Independence of Judiciary and the Public Services Commission.
XVII	... 1st, 2nd, 4th and 6th May, 1939.	... Discussions regarding women's electorates and other miscellaneous subjects and reconsideration of tentative decisions.
XVIII	... 24th to 29th July, 1939	... Consideration of the first three chapters of the Draft Report.
XIX	... 2nd to 5th August, 1939	... Consideration of the remaining chapters of the Draft Report.
XX	... 24th August, 1939	... Adoption of the Report.
	Total ... (64 days)	

## APPENDIX IV.

## List of persons and associations from whom memoranda were received by the Committee on Constitutional Reform.

- 1 Mr. E. W. Rutherford, Ballupete P. O.
- 2 Mr. R. C. Morris, Honnamatti Estate.
- 3 Mr. B. Nanjundiah, Advocate, Bangalore City.
- 4 Mr. B. Donappa, President, Jagalur Municipality.
- 5 Mr. D. Venkatesaiya, Advocate, Kolar.
- 6 Mysore Planters' Association, Chikmagalur.
- 7 Mr. K. Venkataramiah, Robertsonpet.
- 8 Indian Christian Association, Bangalore.
- 9 Mr. K. Rangiengar, Advocate, Tumkur.
- 10 Jyotinagara Vysya Mahajana Sangha, Bangalore.
- 11 Mr. Vajapeyam Venkatesiah, Member, Representative Assembly, Bangalore.
- 12 Mr. C. Chennakesaviah, Advocate, Chitaldrug.
- 13 Mr. K. Shankaranarayana Udupa, Shimoga.
- 14 Mr. C. N. Ramachandra Rao, Member, Municipal Council, Channapatna.
- 15 Mr. Hajee Doulat Khan, Member, Representative Assembly, Channapatna.
- 16 Mr. Nawab Sher Khan of Honnali.
- 17 Mr. Beluriah, Member, Representative Assembly, Hole-Narsipur.
- 18 Mr. G. N. Revappa, Vice-President, Vadigenahalli Municipality.
- 19 Mr. K. Seshagiri Rao, Advocate, Basavangudi, Bangalore.
- 20 Mr. Mirle Muniyappa, Vice-President, Yelahanka.
- 21 Mr. G. Shantavirappa, Retired Personal Assistant to the Inspector-General of Police, Chamaraipet, Bangalore.
- 22 Mr. S. I. Mumtaz, Member, Representative Assembly, Channapatna.
- 23 Anjuman-Mufidul Islam, Belur.
- 24 Mr. K. Seshadri, Advocate, Mysore.
- 25 Mr. B. Rudrappa, Mysore.
- 26 Mr. Mohammed Valiulla, Advocate, Mysore.
- 27 Mr. Tudki Ramanna, Member, Representative Assembly, Thirthahalli, Members of the Sargur Municipality.
- 28 Mr. G. Ramanuja Iyengar, Advocate, Mysore.
- 29 Mr. M. G. Rangaiya, Retired Chief Engineer, Bangalore.
- 30 Mr. Mala Reddy, Member, District Board, Tumkur.
- 31 Mr. B. Kappanna Gowda, Member, District Board, Tumkur.
- 32 Mr. S. Hanumantharayappa, Member, District Board, Tumkur.
- 33 Mr. N. T. Gopalaiengar, Retired District and Sessions Judge, Bangalore.
- 34 Yadava Sangha, Bangalore.
- 35 Mr. T. Satyaraja Chetty, Retired Comptroller, Bangalore.
- 36 Mr. S. Basavalinge Gowda, Member, Municipal Council, Saklespur.
- 37



- 38 Mr. K. T. Seshaiya, Advocate, Belur.
- 39 Mr. S. R. Sampath Iyengar, Advocate, Mysore.
- 40 Mr. Sankaralinge Gowda, Nagamangala.
- 41 Members of the Gundlupet Municipal Council.
- 42 Sri Visvakarma Sanaaj, Mysore.
- 43 Mr. V. R. Thyagaraja Iyer, Retired Excise Commissioner, Basavanagudi, Bangalore.
- 44 Messrs. Mirle N. Srikantaiya and Nanjundaiya, Advocates, Mysore.
- 45 Mr. T. Rangaswamy Iyengar, Advocate, Mysore.
- 46 Sri D. Sakamma, President, Kuruhina Setty Sangha, Bangalore.
- 47 Mr. Ramasanjiva Setty, Jangamkote, Bangalore District.
- 48 Kolar Gold Field Mining Board, Oorgaum.
- 49 Bar Association, Mysore.
- 50 Mr. N. Narasimhamurthy, Retired Librarian, Mysore University, Mysore.
- 51 Mr. S. V. Nanjappa Setty, Jangamkote.
- 52 Mr. V. Subrahmanya Iyer, Retired Registrar, Mysore University.
- 53 Mr. T. S. Alikhan, Member, Municipal Council, Mysore.
- 54 Mr. A. E. Perkins, Diddapura, Chamarajnar.
- 55 Mr. Sesha Sarma, Manager, Shankara Mutt, Srinivasapur.
- 56 Mr. B. Venkataramiah, Basaralu Village, Mandya Taluk.
- 57 Mr. Chickramegowda, Settihalli, Kolar District.
- 58 Messrs. S. Ramappa, Vice-President, Kolar District Board and K. M. Nanjundappa, Member, Representative Assembly, Kolar.
- 59 Mr. H. Narasimhaiya, Advocate, Shimoga.
- 60 Mr. R. B. Siddabasavaradhya, Member, District Board and Representative Assembly, Kolar.
- 61 Mr. T. Ramachar, Member, Legislative Council, Kolar.
- 62 Messrs. S. Venkataswamy Gowda, Member, District Board and Representative Assembly, Kolar, and K. Ramaswamiah, Member, Municipal Council, Kolar.
- 63 Mr. M. A. Gopaldaswamy Iyengar, Advocate, Bangalore.
- 64 Mr. Khaji Abdul Satar Sahib, Municipal Councillor, Shimoga.
- 65 Mr. Devadu Narasimhasastry, Journalist, Shankarpur, Bangalore.
- 66 Mr. T. S. Rajagopala Iyengar, Advocate, Mysore.
- 67 Municipal Councillors of Kolar Municipality.
- 68 Mr. M. K. Sampangiramiyah, Advocate, Chikballapur.
- 69 Mr. B. Snbbraja Bhatta, Mulbagal Mutt, Tirthahalli.
- 70 Mr. R. Muniswamiyah, Chairman, Vanhivamsha Kshatriyasabha, Ramagondahalli.
- 71 Mr. Mir Raza Ali Saheb, Member, District Board, Periyapatna.
- 72 Mr. G. Girimaji Rao, Member, Legislative Council, Kolar.
- 73 Mr. B. Dondegowda, Member, Representative Assembly, Buvanahalli.
- 74 Law Association, Shimoga.
- 75 Mysore State Muslim League, Bangalore.
- 76 Mr. M. Lakshminarayana Rao, Advocate, Mysore.
- 77 Mr. G. M. Siddaramappa on behalf of the Hindus of Shikarpur Taluk.
- 78 Sri Geethapracharini Sabha, Mysore.
- 79 Yajaman Veerabhadrachar, Member, Representative Assembly, on behalf of the Visvakarmas assembled at Panchanandi, Kolar District.

- 80 Mr. M. Gurusiddappa, Member, Representative Assembly,  
Davangere.
- 81 Law Association, Bangalore.
- 82 Patel Channabasappa, Chairman, Village Panchayet, Kandagal,  
and Mr. H. G. Mahadevappa, Chairman, Hanumanahalli  
Village Panchayet, Davangere Taluk.
- 83 Patel Bale Gowda, Member, Representative Assembly, Bidana-  
gere, Kunigal Taluk.
- 84 *Dharmapravartha* M. L. Nagappa Setty, Merchant and Coffee  
Planter, Chikmagalur.
- 85 Mr. T. Gundappa, Advocate, Mysore.
- 86 Mr. H. M. Channabasavappa and others.
- 87 Mr. B. K. Madhava Rao, Pleader, Mysore.
- 88 Vokkaligara Sangha, Bangalore.
- 89 Mr. M. A. Doreswamy Iyengar, Advocate, Mysore.
- 90 Mr. H. K. N. Acharya, Advocate, Shimoga.
- 91 Anjuman-E-Mahdavia Dairat-ul-Islam, Channapatna.
- 92 Mr. C. S. Narayana Setty, Davangere.
- 93 Mr. H. S. Suryanarayana Rao, Member, Representative  
Assembly, Channapatna.
- 94 Law Association, Kolar.
- 95 Vidyasala Pandita Mandala, Mysore.
- 96 Mr. Ramaswamy Iyengar, Agalgrama, Krishnarajpet Taluk.
- 97 Mr. N. Rama Rao and other residents of Krishnarajanagar  
Taluk.
- 98 Secretary, Shanbhog Sangha, Bangalore.
- 99 The Central Mahomedan Association, Bangalore.
- 100 Sanatana-Dharma Sabha, Mysore.
- 101 Mr. K. Ibrahim Khan, Member, District Board, Kirgaval,  
Malvalli Taluk.
- 102 Mr. H. V. Narayana Rao, Advocate, Bangalore.
- 103 Mysore State Women's Conference, Bangalore.
- 104 Mr. H. R. T. Rajagopala Mudaliar, Vice-President, Municipal  
Council, Hunsur.
- 105 Mr. Chamundiah, Timber Merchant, Bamboo Bazaar, Mysore.
- 106 Mr. B. Puttaiya, Retired Superintendent, Government Press,  
Bangalore.
- 107 Mr. B. R. Krishnamachar, Retired District and Sessions Judge,  
Basavangudi, Bangalore.
- 108 Mr. N. Narasimhamurthy and other residents of Nagamangala  
Taluk.
- 109 The Agent, Ahobala Mutt, Mysore.
- 110 Adijambava Abhivridhi Sangha, Bangalore.
- 111 Anjuman-e-Islamia, Gundlupet.
- 112 The Secretary, Vanhikula Kshatriya Sangha, Bangalore.
- 113 Mr. T. Venkatarayappa, Chintamani.
- 114 Executive Committee of the Anjuman-e-Rifahul Muslameen,  
Civil and Military Station, Bangalore.
- 115 Mr. N. Rama Rao, Retired Director of Industries and Commerce,  
Bangalore.
- 116 Mr. Abdur Rahiman Faizi, President, Anjuman-e-Subhanul  
Muslameen, Civil and Military Station, Bangalore.
- 117 Patel Chennabasaviah, Davangere.
- 118 Mr. G. Veerappa, Vakil, Davangere.

- 119 Mr. L. S. Raju, Advocate, Bangalore.  
 120 Mr. J. R. Isaac, Cenotaph Road, Bangalore.  
 121 Central Council of the Mysore Lawyers' Conference, Bangalore.  
 122 Moin-ul-Vizarath A. K. Syed Taj Peeran, Retired Deputy Commissioner, Bangalore.  
 123 Mr. B. Narayanaswamy, Lawyer, Mysore.  
 124 Dr. *Arthasastravisharada Mahamahopadhyaya* R. Shama Sastry, Retired Director of Archaeology, Mysore.  
 125 Mr. B. M. Shivaramiah, Pleader, Nanjangud.  
 126 Mr. H. S. Pattabhiramiah, Landlord, Kolar Gold Field.  
 127 Mr. Bhaktar Saheb, Member, District Board, Kodigenhalli.  
 128 Mr. R. M. Patel, Select Pictures Circuit, Bangalore.  
 129 Mr. A. S. Lakshminarasimham, Mysore.  
 130 *Rajamantrapravina Diwan Bahadur* P. Raghavendra Rao, Retired Member of Council, Bangalore.  
 131 Mr. Balamukunda Jois, Thirthahalli.  
 132 Mrs. P. G. D'Souza, Member, Representative Assembly, Bangalore.  
 133 Mr. Sylvester Pais and 11 other signatories, Chikmagalur.  
 134 Mr. A. Sitaramiah, Advocate, and 26 other signatories, Mysore.  
 135 Mr. H. Ramadasappa, Retired Amildar, Mysore.  
 136 *Rajakaryapravina* P. G. D'Souza, Retired Member of Council, Bangalore.  
 137 All-Mysore State Muslim League, Bangalore.  
 138 Arya Vysya Sangha, Mysore.  
 139 Mr. L. Vema Reddy, President, Malur Municipality, and Member, Representative Assembly, Malur.  
 140 Mysore State Congress.  
 141 Mr. M. Ramaswamy, Advocate, Bangalore.  
 142 Indian Planters' Association, Chikmagalur.  
 143 Muslim Association, Tarikere.  
 144 Mr. G. R. Mahabala Bhatta, Durvasapura, Shimoga.  
 145 Mr. M. Ramaswamy Sastry, Manchanahalli, Nagar Taluk.  
 146 Mr. Jatre Naik, Member, Representative Assembly, Hiriyyur.  
 147 Mr. K. Puttanna, Hongenahalli, Mandya Taluk.  
 148 Mr. P. Sundara, Member, Representative Assembly, Bangalore.  
 149 Indian Catholic Association, Bangalore.  
 150 Mr. P. Murugesam Pillay, Bangalore.  
 151 Mr. Gurunath Krishna Nadiger, Member, Representative Assembly, Sorab.  
 152 Mr. P. Sitaramiah, Advocate, Mysore.  
 153 Mr. Y. M. Doddappa, Municipal Councillor, Davangere.  
 154 Sri D. Sakamma, Member, Representative Assembly, Bangalore.  
 155 Muslim Residents of Nagamangala.  
 156 United National Indian Christian Congress, Mysore.  
 157 Mr. Gadaginamatada Andanappaiah, Davangere.  
 158 Mr. C. L. Gowda, Advocate, Bangalore.  
 159 Mr. S. Narayana Rao, Retired Senior Assistant Commissioner, Bangalore.  
 160 Mr. B. S. Ameer Ahmed, Timber Merchant, Bangalore.  
 161 Merchants' Association, Shimoga.  
 162 Mr. K. Seshadri, Secretary, Harijan Sevak Sangha, Mysore.  
 163 Malnad Agriculturists' Association, Thirthahalli.

- 164 Mr. Mallari Rao, Municipal Councillor, and 1,000 residents of Madhugiri town and surrounding villages.
- 165 Mysore Jaina Association, Mysore.
- 166 Mysore State Adikarnataka Sangha, Bangalore.
- 167 *Rajakaryaprasakta Rao Bahadur* M. Shama Rao, Retired Inspector-General of Education, Bangalore, and Mr. B. Garudachar, Advocate, Shimoga.
- 168 Mr. N. Subba Rao, Tippur, Krishnarajauagar Taluk.
- 169 Mysore Co-operative Institute, Bangalore.
- 170 Mr. H. Srinivasa Rao, Advocate, Shimoga.
- 171 Welfare Committee, Bangalore Woollen, Cotton and Silk Mills Co., Ltd., Bangalore.
- 172 Mr. H. M. Krishnaswamy, Retired District and Sessions Judge, Mysore.
- 173 The Secretary, Mysore Chamber of Commerce, Bangalore.
- 174 Protestant Christian Association, Bangalore.
- 175 European Association, Bangalore.
- 176 Sri B. S. Vengadamma (Mrs. Belur Srinivasa Iyengar,) Bangalore.
- 177 Mr. A. M. Venkatasamiah, Vice-President, Municipal Council, Closepet.
- 178 Mr. M. B. Gurulingiah, Member, Representative Assembly, Mayaganahalli, Closepet.
- 179 Mr. B. C. Siddalingappa, Member, District Board, Bidadi.
- 180 Mr. T. Krishna Rao, Journalist, Mysore.
- 181 Sindhi Bankers' Association, Bangalore.
- 182 Mr. T. S. Sri Ramiah, Clerk, Bhadravati Iron and Steel Works Co-operative Society, Bhadravati.
- 183 Kurubara Sangha, Bangalore.
- 184 Shanbhog Association, Nanjangud.
- 185 Mr. B. Ramakrishnan, Seshadripuram, Bangalore.
- 186 Mr. G. Selvapillai, Landholder, Gorur, Hassan District.
- 187 Revised views of the Indian Christian Association, Bangalore.
- 188 Mr. S. Thinmarayappa, Krishnaraja Mohalla, Hundred Feet Road, Mysore.
- 189 Mr. Meppin, Norris Road, Bangalore.
- 190 The Anglo-Indian and Domiciled European Association, Mysore.
- 191 } Resolutions of Adikarnataka Conferences, supporting views in  
to } items 110 or 166 above.  
340 }
- 341 } Resolutions supporting the Mysore Congress Scheme.  
to }  
440 }
-

## APPENDIX V.

List of witnesses examined by the Committee  
on Constitutional Reform.

1. Mr. M. A. Doreswamy Iyengar, Advocate, Mysore.
2. Mr. G. Girimaji Rao, Member, Legislative Council, Kolar.
3. Mr. T. G. Narayana Iyengar, Advocate, Shimoga.
4. Mr. T. Gundappa, Advocate, Mysore.
5. Mr. T. S. Ali Khan, Member, Municipal Council, Mysore.
6. Mr. G. Ramanujiengar, Advocate, Mysore.
7. Mr. H. K. N. Acharya, Advocate, Shimoga.
8. Mrs. Mandyam and Sri Nanjamma (Mysore State Women's Conference), Bangalore.
9. Mr. A. Krishna Rao, Advocate, Mysore.
10. Mr. N. Rama Rao, Retired Director of Industries and Commerce.
11. Mr. M. Madiab, Secretary, Adikarnataka Sangha, Bangalore.
12. Messrs. A. L. Hill, A. Middleton and K. T. Seshaiya, Mysore Planters' Association, Belur-Hassan.
13. Mr. K. A. Rahim, Anjuman Mufidul Islam, Belur.
14. Mr. Bagamane Deva Gowda, Indian Planters' Association, Chikmagalur.
15. Mr. S. Venkataswami Gowda, Member, District Board, Kolar.
16. Three representatives of the Welfare Committee of the Bangalore Woollen Cotton and Silk Mills, Co., Limited, Bangalore.
17. Mr. Hanumanthaiah, Representative of the Adi Jambava Sangha, Bangalore.
18. Mr. F. L. Silva, Indian Catholic Association, Bangalore.
19. Mr. Nawab Gulam Ahmad Kalami, Central Mahomedan Association, Bangalore.
20. Mr. J. R. Isaac, Indian Christian Association, Bangalore.
21. Mr. Khaja Mahomed Khader Sheriff, Mysore State Muslim League, Bangalore.
22. Mr. L. S. Raju, Advocate, Civil Liberties Union, Bangalore.
23. Mr. Patel Channabasappa, Kandegal.
24. Mr. O. S. N. Sheriff, Secretary, All-Mysore State Muslim League, Bangalore.
25. Mr. Patel Balegowda, Bidangere, Kunigal Taluk.
26. Messrs. R. W. Theobald and E. Miller, European Association, Bangalore.
27. Mr. B. Garudachar, Advocate, Shimoga.
28. Mr. H. S. Suryanarayana Rao, Member, Representative Assembly, Channapatna.
29. Mr. H. V. Narayana Rao, Advocate, Bangalore.
30. Mr. K. Rangiangar, Advocate, Tumkur.
31. Mr. C. N. Ramachandra Rao, Landholder, Channapatna.

## APPENDIX VI.

**Address of His Highness the Maharaja to the joint session of the Representative Assembly and the Legislative Council.***12th March, 1924.*

*Members of the Representative Assembly and the Legislative Council*—It gives me sincere pleasure to inaugurate to-day the re-constituted Representative Assembly and Legislative Council. You, Gentlemen, represent an enlarged electorate, you have been returned under a wider franchise, and you start with increased powers and responsibilities conferred on you under my Proclamation of October last. You now represent your constituencies in a truer sense than ever before, and you have far greater opportunities of influencing the decisions of Government in accordance with popular demands. I welcome you to new opportunities of patriotic service, to expanding vistas of popular progress, and to responsibilities heavier than those so worthily borne by your predecessors.

I recall to my mind on this occasion the words which I spoke nearly twenty-one years ago when I opened the Representative Assembly in person for the first time after I assumed the reins of Government. The hopes I then expressed of the value of the yearly gatherings of the Assembly in contributing to the well-being and contentment of my subjects have been amply fulfilled. The Legislative Council, too, which came into existence in 1907 with certain important functions bearing on legislation, finance and administration generally, has fully justified expectations. Yet, you will realise that the changes which I am inaugurating to-day are fundamental, providing as they do for a far closer association of the representatives of the people with the administration, and affording a freer outlet for their natural and legitimate aspirations than seemed possible a few years ago.

I am aware that a section of my people were in favour of further radical changes, including a wider franchise and increased powers. While fully sympathising with their ideals, I may state that our decision was made after prolonged consultation. Each State must evolve its own constitution, suited to its own needs and conditions, and to the genius of its people. Without departing from the fundamental principles of development common to all forms of polity, it has been deemed necessary to maintain the character of the Representative Assembly as essentially a body for consultation and reference, as well as representation, directly voicing the needs of the people, and with a constitution sufficiently flexible to expand with the expanding political consciousness of the people, leaving to the Legislative Council the more formal work of legislation and other functions usually associated with such bodies.

I have no doubt that you will use your new powers to strengthen all the beneficent activities in the country, to spread education, to diffuse knowledge, to further industrial enterprise, both public and private, and to foster the civic virtues and the spirit of social service.

More especially would I urge you to instruct the people to practise thrift, to lay by provisions and money against drought and famine, which are such a distressing feature of our agricultural situation. With adequate previous preparation, it should be possible to combat more effectively the privations of the people such as we are witnessing in some districts of the State at the present time. The Standing Committees of the Legislature will, I hope, bring the popular representatives into closer association with the principal departments of Government. When the projected extension of Local Self-Government comes about and the powers of the District and Taluk Boards, Municipalities and Village Panchayets are enlarged, there will be many opportunities for men of ability to take part in public work, and for the local management of local interests.

There is a certain self-discipline which lies at the root of success, and which I feel you must observe for the serious treatment of public issues. I trust that, although party conflicts will be inevitable, your discussions will be conducted with mutual tolerance and respect, and will be consistent with decorum and with the dignity of a State Legislature. A wise restraint is necessary in expressing your views. Exaggeration and violence of speech defeat their own purpose. I would urge you also to make a thorough study of the subjects before you speak on them and, in all your pleadings, to place the interests of the State as a whole before those of any section or class. A third point which I would emphasise is that you must keep in close touch with the Government and the people and interpret the one to the other. In this way may we hope that the long silence of the depressed and the humble will be broken and full responsibility for their well-being shouldered by the educated and well-to-do classes.

It is the ambition of my life to see the people of State develop self-sustaining qualities, exhibit initiative and enterprise and take a front rank in all progressive movements and activities in the country. In making our plans for the future, we have got to take note of the tremendous changes of the recent past. India under the beneficent guidance of the British Nation, is shaping into a federation of Provinces and States. We, in Mysore form, as it were, a nation within a nation. While co-operating with both the Government of India and the rest of the Indian public in measures which lead to the prosperity of the country as a whole, we in our local sphere should promote education and economic growth to the fullest extent permitted by our resources, so that our people may not fall behind other Provinces and States in the race of progress.

That the history of Mysore in the recent past has run smoothly is a good omen for the future. We have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment of the people, and the quickening and utilising of their energies in the business of the State. Progress of this kind has been the constant aim of the Government of Mysore. The ceremony which I am performing to-day is thus a step in a continuous and well-ordered process of development, which has been going on for over forty years, and it is my hope that the process will continue with the same adaptability in the future.

You will find yourselves exercising a considerable, frequently a decisive, influence upon the policy of Government. Not merely your resolutions, but all that you urge in debate will be of high importance. I would have you apprehend with mind and heart this vital fact, that the interests of Government and people are identical. The happiness of the people is both the happiness and the vindication of Government. Any difference of opinion between the executive and yourselves—and such differences naturally occur, in all lands and all along the road of progress—can refer only to the means, never to the end. You can count upon responsiveness and goodwill in Government, as they certainly count upon them in you.

This day, therefore, marks the dawning of a new era in the history of Mysore. My faith in the power and willingness of my people to render patriotic service is firmly rooted in experience, and you may rely on my abiding sympathy with your aspirations. If every act of yours is guided by common sense, goodwill and useful study of facts and of experience, if your new powers are used only for the promotion of the common good, you cannot fail to rise in power and influence. You will help to build up the prosperity and reputation of our State, and will become custodians with me of its permanent interests.

Gentlemen, in all your efforts in these directions, I wish you success and Godspeed, and pray that strength, wisdom and clearness of aim may ever be yours.

---



**APPENDIX VII.****Proposals for Constitutional Reforms in Mysore.***(As passed by the All-Mysore Congress Committee, July, 1938.)***PREFACE.**

The Mysore Congress agreed to co-operate with the Committee constituted by the Government to consider and report on Constitutional Reforms in Mysore on a definite and explicit assurance that it was open to the Committee to discuss and recommend any plan for Constitutional Reforms, including a plan for responsible government under the ægis of His Highness the Maharaja.

The Working Committee of the Mysore Congress thereupon appointed a sub-committee to frame a scheme of responsible government for Mysore. The sub-committee presented a scheme to the Working Committee who in their turn went into it, effected certain changes therein and placed the same before the A.M.C.C. The A.M.C.C. has considered and adopted the scheme with a few alterations and the scheme as adopted is now published and placed before the country for acceptance.

The scheme aims at the establishment of a system of constitutional, parliamentary, and hereditary monarchy in Mysore or in other words, the establishment of Responsible Government under the ægis of H. H. the Maharaja. (1) It seeks to define the powers and privileges of the Maharaja, and to regulate the succession to the Throne and the institution of a Regency in case of necessity. (2) There will be a Council of Ministers to advise the Maharaja, consisting of a Prime Minister and not more than four other Ministers. The Council of Ministers will be collectively responsible to the Legislature. (3) The Legislature will consist of a single chamber of two hundred and fifty members elected on the basis of universal adult suffrage. (4) There is a declaration and guarantee of the Fundamental Rights of the citizens. (5) The entire budget will be subject to the vote of the Legislature, and there will be an independent Comptroller and Auditor-General for audit of accounts and control of the execution of the Budget. (6) A Public Service Commission will be constituted to deal with all questions of recruitment, control, etc., of public services. (7) The High Court will be placed on a par with the chartered High Courts of British India in regard to its constitution, powers and functions. Provision is made for the separation of executive from judicial functions and for ensuring the independence of the judiciary. (8) Provision for amendment of the constitution is also made. (9) Finally the attitude towards All-India Federation and the mode of election of representatives of the State to the Federal Legislature is mentioned. The details for the composition of the Legislature, the nature and delimitation of constituencies, the type of electorates, the mode of election, etc., are not embodied in the scheme. They are reserved for separate and special consideration.

It is hoped that the scheme will receive wide-spread attention and stimulate enlightened discussion.

BANGALORE, }  
5-8-1938. }

K. CHENGALARAYA REDDY,  
Secretary,  
Mysore Congress.

# A SCHEME OF RESPONSIBLE GOVERNMENT IN MYSORE.

## I. Aim.

It is desirable that the people of Mysore should exercise the right of self-government under His Highness the Maharaja; a constitution for the exercise of such rights shall be immediately established.

## II. General Provisions.

1. The Mysore State shall be a constitutional, parliamentary and hereditary monarchy.

2. The people of Mysore have the right of governing themselves as free, sovereign and independent State; and do, and to ever hereafter shall, exercise and enjoy every power, jurisdiction and right which is not, or may not hereafter be, by them in Legislature, assembled, expressly delegated to the sovereign authority in India.

3. All powers of government and all authority, legislative, executive and judicial, shall be exercised in the State through organisations established by or under, and in accord with, this Constitution.

4. The provisions of this Constitution referring to the Maharaja shall also refer to his heirs and successors in the sovereignty of Mysore.

5. The official language of the State shall be Kannada; but English and Hindustani shall be permitted.

## III. Fundamental Rights of Citizenship.

### 1. *Every person—*

(a) who was born, or whose father was either born or naturalised, within the territorial limits of the Mysore State and has not been naturalised as a citizen of any other country; or

(b) who being a subject of either an Indian State or the sovereign authority in India carries on business or resides in the territories of Mysore; as defined under law or

(c) who is naturalised in the State under the law in force for the time being, is a citizen of the Mysore State and shall within the limits of the jurisdiction of the State enjoy the privileges and be subject to the obligations of such citizenship: provided that no person who is a citizen of a foreign country can be a citizen of the State unless he renounces the citizenship of such foreign country in the manner prescribed by law.

2. (a) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated save in accordance with law.

(b) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(c) The right of free expression of opinion, the liberty of the press and the right to assemble peaceably and without arms and to form associations or unions, are hereby guaranteed for purposes not opposed to public order or morality.

(d) All citizens in the State have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the State and such right shall be enforceable as soon as due arrangements shall have been made by competent authority. Minorities in race and language shall be given primary instruction in their mother tongue under conditions to be prescribed by law.

(e) All citizens are equal before the law and possess equal civic rights.

(f) There shall be no penal law whether substantive or procedural of a discriminative nature.

(g) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(h) No corporal punishment or other punishment involving torture of any kind shall be lawful.

(i) Every citizen shall have the right to a writ of *habeas corpus*. Such right may be suspended in case of war or rebellion by an Act of Legislature or if the Legislative Assembly is not in session, by the Maharaja, and in such case the matter should be brought before the Legislative Assembly at the earliest opportunity for such action as it may deem fit.

Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody such person shall be detained to produce the body of the person so detained before such Court or judge without delay and to certify in writing as to the cause of the detention and such Court or judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law.

(j) There shall be no State religion for Mysore, nor shall the State either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(k) No person attending any school receiving State aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(l) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(m) All citizens have an equal right of access to, and use of, public roads, public wells and tanks, and all other places of public resort.

(n) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(o) No breach of contract of service or abetment thereof shall be made a criminal offence.

(p) Legislature shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment, and for ensuring fair rent and fixity and permanence of tenure of agricultural tenants.

(q) Every citizen shall have the right to bear arms in accordance with regulations made in that behalf.

(r) Men and women shall have equal rights as citizens.

(s) Every citizen against whom an offence has been committed by any official of the State or of a Local Authority in the exercise of his functions shall have the right to make complaint to the Court directly and without authorisation from any other person. The State or the Local Authority shall be answerable in the ordinary courts for damage inflicted on citizens by irregular exercise of their powers by their agents.

#### IV. The Maharaja.

1. The Mysore State shall be reigned over and governed by a line of Maharajas in unbroken hereditary succession subject to the provisions of the Constitution.

2. The Maharaja shall confirm and promulgate the laws. He shall appoint State officials and confer military rank in accordance with the provisions of the law.

3. The Maharaja shall be the Commander-in-Chief of the Military forces of the State.

4. The Maharaja shall have the right to order amnesty, pardon, commutation of punishments and rehabilitation.

5. The Maharaja shall represent the State in all its relations with foreign States.

6. (a) The Maharaja shall summon the Legislative Assembly for ordinary or extraordinary sessions.

He shall open and close its sessions, personally by a speech from the Throne, or through the medium of the Council of Ministers by means of a message or order.

The speech from the Throne, message or order shall be countersigned by all the Ministers.

(b) The Maharaja shall have the right to dissolve the Legislative Assembly but the order of dissolution must make provision for the holding of the new elections within a period of not more than three months together with an order for the summoning of the House of Representatives within a maximum period of four months from the date of dissolution of the House. The order dissolving the house shall be countersigned by all the Ministers.

7. No act in exercise of the royal power shall be valid or capable of enforcement unless countersigned by the competent Minister. The competent Minister shall be responsible for all acts of the Maharaja,

oral or written, whether countersigned or not and for all his actions which are of a political nature. The Minister for Military Affairs shall be responsible for all acts of the Maharaja in his capacity as Commander-in-Chief of the Military forces of the State.

8. The Maharaja may not be at the same time head of any other State without the assent of the Legislative Assembly.

9. (a) The Maharaja and the Heir to the Throne who shall be styled the Yuvaraja, shall be of age on completing their eighteenth year.

(b) The person of the Maharaja is inviolable. He may not be made answerable at law nor subjected to any proceedings. This provision shall not extend to the private property of the Maharaja.

10. The Maharaja shall always profess the Hindu faith and belong to the Hindu race.

11. The Civil List of the Maharaja shall be determined by law for the duration of each reign.

12. (a) The Maharaja shall reside permanently in the State. If it should be necessary for him to be absent from the State for a short period, the Yuvaraja shall fill his place as of right. If the Yuvaraja is not of full age or is incapacitated, the Maharaja's place shall be taken by the Council of Ministers. The same provisions shall apply in the case of the illness of the Maharaja unless such illness involves permanent incapacity.

(b) During the absence of the Maharaja or the Yuvaraja the Council of Ministers shall not have the right to dissolve the Legislative Assembly.

(c) Substitution by the Council of Ministers may not last for a longer period than six months; after that period the provisions of the Constitution in respect of the Regency shall come into operation.

13. The royal power shall be exercised through a Regency (1) when the Maharaja is a minor; (2) when by reason of mental or bodily infirmity the Maharaja is permanently incapable of exercising the royal power.

The Legislative Assembly shall decide upon the institution and termination of the Regency.

The exercise of the Regency shall be vested of right in the Yuvaraja if he is of age. If the Yuvaraja is unable to exercise the powers of Regency by reason of his minority or by reason of permanent mental or bodily infirmity, the Legislative Assembly shall elect a Regent who shall hold office for a period of three years. If the Regency requires to be continued longer still, a further election shall take place for a period of three years.

The Regent must be a citizen of the State, at least forty-five years of age and of superior education.

Before taking up the responsibilities of the royal power the Regent shall take an oath to the Legislative Assembly that he shall be faithful to the Maharaja and will reign according to the Constitution and laws of the State.

The Regent shall have charge of the education of a Maharaja who is not of age and be the guardian of his property :

Provided that the Maharaja has not in his will designated the guardian to manage the property of a minor Maharaja.

The Regent during his term of office shall receive from the State Treasury the sum assigned to him by the Legislative Assembly at the time of his election.

14. Pending the election of the Regent, the Council of Ministers shall exercise the royal power temporarily and upon its own responsibility.

15. If under the terms of this Constitution there should be no heir to the Throne the Council of Ministers shall take over the royal power and shall forthwith summon a special session of the Legislative Assembly to decide the succession to the Throne.

## V. The Executive.

1. The executive power of the State is vested in the Maharaja acting on the advice of the Council of Ministers subject to the provisions of the Constitution and the laws of the State.

2. There shall be a Council of Ministers consisting of the Prime Minister and, until Legislature otherwise provides, not more than four Ministers of the State.

3. The Prime Minister shall be appointed by the Maharaja and the Ministers shall also be appointed by him on the advice of the Prime Minister. The Ministers shall be sworn as members of the Council and shall hold office during the pleasure of the Maharaja.

4. A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

5. The salaries of Ministers shall be such as Legislature may from time to time by Act determine: provided that the salary of a Minister shall not be varied during his term of office.

6. The Council of Ministers shall be collectively responsible to the Legislative Assembly for all matters concerning the departments of the State administered by the Ministers and generally for all advice tendered by it to the Maharaja.

7. Until the Legislative Assembly otherwise provides, the appointment and removal of all other officers of the executive government of the State shall be vested in the Maharaja unless the appointment is delegated by the Maharaja or by a law of the State to some other authority.

8. (a) The Maharaja shall appoint a person, being a person qualified to be appointed a judge of the High Court of Mysore, to be Advocate-General for the State.

(b) It shall be the duty of the Advocate-General to give advice to the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Maharaja.

(c) The Advocate-General shall hold office during the pleasure of the Maharaja and shall receive such remuneration as he may determine.

9 As soon as possible after the Constitution comes into operation, the Maharaja shall appoint a permanent Public Services Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement and the superannuation of public officers as the Legislative Assembly may determine by law.

10. All executive action of the Government shall be expressed to be taken in the name of the Maharaja.

## VI. The Legislature.

1. There shall be a Legislature for Mysore which shall consist of the Maharaja and a chamber known as Legislative Assembly.

2. The Legislative Assembly shall consist of 250 members to be elected by constituencies determined by law : provided that Legislature shall have power to alter the number of Representatives.

3. Every citizen of either sex who has reached the age of twenty-one, and is not disqualified by law, shall have the right to vote for members of the Legislative Assembly.

4. Every citizen of either sex who has reached the age of twenty-five years and who can read and write and who is not placed under disability or incapacity by the Constitution or by law, shall be eligible to become a member of the Legislative Assembly.

5. (a) Every Legislative Assembly shall continue for three years from its first meeting :

*Provided that :*

(i) the Assembly may be sooner dissolved by the Maharaja, and

(ii) after the dissolution of the Assembly the Maharaja shall appoint a date not more than four months after the date of dissolution for the next session of the Assembly.

(b) A session of the Assembly shall be held at least twice a year.

6. (a) The Maharaja may appoint such times and places for holding the sessions of the Legislative Assembly as he thinks fit and may also from time to time prorogue such sessions.

(b) Any meeting of the Assembly may be adjourned by the person presiding.

7. (a) All questions in the Legislative Assembly shall be determined by a majority of votes of the members present and voting, other than the presiding member who shall, however, have and exercise a casting vote in the case of an equality of votes.

(b) The powers of the Assembly may be exercised notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.

(c) If at any time during a meeting of the Assembly less than one-third of the total number of members of the Assembly are present, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or to suspend the meeting until at least one-third of the members are present.

8. Every Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof.

9. There shall be paid to the Speaker, the Deputy Speaker and the Members of the Legislative Assembly such salaries and allowances as may be respectively fixed from time to time by Act of Legislature.

10. Subject to the provisions of the Constitution and the rules and standing orders regulating the procedure of the Legislative Assembly there shall be freedom of speech in the Assembly and no member thereof shall be liable to any proceedings in any court in respect of anything said, or any vote given by him in the Assembly or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

11. The Legislative Assembly shall make its own rules and standing orders with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

12. (a) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(b) No officer or other member of the Assembly in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or maintaining order, in the Assembly shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

13. The Legislature shall, subject to under the provisions of this Constitution, have power to make laws for the peace, order and good government in relation to all matters not coming in the classes of subjects assigned by treaty or otherwise to the sovereign authority in India.

14. A Bill passed by the Legislative Assembly shall not become an Act until the Maharaja signifies his assent thereto.

If the Maharaja does not approve the Bill, he shall return it to the Assembly with his objections for reconsideration. The Assembly shall reconsider the Bill with the objections. If after such reconsideration two-thirds of the total number of members of the Assembly shall agree to pass the Bill, it shall become law.

If any Bill shall not be returned by the Maharaja within thirty days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it in token of his assent.

15. (1) If at any time when the Legislature is not in sessions the Maharaja is satisfied that circumstances exist which render it



necessary for him to take immediate action he may promulgate ordinances as the circumstance may appear him to require.

(2) An ordinance promulgated as above shall have the same force and effect as an act of the Legislature assented to by the Maharaja, but every such ordinance

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the re-assembly of the Assembly ; or if before the expiration of that period resolutions disapproving it are passed by the Assembly, upon the passing of such resolutions ;

(b) may be withdrawn at any time by the Maharaja.

## VII. The Judiciary.

1. The judicial power of the State shall be vested in a High Court and in such inferior courts as the Legislature by law, may from time to time, ordain and establish.

2. There shall be a High Court consisting of a Chief Justice and until Legislature otherwise decides, not more than four judges.

3. Every judge of the High Court shall be appointed by the Maharaja and shall hold office until he attains the age of fifty-five years.

*Provided that—*

(a) a judge may by resignation under his hand addressed to the Maharaja resign his office ;

(b) a judge may be removed from his office by the Maharaja on an address from the Legislative Assembly in the same session praying for such removal on the ground of misbehaviour or mental or moral infirmity.

4. A person shall not be qualified for appointment as a judge of the High Court unless he—

(a) has been for at least five years a judge of a District and Sessions Court in Mysore or in India ; or

(b) has been for at least fifteen years an Advocate of the High Court of Mysore or of a High Court in India.

5. The judges of the High Court shall be entitled to such salaries and allowances and to such rights in respect of leave and pensions as may from time to time be fixed by law : provided that neither the salary of a Judge nor his rights in respect of leave of absence or pension shall be varied during his continuance in office.

6. The High Court shall be a court of record.

7. The number of judges, the constitution and organisation of, and distribution of business and jurisdiction among the High Court and the inferior courts and the judges thereof and all matters of procedure shall, subject to the Constitution, be as prescribed by the laws for the time being in force and the regulations made thereunder.

8. The judges of all the Courts subordinate to the High Court established in pursuance of this Constitution shall be appointed by the Maharaja on the recommendation of the High Court.

9. All judges shall be independent in the exercise of their functions and subject only to the Constitution and the law. A judge shall not be eligible to sit in the Legislative Assembly and shall not hold any other office or position of emolument.

10. The executive officers of Government shall have no judicial functions entrusted to them and the judiciary shall be under the control and superintendence of the High Court.

11. The High Court shall, to the exclusion of any other Court, have an original jurisdiction in all cases in which the validity of any law having regard to the provisions of the Constitution shall come into question.

12. All authorities, civil and judicial, in the State shall act in aid of the High Court.

13. The Maharaja's Ministers and the Judges of the High Court shall not be subject to the jurisdiction of any Court by reason of anything counselled, ordered or done by any of them in his public capacity only.

### VIII. Finances of the State.

1. All revenues or moneys raised or received by the Executive Government shall form one consolidated Revenue Fund, to be appropriated for purposes of the State in the manner and subject to the charges and liabilities imposed by this Constitution.

2. The costs, charges and expenses incident to the collection, management and receipt of the consolidated Revenue Fund shall form the first charge thereon; and the revenue of the State shall, in the first instance, be applied to the payment of the expenditure of the State.

3. No State loan can be raised, nor can the landed property of the State be alienated, exchanged or made subject to charges, nor can public contributions or taxes be imposed, by the Government except by law.

4. The Legislative Assembly shall each year approve the State Budget which shall be valid for a single year.

The financial accounts relating to the Budget of the previous financial year shall be submitted at the same time as the Budget, for verification and ratification by the Legislative Assembly.

The Budget shall be framed in such form as may be determined by law.

The Budget shall be approved chapter by chapter.

Balances not expended under one chapter of the Budget or in one financial year may not be used to make up deficits under another chapter or in another financial year without the approval of the Legislative Assembly.

The Legislative Assembly, before approving the Budget submitted to it, may vote provisional credits for one or more months.

If the Legislative Assembly has been dissolved before deciding on the Budget, the Budget for the preceding financial year shall be extended by order of the Maharaja for not more than four months.

5. Taxes shall be payable in accordance with the capacity of the tax-payer and shall be progressive.

6. The Maharaja shall be subject to State taxation on his private property.

7. The Maharaja shall appoint a Comptroller and Auditor-General to act on behalf of the State for the audit of the accounts of the State and for the control of the execution of the budgets of the State. The terms and conditions of his tenure of office shall be fixed by law and he shall not be removed from office except by the Maharaja on an address from the Legislative Assembly in the same session praying for such removal on the ground of misbehaviour or incapacity. He shall not be a member of the Legislative Assembly nor shall he hold any other office or position of emolument. The reports of the Comptroller and Auditor-General relating to the accounts and the budgets of the State shall be submitted every year to the Maharaja who shall cause them to be laid before the Legislative Assembly.

## **IX. Amendment of the Constitution.**

The Legislature may, by law, repeal or alter any of the provisions of the Constitution :

Provided that the Bill embodying the repeal or alteration shall be passed by at least two-thirds of the total number of members of the Legislative Assembly.

## **X. The Indian Federation.**

The people of Mysore can never accept the present scheme of Indian Federation framed by the Government.

The State of Mysore is ready to join an Indian Federation, the scheme of which is acceptable to the peoples of all parts of India.

The representatives of Mysore to the Legislative Houses of such an Indian Federation shall be directly elected by the people of Mysore.

---

Government of His Highness the Maharaja of Mysore.

# THE REPRESENTATIVE ASSEMBLY MANUAL



BANGALORE :

PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS

1940



## TABLE OF CONTENTS.

---

	PAGE
1. Proclamation of His Highness the Maharaja	... 1
2. The Government of Mysore Act, 1940 ...	... 5
3. The Representative Assembly Rules, 1940	... 26





# Proclamation

OF

HIS HIGHNESS MAHARAJA

**SRI KRISHNARAJENDRA WADIYAR BAHADUR IV OF MYSORE**

THIS TENTH DAY OF ASVIJA BAHULA OF THE PRAMATHI  
SAMVATSARA, BEING THE YEAR ONE THOUSAND  
EIGHT HUNDRED AND SIXTY-TWO OF  
THE SALIVAHANA ERA,

CORRESPONDING TO

THE SIXTH DAY OF NOVEMBER, ONE THOUSAND NINE  
HUNDRED AND THIRTY-NINE, IN THE THIRTY-  
EIGHTH YEAR OF MY RULE.

**Whereas** THE WELFARE AND ADVANCEMENT OF MY  
PEOPLE HAVE BEEN MY CONSTANT AIM AND ENDEAVOUR,  
AND

**Whereas** THE FUNDAMENTAL IDENTITY OF INTERESTS  
BETWEEN MY PEOPLE AND MY GOVERNMENT HAS FOUND  
SATISFACTORY AND PROGRESSIVE FULFILMENT IN THE  
MEASURES ADOPTED BY ME FROM TIME TO TIME, AND

**Whereas** IT IS NOW MY DESIRE TO TAKE FURTHER STEPS  
TO INCREASE THE ASSOCIATION OF THE REPRESENTATIVES  
OF MY PEOPLE WITH MY GOVERNMENT IN THE  
ADMINISTRATION OF THE STATE IN PURSUANCE OF MY  
CHERISHED AND DECLARED POLICY,

**I hereby ordain as follows:**

**T**HE Representative Assembly which was established  
fifty-eight years ago by command of MY beloved  
Father, HIS HIGHNESS SRI CHAMARAJENDRA  
WADIYAR BAHADUR of revered memory, and which  
was placed on a statutory basis with enlarged functions  
by ME under Act XVIII of 1923, and the Legislative



Council which was established by ME under Act I of 1907 and whose powers were enhanced by ME under Act XIX of 1923 have hitherto been functioning under separate Acts. They will now be brought into integral relationship with one another, and will henceforth function under a consolidated law relating to the constitution of Mysore. Privileges of freedom of speech and immunity from arrest under certain conditions will be conferred on the members of both Houses, and their term which is now three years will be extended to four years.

2. The powers and scope of the Representative Assembly will be enlarged, while its character as a body for consultation and reference will still be maintained. Its strength which is at present fixed at a maximum of 275 will be raised to 310 ordinarily, with a view to providing better representation for minority communities and for economic and other special interests.

3. The privilege already enjoyed by the Assembly of being consulted with regard to the general principles of proposed measures of legislation will be widened so as to provide that, in future, the Representative Assembly will invariably be consulted in regard to any legislative measure before it is introduced into the Legislative Council, and that it will have the right of considering the general principles underlying any Bill or any of its provisions and of proposing amendments thereto. The opinion expressed on any legislative measure by the Assembly will ordinarily be accepted by MY Government when supported by a prescribed majority, although in exceptional cases where it may be necessary in the public interest or for the ensuring of safety and good government to proceed with a Bill in the Legislative Council notwithstanding the opinion of the Assembly, MY Government will do so, after issuing a statement giving reasons therefor.

4. Subject to the existing exceptions, the Assembly will have the right to consider the State Budget and pass resolutions not only on the general principles and policy underlying the Budget, but also on any of the major heads of expenditure, without reference, however, to any particular grants or appropriations. The existing restriction regarding discussion on expenditure pertaining to MY Military Forces will be relaxed. The number of resolutions on matters of public interest, questions and representations which may be sent up will be increased,

and the duration of the sittings of the Assembly will also be augmented, so as to allow larger opportunities for the introduction and disposal of non-official business.

5. In the case of legislative, financial and administrative measures under contemplation, MY Government will, as far as possible, consult the assembly and ascertain its views on such measures before making a final decision.

6. The strength of the Legislative Council will be further increased, and its composition revised so as to increase the elected element therein, and ensure a statutory elected majority. Enlarged representation will be provided for the territorial constituencies as well as for the special interests and minorities, and the ordinary strength of the Council will be raised from 50, as at present, to 68, 44 places being filled by election. The Council will have a non-official President, who will be elected by the House after the first term, and a non-official elected Deputy President from the commencement, thus making the House a more effective instrument for voicing the wishes of MY people.

7. In respect of the State Budget, the Legislative Council has already been given the power to deal with demands for grants except in respect of excluded subjects and subject to MY Government's power to restore a provision, if they consider such restoration necessary for the carrying on of a department or for discharging Government's responsibility, and, in cases of emergency, to authorise such expenditure as may be necessary for the safety and tranquility of the State. In future, such action will be taken only after a formal certification by MY Dewan.

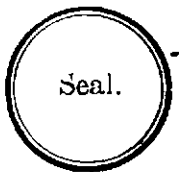
8. Along with the grant of enlarged powers and privileges to the Representative Assembly and the Legislative Council, it is MY further desire that the electorate for these bodies should be further widened in some respects. As in the case of the representatives of the urban and rural constituencies, the representatives of minority communities will also be returned by direct election through the general constituencies wherever possible, and those of the special interests ordinarily by election through specially formed constituencies. The property qualification for voters for the Representative Assembly in rural areas, and the educational qualification for voters for the Representative Assembly will be substantially reduced.

In the case of women, the educational qualification will be further reduced for both the Representative Assembly and the Legislative Council. The operation of certain existing disqualifications of voters to both Houses will be relaxed.

9. The elected representatives of the people will henceforward be given a place in MY Executive Council, so that the Legislature may be able more largely to influence the nature of the advice and assistance which MY Council tenders to ME. Accordingly, MY Executive Council will in future consist of MY Dewan and not less than four Ministers, of whom it is MY desire that not less than two should be non-officials selected from among the elected members of the Representative Assembly and the Legislative Council, such Ministers being eligible to hold any portfolio of the administration.

10. MY Government will have power to make rules in regard to all matters of detail not provided for in this Proclamation or in the Constitution Act, and to add to, amend, vary or rescind such rules, whenever necessary or expedient, but not so as to curtail in any manner the powers and privileges hereby granted.

11. MY Government will take immediate steps to give effect to this Proclamation, and will adopt such measures as may become necessary from time to time to carry out MY intentions. I have every confidence that MY people will utilise these larger opportunities for public service and usefulness to the State with the same sense of responsibility as in the past, and in a spirit of mutual toleration and goodwill. Under the Divine blessing and guidance, may the measures now inaugurated serve to promote the abiding happiness of all classes of MY beloved subjects!



KRISHNARAJA WADIYAR.

# THE GOVERNMENT OF MYSORE ACT, 1940.

## ARRANGEMENT OF SECTIONS.

### CHAPTER I.

#### INTRODUCTORY.

##### SECTION.

1. Short title.
2. Extent.
3. Interpretation.

### CHAPTER II.

#### THE EXECUTIVE.

4. Council of ministers.
5. Appointment of the Dewan.
6. Appointment of ministers.
7. Tenure of office of ministers.
8. Conduct of business of the Government of His Highness the Maharaja.

### CHAPTER III.

#### THE REPRESENTATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL.

##### GENERAL.

9. Constitution of the Representative Assembly and the Legislative Council.
10. Composition of the Representative Assembly.
11. Composition of the Legislative Council.
12. Term of the Chambers.
13. Sessions of the two Chambers and dissolution.
14. Right of the Dewan to address the Chambers.
15. Officers of the Representative Assembly.
16. Officers of the Legislative Council.
17. Voting in Chambers, quorum and power of Chambers to act notwithstanding vacancies.

##### PROVISIONS AS TO MEMBERS OF THE CHAMBERS.

18. Oath of members.
19. Vacation of seats.
20. Disqualifications for membership.
21. Penalty for sitting or voting when not qualified or when disqualified.
22. Privileges of members.
23. Allowances of members.

## LEGISLATIVE PROCEDURE.

24. Powers of the Legislative Council.
25. Prior consultation of the Representative Assembly on Bills.
26. Powers of the Representative Assembly.
27. Non-official Bills.
28. His Highness the Maharaja's assent to Bills.
29. Excluded subjects.
30. Power to legislate on excluded subjects.
31. Emergency legislation.

## PROCEDURE IN FINANCIAL MATTERS.

32. Annual financial statement.
33. Procedure in the Chambers with respect to estimates.
34. Authentication of schedule of authorised expenditure.
35. Supplementary statements of expenditure.
36. Special provisions as to financial proposals.
37. Resolutions, questions and representations

## PROCEDURE GENERALLY.

38. Rules of procedure.
39. Immunity of officers of the Chambers from the jurisdiction of courts.

## CHAPTER IV.

## THE SERVICES.

40. Appointment of a Public Service Commissioner or Public Service Commission.
41. Functions of the Commissioner or the Commission.

## CHAPTER V.

## MISCELLANEOUS.

42. Power of the Government to make provision with respect to franchise, etc.

## CHAPTER VI.

## COMMENCEMENT, REPEALS, ETC.

43. Commencement.
44. Power of the Government to remove difficulties.
45. Continuation of existing laws.
46. Repeals.

## CHAPTER VII.

## SAVINGS.

47. Preservation of the prerogative of His Highness the Maharaja.

## SCHEDULE.

Form of Oath of Allegiance.

# THE GOVERNMENT OF MYSORE ACT, 1940.

[ACT No. XVIII OF 1940.]

(PROMULGATED BY HIS HIGHNESS THE MAHARAJA  
ON THE THIRTIETH DAY OF APRIL, 1940.)

WHEREAS His Highness the Maharaja has been pleased, under a Proclamation issued on the sixth day of November, 1939, to ordain that the Representative Assembly and the Legislative Council shall function under a consolidated law relating to the constitution of Mysore, and

WHEREAS it is expedient to consolidate and amend the laws relating to the Government of Mysore,

His Highness the Maharaja is pleased to enact as follows:—

## CHAPTER I.

### INTRODUCTORY.

1. This Act may be cited as the Government of Mysore Act, 1940. Short title.

2. This Act extends to the whole of Mysore. Extent.

3. In this Act, unless the context otherwise requires, the expressions "Chamber" or "Chambers" shall mean the Representative Assembly or the Legislative Council or both, as the case may be. Interpretation.

## CHAPTER II.

### THE EXECUTIVE.

4.—(1) There shall be a council of ministers consisting of the Dewan and such number of ministers, not being less than four, as His Highness the Maharaja may determine to aid and advise His Highness the Maharaja in the exercise of the executive authority of the State. Council of Ministers.

(2) The council of ministers shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the members thereof.

Appointment  
of the Dewan.

5.—(1) The Dewan shall be appointed by His Highness the Maharaja, and shall hold office during the pleasure of His Highness the Maharaja.

(2) The Dewan shall preside at meetings of the council of ministers.

Appointment  
of ministers.

6.—(1) The ministers shall be appointed by His Highness the Maharaja and shall be sworn as members of the council of ministers.

(2) Two at least of the ministers shall be chosen from among the elected members of the Representative Assembly or the Legislative Council.

Tenure of  
office of  
ministers.

7.—(1) The ministers shall hold office during the pleasure of His Highness the Maharaja.

(2) A minister chosen from either Chamber shall vacate office if he ceases to be a member of such Chamber :

Provided that, when such minister vacates office owing to the dissolution of a Chamber, His Highness the Maharaja may, notwithstanding anything contained in sub-section (2) of section 6, direct that such minister do continue in office, or appoint such other person as His Highness the Maharaja may deem fit to be minister, until a minister is appointed in accordance with the provisions of sub-section (2) of section 6.

Conduct of  
business  
of the  
Government  
of His  
Highness the  
Maharaja.

8.—(1) All executive action shall be expressed to be taken in the name of the Government of His Highness the Maharaja of Mysore.

(2) Orders and other instruments made and executed in the name of the Government of His Highness the Maharaja of Mysore shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of any order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Government.

(3) His Highness the Maharaja may make rules for the more convenient transaction of the business of the Government, and for the allocation of the said business among the Dewan and the ministers.

## CHAPTER III.

THE REPRESENTATIVE ASSEMBLY AND THE  
LEGISLATIVE COUNCIL.

## GENERAL.

9. There shall be a Representative Assembly and a Legislative Council for Mysore.

Constitution of the Representative Assembly and the Legislative Council.

10. The Representative Assembly shall consist ordinarily of three hundred and ten members, of whom twelve shall be nominated by the Government and the remainder elected in accordance with rules made under this Act:

Composition of the Representative Assembly.

Provided that—

(a) the Government may increase the strength of the Representative Assembly up to a maximum of three hundred and twenty-five in order to provide for the representation of any new constituencies that may be formed in future; and

(b) such officers of the Government as may from time to time be deputed for the purpose may attend the sittings of the Representative Assembly and take part in its proceedings, but shall not have the right to vote.

11.—(1) The Legislative Council shall consist of sixty-eight members, of whom twenty-four shall be nominated by the Government and the remainder elected in accordance with rules made under this Act.

Composition of the Legislative Council.

(2) Every minister who has not been chosen from the Legislative Council in accordance with sub-section (2) of section 6 shall, by virtue of his appointment, be an additional member of the Legislative Council.

12.—(1) Every Representative Assembly and every Legislative Council, unless sooner dissolved, shall continue for four years from the date appointed for their first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Representative Assembly or the Legislative Council:

Term of the Chambers.

Provided that the said term may, by notification in the official Gazette, be extended by the Government by a period not exceeding one year.



(2) After the dissolution of a Chamber, the Government shall appoint a date, not later than six months from the date of dissolution, for the next session of such Chamber.

**13.**—(1) Each Chamber shall be summoned to meet at least twice every year.

(2) Subject to the provisions of this section the Government may from time to time—

(a) summon the Chambers or either Chamber to meet at such time and place as it thinks fit; and

(b) dissolve the Chambers or either Chamber.

**14.** The Dewan may address either Chamber or both Chambers assembled together, and for that purpose require the attendance of the members.

**15.**—(1) The Dewan shall *ex-officio* be the President of the Representative Assembly, and the ministers shall *ex-officio* be Vice-Presidents.

(2) The Dewan shall preside at all meetings of the Representative Assembly and, in his absence, the senior Vice-President present shall act as President.

**16.**—(1) There shall be a President of the Legislative Council, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by His Highness the Maharaja, and shall thereafter be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

(2) There shall be a Deputy President of the Legislative Council, who shall preside at meetings of the Legislative Council in the absence of the President, and who shall be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

(3) The appointed President shall hold office until the date of the election of a President under this section, but he may resign his office by writing under his hand addressed to the Dewan, or may be removed from office by order of His Highness the Maharaja, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected President or Deputy President shall vacate his office if he ceases to be a member of the Legislative Council, may at any time resign his office by writing

Sessions of  
the two  
Chambers  
and  
dissolution.

Right of the  
Dewan to  
address the  
Chambers.

Officers of the  
Representa-  
tive  
Assembly.

Officers of the  
Legislative  
Council.

under his hand addressed to the Dewan, and may be removed from his office by a resolution of the Legislative Council passed by a majority of not less than two-thirds of the total number of members of the Legislative Council and approved by His Highness the Maharaja; but no resolution for the purpose of this sub-section shall be moved unless it is supported by not less than fifteen members of the Legislative Council and at least fifteen days' notice has been given of the intention to move the resolution :

Provided that, whenever the Legislative Council is dissolved, the President shall not vacate his office until the election of a new President at the first meeting of the Legislative Council after the dissolution.

(5) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Legislative Council as His Highness the Maharaja may appoint for the purpose, and during any absence of the President from any sitting of the Legislative Council the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Council, or, if no such person is present, such other person as may be determined by the Legislative Council, shall act as President.

(6) There shall be paid to the President and the Deputy President of the Legislative Council such salaries as may be determined, in the case of an appointed President by His Highness the Maharaja, and in the case of an elected President and Deputy President by a resolution of the Legislative Council and approved by His Highness the Maharaja.

17.—(1) Save as in this Act otherwise expressly provided, all questions at any sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or person acting as such.

Voting in  
Chambers,  
quorum and  
power of  
Chambers  
to act  
notwith-  
standing  
vacancies.

The President or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) Either Chamber shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Chambers shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of the Representative Assembly less than eighty members of the Representative Assembly are present, and if at any time during a meeting of the Legislative Council less than one-half of the total number of members of the Legislative Council are present, it shall be the duty of the President or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least the required number of members are present.

#### PROVISIONS AS TO MEMBERS OF THE CHAMBERS.

Oath of members.

18.—Every member of either Chamber shall, before taking his seat, make and subscribe before the Dewan, or some person appointed by him, an oath of allegiance to His Highness the Maharaja in the form set out in the schedule to this Act, and rules made under this Act may provide for penalties for failure to take the oath owing to negligence or any other cause.

Vacation of seats.

19.—(1) Subject to the provisions of this Act, no person shall be a member of both Chambers, and rules made under this Act shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) If a member of either Chamber—

(a) becomes subject to any of the disqualifications mentioned in sub-section (1) of section 20; or

(b) by writing under his hand addressed to the Dewan resigns his seat,

his seat shall thereupon become vacant.

Disqualifications for membership.

20.—(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

(a) if he holds any office in the civil or military service of His Highness the Maharaja, other than an office declared by rules made under this Act not to disqualify its holder;

(b) if he is of unsound mind;

(c) if he is an undischarged insolvent;

(d) If, whether before or after the passing of this Act, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to

have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by any Act or by rules made under this Act to be an offence or practice entailing disqualification for membership of either Chamber, unless such period has elapsed as may be specified in that behalf by the provisions of that Act or rule ;

- (e) if, whether before or after the passing of this Act, he has been convicted of any other offence and sentenced to imprisonment for not less than six months by a court in Mysore or elsewhere, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release ;
- (f) if he has been dismissed from the civil or military service of His Highness the Maharaja, unless five years have elapsed from the date of dismissal or the Government has removed the disqualification ;
- (g) if, having been a legal practitioner, he has been debarred or is under suspension from practising as such by order of a competent court, the disqualification in the latter case being operative during the period of such suspension or the term of the Chamber, whichever is longer ;
- (h) if, having stood as a candidate for election for either Chamber or having acted as an election agent of any person who has so stood, he has failed to lodge a return of election expenses within the time and in the manner required by any Act or rule made under this Act, unless five years have elapsed from the date by which the return ought to have been lodged, or the Government has removed the disqualification :

Provided that a disqualification under paragraph (h) of this sub-section shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Government may in any particular case allow.

(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction, or a conviction and a sentence, becomes disqualified by virtue of paragraph (d) or paragraph (e) of sub-section (1) of this section is at the date of the disqualification a member of either Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this sub-section he shall not sit or vote.

(4) The disqualification mentioned in clause (a) of sub-section (1) of this section shall not be applicable to ministers and to such officers as may be nominated to the Legislative Council by the Government.

**21.** If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of sub-section (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees which may be recovered as an arrear of land revenue.

**22.—**(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of each Chamber, there shall be freedom of speech in the two Chambers, and no member of either Chamber shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Chamber or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either Chamber of any report, paper, votes or proceedings.

(2) No member of either Chamber shall be liable to arrest or detention in prison under a civil process during the continuance of any meeting of the Chamber of which he is a member.

(3) A person released from detention under sub-section (2) of this section shall, subject to the provisions

Penalty for sitting or voting when not qualified or when disqualified.

Privileges of members.

of the said sub-section, be liable to re-arrest and to the further detention to which he would have been liable if he had not been released under the provisions of the said sub-section.

**23.** Members of either Chamber shall be entitled to receive such allowances as may from time to time be determined by the Government and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of the passing of this Act applicable in the case of members of the Representative Assembly or the Legislative Council constituted under the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, respectively.

Allowances of members.

### LEGISLATIVE PROCEDURE.

**24.** Subject to the provisions of this Act, the Legislative Council may make laws for the whole or any part of Mysore, and for subjects of His Highness the Maharaja wherever they may be.

Powers of the Legislative Council.

**25.** No Bill shall be introduced in the Legislative Council unless the Bill shall have been first placed before the Representative Assembly with a statement of the principles of the Bill.

Prior consultation of Representative Assembly on Bills.

**26.—(1)** The Representative Assembly shall have the right to discuss the principles of a Bill and its general provisions, but the details of the Bill shall not be discussed further than is necessary to explain its principles, nor shall any amendment be moved other than an amendment of principle.

Powers of the Representative Assembly.

(2) When the principles of a Bill or its general provisions are opposed by a majority of not less than two-thirds of the total number of members of the Representative Assembly, the Bill shall not be introduced in the Legislative Council; if any amendment of principle is carried by a majority of not less than two-thirds of the total number of members of the Representative Assembly, the Bill shall not be introduced in the Legislative Council without embodying therein such amendment:

Provided that the Government may introduce any such Bill in the Legislative Council with or without such modifications, if the Government considers it necessary to do so in the public interest, after appending to the Bill a statement giving reasons for such introduction.

Non-official  
Bills.

**27.** The provisions of the last two preceding sections shall have the same effect in relation to non-official Bills as they have in respect of Government Bills.

Provided that—

- (a) no non-official Bill shall be placed before the Representative Assembly without the previous sanction of the Dewan; and
- (b) no such Bill shall be introduced in the Legislative Council, if its principles are opposed by a majority of the members present and voting in the Representative Assembly; if any amendment of principle is carried by a majority of the members present and voting in the Representative Assembly, the Bill shall not be introduced in the Legislative Council without embodying therein such amendment.

His Highness  
the  
Maharaja's  
assent to  
Bills.

**28.—**(1) When a Bill has been passed by the Legislative Council, it shall be submitted through the Dewan to His Highness the Maharaja for assent with a statement of the opinion expressed by the Representative Assembly on the principles of the Bill or its general provisions.

(2) No such Bill shall become law until it has received the assent of His Highness the Maharaja.

Excluded  
subjects.

**29.** Notwithstanding anything contained in this Act, it shall not be lawful for either Chamber to consider any Bill, amendment or motion or resolution or representation, nor shall questions be put therein, relating to or affecting:—

- (a) the Ruling Family of Mysore;
- (b) the relations of His Highness the Maharaja with His Majesty the King Emperor or the Crown Representative;
- (c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja;
- (d) the provisions of this Act;
- (e) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja.

Power to  
legislate on  
excluded  
subjects.

**30.** In respect of matters excluded from the jurisdiction of the Chambers by the last preceding section, the Government may frame any measure required for the

purpose, and every such measure shall have the force of law on receiving the assent of His Highness the Maharaja.

**31.—**(1) If at any time the Government is satisfied that circumstances exist which render it necessary to take immediate action in matters other than those falling under section 29, the Government may frame any measure required for the purpose.

Emergency  
legislation.

(2) Every such measure shall have the force of law on receiving the assent of His Highness the Maharaja for such period not exceeding six months as may be specified therein,—

- (a) but may by a similar measure be extended for a further period not exceeding six months; and
- (b) may be withdrawn at any time by His Highness the Maharaja.

#### PROCEDURE IN FINANCIAL MATTERS.

**32.—**(1) In respect of every financial year a statement of the estimated receipts and expenditure of the State for that year, hereinafter referred to as "the annual financial statement," shall be laid by the Government before the Representative Assembly and the Legislative Council.

Annual  
financial  
statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Act as expenditure on excluded heads; and
- (b) the sums required to meet other expenditure proposed to be made from the revenues of the State.

(3) The following expenditure shall be expenditure on excluded heads:—

- (i) the Palace, including the staff and household of His Highness the Maharaja, and the Palace troops;
- (ii) the pensions of public servants;
- (iii) expenditure relating to or affecting—
  - (a) the relations of His Highness the Maharaja with His Majesty the King Emperor or the Crown Representative;



- (b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja;
- (iv) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;
- (v) expenditure of which the amount is specified by or under any law.

(4) Any question whether any proposed expenditure falls within a class of expenditure on excluded heads shall be decided by the Dewan.

Procedure in the Chambers with respect to estimates.

33.—(1) So much of the estimates of expenditure as relates to expenditure on excluded heads shall not be open to discussion in either Chamber.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Government.

(3) Any member of the Representative Assembly may move a resolution in respect of the annual financial statement, provided that such resolution shall have reference only to the general principles and policy underlying the statement, or any of the major heads of expenditure included therein, and shall not have reference to particular grants or particular provisions.

(4) The resolutions of the Representative Assembly on the annual financial statement shall be communicated by the Government to the Legislative Council.

(5) So much of the said estimates as relates to expenditure other than on excluded heads shall be submitted to the Legislative Council in the form of demands for grants, and the Legislative Council shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

Authenticati-  
on of  
schedule of  
authorised  
expenditure.

34.—(1) The Dewan shall authenticate by his signature a schedule specifying—

- (a) the grants made by the Legislative Council under the last preceding section;
- (b) the several sums required to meet the expenditure on excluded heads, but not exceeding, in the case of any sum, the sum shown in

the statement previously laid before the Legislative Council:

Provided that, if the Legislative Council has not assented to any demand for a grant or has assented subject to a reduction of the amount specified therein, the Dewan may, if in his opinion the refusal or reduction would affect the carrying on of any department or the due discharge of the Government's responsibility, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary.

(2) The schedule so authenticated shall be laid before the Legislative Council, but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the State shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

**35.** If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorised for that year, a supplementary statement showing the estimated amount of that expenditure shall be laid by the Government before the Legislative Council, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Supplementary statements of expenditure.

**36.—(1)** No proposal—

- (a) for imposing or increasing any tax ; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Government ;

Special provisions as to financial proposals.

shall be made in either Chamber except on the recommendation of the Government.

(2) A proposal shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

Resolutions,  
questions and  
representa-  
tions.

**37.**—(1) Subject to such conditions and restrictions as to subject and other matters as may be imposed by rules made under this Act, any member of either Chamber may, at a meeting of the Chamber of which he is a member—

- (i) ask questions ; and
- (ii) move resolutions ;

on any matter of public interest or importance relating to the administration of the State.

(2) Any member of the Representative Assembly may, at a meeting of the Representative Assembly, submit a representation for the consideration of the Government on any matter of public interest or importance relating to the administration of the State.

#### PROCEDURE GENERALLY.

Rules of  
procedure.

**38.**—(1) Provision may be made by rules made under this Act for regulating the course of business and the preservation of order in either Chamber.

(2) Each Chamber may make, from time to time, standing orders for regulating its procedure and the conduct of its business in so far as these matters are not provided for by rules made under this Act :

Provided that the first standing orders shall be made by the Government, but may, with the consent of the Government, be altered by the Chamber to which they relate.

(3) If and in so far as any rule made under this Act is inconsistent with any standing order made by a Chamber, the rule made under this Act shall prevail.

Immunity of  
officers of the  
Chambers  
from the  
jurisdiction of  
courts.

**39.** No officer or other member of either Chamber in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in either Chamber shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

### CHAPTER IV.

#### THE SERVICES.

Appointment  
of a Public  
Service Com-  
missioner or  
Public  
Service  
Commission.

**40.** The Government may appoint a Public Service Commissioner, or a Public Service Commission consisting

of a Chairman and such number of members as the Government may determine.

41.—(1) The Government may consult the Public Service Commissioner or the Commission, as the case may be, on:—

Functions  
of the  
Commissioner  
or the  
Commission.

- (a) matters relating to methods of recruitment to any of the services ;
- (b) the principles to be followed in making appointments in the services and in making promotions and transfers from one service to another ;
- (c) the suitability of candidates for such appointments, promotions or transfers ;
- (d) disciplinary matters affecting a person in any service, including memorials or petitions relating to such matters ;
- (e) any claim by, or in respect of, a person who is serving or has served His Highness the Maharaja in any service that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the State ;
- (f) any claim for the award of a pension in respect of injuries sustained by a person while serving His Highness the Maharaja in any service and any question as to the amount of any such award.

(2) It shall be the duty of the Commissioner or of the Commission to advise the Government on any matter so referred to them, and, in exercising their functions, the Commissioner or the Commission shall observe the rules prescribed by the Government in that behalf.

## CHAPTER V.

### MISCELLANEOUS.

42.—(1) The Government shall have power, from time to time, to make provision by rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

Power of the  
Government  
to make  
provision with  
respect to  
franchise,  
etc.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) of this section, such

rules may provide for all or any of the matters hereinafter mentioned, that is to say—

- (a) the delimitation of territorial and other constituencies for the purpose of elections under this Act ;
- (b) the qualifications entitling persons to vote in territorial or other constituencies at such elections, and the preparation of electoral rolls ;
- (c) the qualifications for being elected at such elections as a member of either Chamber ;
- (d) the filling of casual vacancies in the Assembly or the Council ;
- (e) the conduct of elections under this Act and the methods of voting thereat ;
- (f) the expenses of candidates at such elections ;
- (g) corrupt practices and other offences at, or in connection with, such elections ;
- (h) the decision of doubts and disputes arising out of, or in connection with, such elections ;
- (i) matters ancillary to any such matter as aforesaid.

## CHAPTER VI.

### COMMENCEMENT, REPEALS, ETC.

**43.**—(1) This Act shall come into force on such date as the Government may appoint in this behalf by notification in the official Gazette.

(2) If it appears to the Government that it will not be practicable or convenient that all the provisions of this Act should come into operation simultaneously on that date, the Government may, notwithstanding anything in this section, fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act.

**44.** For the purpose of facilitating the transition from the provisions of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, to the provisions of this Act, the Government may—

- (a) direct that this Act and any provisions of the Mysore Representative Assembly Act, 1923, or the Mysore Legislative Council Act, 1923, shall, during such limited period as may be

Commence-  
ment.

Power of the  
Government  
to remove  
difficulties.

specified in that behalf, have effect subject to such adaptations and modifications as may be specified; and

- (b) make temporary provisions for the purpose of removing any difficulties which may arise in relation to such transition.

**45.** Notwithstanding the repeal by this Act of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, but subject to the provisions of this Act, all the law in force in Mysore immediately before the commencement of this Act shall continue in force, until altered or repealed or amended by competent authority. Continuation of existing laws.

**46.** Subject to any temporary provisions which may be made under sections 43 and 44, on the commencement of this Act, the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, shall be repealed. Repeals.

## CHAPTER VII.

### SAVINGS.

**47.** Nothing in this Act shall affect or be deemed to have affected the prerogative of His Highness the Maharaja to make and pass Acts, Proclamations and Orders in His Highness's discretion without reference to the Legislative Council or the Representative Assembly, which right is hereby declared to be and to have always been possessed and retained by His Highness the Maharaja. Preservation of the prerogative of His Highness the Maharaja.

### SCHEDULE.

#### *Form of Oath of Allegiance.*

"I, A B, having been elected (or nominated) a member of this Legislative Council (or Representative Assembly), do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

No. 5029  
C. B. 147-39-2.

GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE.  
GENERAL AND REVENUE SECRETARIAT.

*Dated Bangalore, the 6th May 1940.*

### NOTIFICATION.

**WHEREAS** by section forty-three of the Government of Mysore Act, 1940 (hereafter referred to as "the new Act"), it is provided that the provisions of that Act shall come into force on such date as the Government of His Highness the Maharaja may appoint, but the Government is empowered to fix an earlier or later date for the coming into operation, either generally or for particular purposes, of any particular provisions of the Act:

**AND WHEREAS** by section forty-four of the new Act, the Government is empowered, for the purpose of facilitating the transition from the provisions of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923 (hereafter referred to as "the old Acts"), to the provisions of the new Act, to direct that the new Act and any provisions of the old Acts shall, during such limited period as may be prescribed, have effect subject to such adaptations and modifications as may be specified, and to make temporary provisions for the purpose of removing any difficulties which may arise in relation to such transition:

**NOW, THEREFORE**, the Government of His Highness the Maharaja, in the exercise of the said powers and of all other powers enabling them in that behalf, are pleased to direct as follows:—

\*1. The provisions of the new Act, other than those of Chapter II thereof, shall come into operation on the first day of March, Nineteen Hundred and Forty-one.

---

\* Para 1 substituted by Notification No. 296—C B. 147-39-7, dated 24th July 1940.

2. The provisions of Chapter II of the new Act shall come into force on such later date as the Government of His Highness the Maharaja may hereafter by notification in the official Gazette appoint.

3. The provisions of section forty-two of the new Act shall come into operation on the date of the publication of this Notification, and any rules made under the new Act with respect to the two Chambers shall come into operation on the date the rules in question are published in the official Gazette.

\*4. The term of the Representative Assembly and the Legislative Council constituted under the old Acts in 1937 shall be extended until the first day of March, Nineteen Hundred and forty-one, and on that day, the Representative Assembly and the Legislative Council shall be dissolved.

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

---

\* Para 4 substituted by Notification No. 296—C. B. 147-39-7, dated 24th July 1940.



# THE REPRESENTATIVE ASSEMBLY RULES, 1940.

## CONTENTS.

### CHAPTER I.

#### PRELIMINARY.

##### RULE

1. Short title.
2. Interpretation.

### CHAPTER II.

#### COMPOSITION OF THE ASSEMBLY.

3. Allocation of seats.
4. General seats.
5. Muhammadan, Indian Christian and Anglo-Indian seats.
6. Special seats for depressed classes.
7. Seats for special interests.
8. Territorial constituencies.

### CHAPTER III.

#### GENERAL PROVISIONS AS TO ELECTORS.

9. The right to vote.
10. Preparation and revision of electoral rolls.
11. General qualifications for electors.
12. Domicile for electors and candidates in special constituencies.
13. Disqualifications for electors.
14. Holders of certain offices to be qualified for membership of the Assembly.
15. Qualifications of electors in Muhammadan constituencies, etc.
16. Qualifications of electors in general constituencies.
17. Provision against voting by persons undergoing imprisonment, etc.
18. Provision against plural voting in territorial constituencies.

### CHAPTER IV.

#### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN TERRITORIAL CONSTITUENCIES.

19. Qualifications dependent upon taxation, property, etc.
20. Additional qualification for women.
21. Special qualifications for depressed classes.
22. Provisions as to joint property, etc.
23. Qualifications for candidates.

## CHAPTER V.

QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN  
SPECIAL CONSTITUENCIES.

## PART I.—EUROPEAN SEAT.

- 24. Constituency.
- 25. Qualifications for electors.
- 26. Qualifications for candidates.

## PART II.—ANGLO-INDIAN SEAT.

- 27. Constituency.
- 28. Qualifications for electors.
- 29. Qualifications for candidates.

## PART III.—SPECIAL SEATS FOR THE DEPRESSED CLASSES.

- 30. Constituencies.
- 31. Conditions for the recognition of associations.
- 32. Qualifications for electors.
- 33. Qualifications for candidates.

## PART IV.—WOMEN'S SEATS.

- 34. Constituencies.
- 35. Qualifications for electors.
- 36. Qualifications for candidates.

## PART V.—TRADE AND COMMERCE SEAT.

- 37. Constituency.
- 38. Qualifications for electors.
- 39. Nominees of firms, etc.
- 40. Qualifications for candidates.
- 41. Provision against plural voting.
- 42. Definition of trade and commerce.

## PART VI.—INDUSTRY SEATS

- 43. Constituencies.
- 44. Qualifications for electors.
- 45. Nominees of firms, etc.
- 46. Qualifications for candidates.

## PART VII.—PLANTING SEATS.

- 47. Constituencies.
- 48. Qualifications for electors.
- 49. Qualifications for candidates.

## PART VIII.—LABOUR SEATS.

- 50. Constituencies.
- 51. Qualifications for electors.
- 52. Qualifications for candidates.

## PART IX.—CO-OPERATION SEAT.

- 53. Constituency.
- 54. Qualifications for electors.
- 55. Nominees of co-operative societies.
- 56. Qualifications for candidates.

## PART X.—UNIVERSITY SEAT

- 57. Constituency.
- 58. Qualifications for electors.
- 59. Qualifications for candidates.

## PART XI.—GOLD MINING SEAT.

- 60. Constituency and election.

## CHAPTER VI.

PREPARATION, REVISION AND PUBLICATION OF  
ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

- 61. Electoral roll.
- 62. General conditions for inclusion in the electoral roll.
- 63. Form of electoral roll.
- 64. Registration Officer.
- 65. Contents of the electoral roll.
- 66. Procedure for the certification of constituent associations for special depressed class seats.
- 67. Application for inclusion in the electoral roll for the trade and commerce constituency.
- 68. Application for inclusion in the electoral rolls for industry constituencies.
- 69. Application for inclusion in the electoral roll for co-operation constituency.
- 70. Procedure for the preparation of the electoral rolls for labour constituencies.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

- 71. Publication of the electoral roll.
- 72. Claims and objections.
- 73. Register of claims and objections.

- 74. Appointment of Revising Authority.
- 75. Enquiry into claims and objections.
- 76. Decisions of the Revising Authority.
- 77. Amendments on Revising Authority's own motion.
- 78. Amendments on Registration Officer's own motion.
- 79. Republication of the roll.

### PART III.—MISCELLANEOUS.

- 80. Subsequent amendment of electoral roll.
- 81. Custody and preservation of electoral rolls, etc.
- 82. Electoral rolls, etc., to be available for public inspection.
- 83. Duration of electoral rolls.

## CHAPTER VII.

### CONDUCT OF ELECTIONS.

#### PART I—GENERAL PROCEDURE AT ELECTIONS.

- 84. Constitution and reconstitution of the Assembly.
- 85. Notification of election.
- 86. Casual vacancies.
- 87. Returning Officers.
- 88. Qualification for candidature.
- 89. Presentation of notice of candidature.
- 90. Latest hour for presentation of notice of candidature.
- 91. Supply of notices of candidature.
- 92. Declaration regarding the appointment of an election agent.
- 93. Deposit by candidates.
- 94. Procedure upon receipt of notice of candidature.
- 95. Scrutiny of notices of candidature.
- 96. Disposal of objections and rejection of notices of candidature.
- 97. Completion of scrutiny.
- 98. Withdrawal of candidature.
- 99. Notification of withdrawal.
- 100. Publication of the list of candidates.
- 101. Procedure after the publication of the list of candidates.
- 102. Special procedure in constituencies in which seats are reserved for the depressed classes.
- 103. Disqualification or death of candidates before commencement of poll.

#### PART II—PERSONAL VOTING.

- 104. Votes to be given by ballot.
- 105. Selection of polling stations, booths and polling areas.
- 106. Appointment of presiding officers, polling officers, etc.
- 107. Hours of polling.
- 108. Duties of presiding officer.
- 109. Removal for misconduct at polling station.
- 110. Who may vote at a polling station.
- 111. Close of polling.

- 112. Arrangements for secrecy of voting.
- 113. Supply of election materials and ballot boxes.
- 114. Sealing of ballot box before commencement of poll.
- 115. Form of ballot paper.
- 116. Number of votes to be recorded by each elector.
- 117. Simultaneous elections for more than one constituency.
- 118. Procedure before ballot paper is delivered to elector.
- 119. Manner of recording votes after receipt of ballot paper.
- 120. Assistance to illiterate and infirm electors.
- 121. Spoilt ballot papers.
- 122. Identity of electors.
- 123. Voting of officials on duty at polling stations.
- 124. Procedure on closing of poll.
- 125. Statement by presiding officer.
- 126. Despatch of ballot boxes.
- 127. Postponement of poll : adjournment of poll.

#### PART III—POSTAL VOTING.

- 128. Special rules for voting in the university constituency, etc.
- 129. Issue of ballot and declaration papers.
- 130. Form of ballot paper and declaration paper.
- 131. Procedure before issue of ballot paper.
- 132. Forms to accompany ballot paper.
- 133. Voting.
- 134. Return of ballot paper and declaration paper.
- 135. Assistance to incapacitated electors.
- 136. Lost or spoilt ballot papers.
- 137. Election not to be invalid for failure to receive ballot paper when such paper has been issued.

#### PART IV—VOTING IN SPECIAL CONSTITUENCIES FOR DEPRESSED CLASSES.

- 138. Conduct of elections in constituent associations.

#### PART V—COUNTING OF VOTES.

- 139. Appointment of day, time and place for counting of votes.
- 140. Who may be present at the counting.
- 141. Procedure at counting.
- 142. Distribution of ballot papers for counting.
- 143. Inspection of ballot papers by candidates, etc.
- 144. Counting to be continuous as far as practicable.
- 145. Grounds for rejection of ballot papers.
- 146. Declaration of result.
- 147. Procedure in case of equality of votes.
- 148. Report of the result of election.
- 149. Verification of statement in personal vote constituencies.
- 150. Statement by Returning Officer in postal vote constituencies.
- 151. Return of the result of election.

**PART VI—RETURN AND FORFEITURE OF DEPOSITS.**

- 152. Return of deposit in the event of withdrawal, rejection or death.
- 153. Forfeiture of deposit.
- 154. Return of deposit of successful and unsuccessful candidates.

**PART VII—DISPOSAL OF BALLOT PAPERS.**

- 155. Custody of election papers.
- 156. Production and inspection of election papers.
- 157. Destruction of election papers.

**PART VIII—GENERAL.**

- 158. Power of Returning Officers and presiding officers to overlook printing or clerical errors in electoral rolls.
- 159. No suit to lie in a court of law for acts done under this Chapter.

**CHAPTER VIII.****CORRUPT PRACTICES AND ELECTION PETITIONS.****PART I.—ELECTION AGENTS AND EXPENSES.**

- 160. Appointment of election agent.
- 161. Disqualifications for being an agent in connection with an election.
- 162. Revocation of appointment of an agent.
- 163. Agent's duty to maintain accounts.
- 164. Accounts of agent.
- 165. Return of election expenses.
- 166. Signature by a candidate or an election agent who is unable to write his name in certain cases.
- 167. Notice that return of election expenses has been lodged, and inspection and copy of such return.
- 168. Maintenance of records regarding elections and election expenses.
- 169. Power to fix maximum scales of expenditure and to regulate employment for pay.

**PART VIII.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.**

- 170. Definitions.
- 171. The election petition.
- 172. Presentation of the petition.
- 173. Time limit for the presentation of the petition.

- 112. Arrangements for secrecy of voting.
- 113. Supply of election materials and ballot boxes.
- 114. Sealing of ballot box before commencement of poll.
- 115. Form of ballot paper.
- 116. Number of votes to be recorded by each elector.
- 117. Simultaneous elections for more than one constituency.
- 118. Procedure before ballot paper is delivered to elector.
- 119. Manner of recording votes after receipt of ballot paper.
- 120. Assistance to illiterate and infirm electors.
- 121. Spoilt ballot papers.
- 122. Identity of electors.
- 123. Voting of officials on duty at polling stations.
- 124. Procedure on closing of poll.
- 125. Statement by presiding officer.
- 126. Despatch of ballot boxes.
- 127. Postponement of poll: adjournment of poll.

### PART III—POSTAL VOTING.

- 128. Special rules for voting in the university constituency, etc.
- 129. Issue of ballot and declaration papers.
- 130. Form of ballot paper and declaration paper.
- 131. Procedure before issue of ballot paper.
- 132. Forms to accompany ballot paper.
- 133. Voting.
- 134. Return of ballot paper and declaration paper.
- 135. Assistance to incapacitated electors.
- 136. Lost or spoilt ballot papers.
- 137. Election not to be invalid for failure to receive ballot paper when such paper has been issued.

### PART IV—VOTING IN SPECIAL CONSTITUENCIES FOR DEPRESSED CLASSES.

- 138. Conduct of elections in constituent associations.

### PART V—COUNTING OF VOTES.

- 139. Appointment of day, time and place for counting of votes.
- 140. Who may be present at the counting.
- 141. Procedure at counting.
- 142. Distribution of ballot papers for counting.
- 143. Inspection of ballot papers by candidates, etc.
- 144. Counting to be continuous as far as practicable.
- 145. Grounds for rejection of ballot papers.
- 146. Declaration of result.
- 147. Procedure in case of equality of votes.
- 148. Report of the result of election.
- 149. Verification of statement in personal vote constituencies.
- 150. Statement by Returning Officer in postal vote constituencies.
- 151. Return of the result of election.

**PART VI—RETURN AND FORFEITURE OF DEPOSITS.**

- 152. Return of deposit in the event of withdrawal, rejection or death.
- 153. Forfeiture of deposit.
- 154. Return of deposit of successful and unsuccessful candidates.

**PART VII—DISPOSAL OF BALLOT PAPERS.**

- 155. Custody of election papers.
- 156. Production and inspection of election papers.
- 157. Destruction of election papers.

**PART VIII—GENERAL.**

- 158. Power of Returning Officers and presiding officers to overlook printing or clerical errors in electoral rolls.
- 159. No suit to lie in a court of law for acts done under this Chapter.

**CHAPTER VIII.****CORRUPT PRACTICES AND ELECTION PETITIONS.****PART I.—ELECTION AGENTS AND EXPENSES.**

- 160. Appointment of election agent.
- 161. Disqualifications for being an agent in connection with an election.
- 162. Revocation of appointment of an agent.
- 163. Agent's duty to maintain accounts.
- 164. Accounts of agent.
- 165. Return of election expenses.
- 166. Signature by a candidate or an election agent who is unable to write his name in certain cases.
- 167. Notice that return of election expenses has been lodged, and inspection and copy of such return.
- 168. Maintenance of records regarding elections and election expenses.
- 169. Power to fix maximum scales of expenditure and to regulate employment for pay.

**PART VIII.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.**

- 170. Definitions.
- 171. The election petition.
- 172. Presentation of the petition.
- 173. Time limit for the presentation of the petition.



- 174. Contents of the petition.
- 175. Against whom petition may be presented.
- 176. Deposit of security.
- 177. Petition when to be dismissed.
- 178. Appointment of Commissioner for the trial of election petitions.
- 179. Attendance of Government Advocate.
- 180. Procedure on appointment of Commissioner.
- 181. Inquiry by Commissioner.
- 182. Place of inquiry.
- 183. Withdrawal of petition.
- 184. Abatement or substitution on death of petitioner.
- 185. Abatement or substitution on death of respondent.
- 186. Recrimination when seat claimed.
- 187. Grounds for declaring election void.
- 188. Report of the Commissioner.
- 189. Finding as to corrupt practices and persons guilty thereof.
- 190. Appeal to the High Court.
- 191. Issue of orders by the Government.

### PART III.—DISQUALIFICATIONS.

- 192. Offences and practices which entail disqualification for voting or membership.
- 193. Disqualification for certain corrupt practices.
- 194. Persons to be disqualified in the case of firms, etc.
- 195. Failure to lodge return of election expenses.
- 196. Disqualification for being an election agent.
- 197. Power of Government to remove disqualification.

### PART IV.—CUSTODY AND PRESERVATION OF ELECTION PETITIONS, ETC.

- 198. Election petitions, etc., to be kept for four years.

## CHAPTER IX.

### GENERAL.

- 199. Vacation of seat by a person elected by more than one constituency.
- 200. Vacation of seat by a person elected to both Chambers.
- 201. Penalty for failure to take the oath of allegiance.

## CHAPTER X.

### SPECIAL PROVISIONS.

- 202. Power of the Government to remove difficulties.
- 203. Power of the Government to interpret the rules.

## SCHEDULES.

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

- PART I.—General Constituencies.  
 PART II.—Muhammadan Constituencies.  
 PART III.—Indian Christian Constituency.  
 PART IV.—European Constituency.  
 PART V.—Anglo-Indian Constituency.  
 PART VI.—Depressed Class Special Constituencies.  
 PART VII.—Women's Constituencies.  
 PART VIII.—Trade and Commerce Constituency.  
 PART IX.—Industry Constituencies.  
 PART X.—Planting Constituencies.  
 PART XI.—Labour Constituencies.  
 PART XII.—Co-operation Constituency.

## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

- PART I.—General Constituencies.  
 PART II.—Muhammadan Constituencies.  
 PART III.—Indian Christian Constituency.  
 PART IV.—European Constituency.  
 PART V.—Anglo-Indian Constituency.  
 PART VI.—Women's Constituencies.  
 PART VII.—Trade and Commerce Constituency.  
 PART VIII.—Industry Constituencies.  
 PART IX.—Planting Constituencies.  
 PART X.—Labour Constituencies.  
 PART XI.—Co-operation Constituency.  
 PART XII.—University Constituency.  
 PART XIII.—Gold Mining Constituency.

## THIRD SCHEDULE.

## LIST OF SYMBOLS.

## FOURTH SCHEDULE.

## RETURN OF ELECTION EXPENSES.

## FIFTH SCHEDULE.

## CORRUPT PRACTICES

## FORMS.

- I.—Electoral roll for territorial constituencies.
  - II.—Electoral roll for special constituencies.
  - III.—Notice of candidature.
  - IV.—List of candidates for elections.
  - V.—Ballot paper.
  - VI.—Certificate entitling a person to vote at the polling station where he is appointed for duty.
  - VII.—Ballot paper account.
  - VIII.—Declaration paper.
  - IX.—Ballot paper.
  - X.—Envelope.
  - XI.—Letter of intimations.
  - XII.—Ballot paper account.
  - XIII.—Return of the result of election.
  - XIV.—Return of election expenses.
-

# THE REPRESENTATIVE ASSEMBLY RULES, 1940.

## NOTIFICATION.

*No. 5031—C. B. 147-39-4, dated 6th May 1940.*

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules:—

### CHAPTER I.

#### PRELIMINARY.

1. These rules may be called "The Representative Assembly Rules, 1940." Short title.

2. In these rules, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say— Interpretation, etc.

- (a) "the Act" means the Government of Mysore Act, 1940;
- (b) "Assembly" means the Representative Assembly;
- (c) "Council" means the Legislative Council;
- (d) "factory" means a factory within the meaning of the Mysore Factories Act, 1936;
- (e) "form" means a form appended to these rules;
- (f) "schedule" means a schedule to these rules;
- (g) "seat," "election," and "constituency" mean respectively a seat in the Assembly and an election or a constituency for the purpose of filling such a seat;
- (h) "territorial constituency" means one of the territorial constituencies mentioned in Parts I to III of the first schedule to these rules;
- (i) "special constituency" means a constituency not being a territorial constituency;

- (j) "a European" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is not a native of India
- (k) "an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;
- (l) "an Indian Christian" means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian;
- (m) "the depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adidravidas, Lambanis (Banajaras), Voddas, Korachas, Koramas, Hill tribes and Animists.

## CHAPTER II.

### COMPOSITION OF THE ASSEMBLY.

Allocation of  
seats.

3.—(1) There shall be three hundred and ten seats in the Assembly, of which twelve seats shall be filled by persons nominated by the Government, and the remaining two hundred and ninety-eight seats shall be filled by persons chosen in accordance with the provisions of these rules.\*

(2) The allocation of these two hundred and ninety-eight seats shall be as shown in the table hereunder—

TABLE OF SEATS.

			<i>Number of seats.</i>
General seats	...	...	237
Muhammadan seats	...	...	30
Indian Christian seats	...	..	5
European seat	...	...	1
Anglo-Indian seat	...	...	1
Special seats for the depressed classes	...	...	4
Seats for special interests	..	...	20

General  
seats.

4. Of the general seats, twenty-six seats shall be filled by representatives of the depressed classes.

---

\* In exercise of the powers conferred by the Government of Mysore Act, 1940, the strength of the Assembly has been increased by one in order to provide for the representation of the Gundlupet Town Municipality (*Vide* Notification Rl. 78—R. A. 1-40-1, dated 16th July 1940).

5. The Muhammadan seats, the Indian Christian seats, the Anglo-Indian seat and the European seat shall be filled respectively by persons chosen to represent the Muhammadan community, the Indian Christian community, the Anglo-Indian community and the European community.

Muhamma-  
dau, Indian  
Christian,  
Anglo-Indian  
and European  
seats.

6. The special seats reserved for the depressed classes shall be filled by persons chosen by depressed class associations recognized by the Government.

Special seats  
for the  
depressed  
classes.

7. The seats reserved for the special interests shall be filled by persons chosen to represent the following interests, the number of representatives of each interest being as shown against that interest—

Seats for  
special  
interests.

<i>Name of Interest.</i>		<i>Number of seats.</i>	
(a)	Women ... ..	...	9
(b)	Trade and commerce ... ..	...	1
(c)	Industry ... ..	...	2
(d)	Labour ... ..	...	3
(e)	European planting ... ..	...	1
(f)	Indian planting ... ..	...	1
(g)	Co-operation ... ..	...	1
(h)	University ... ..	...	1
(i)	Gold mining ... ..	...	1

8.—(1) The persons to fill the general seats, the Muhammadan seats and the Indian Christian seats shall be chosen in territorial constituencies.

Territorial  
constitu-  
encies.

(2) The territorial constituencies shall be those specified in the first column of the tables in Parts I to III of the first schedule, the extent thereof shall be as specified in the second column of those tables, and the total number of seats to be filled in each of them shall be as specified in the third column of those tables.

(3) In the case of the general constituencies, of the total number of seats to be filled in each constituency the number of seats, if any, specified in the fourth column of the table shall be reserved for members of the depressed classes.

## CHAPTER III.

### GENERAL PROVISIONS AS TO ELECTORS.

9. There shall be an electoral roll for every constituency and no person who is not, and, except as expressly provided by these rules, every person who is, for

The right to  
vote.

the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

Preparation  
and revision  
of electoral  
rolls.

10. The electoral roll for every constituency shall be made up, and from time to time in whole or in part revised, by reference to such date as may be prescribed by the Government for election.

General  
qualifications  
for electors.

11. Save as otherwise expressly provided by these rules, no person shall be included in the electoral roll for, or vote at any election in, any constituency unless he has attained the age of twenty-one years and is a subject of His Highness the Maharaja by birth or domicile, and has resided in the Mysore State for a period of not less than one year prior to the preparation of the electoral roll:

Provided that, in the case of a person possessing the qualifications specified in clauses (d), (e) or (f) of rule 19, residence in the Civil and Military Station, Bangalore, shall qualify for inclusion in the electoral roll.

*Explanation.*—“Subject of His Highness the Maharaja by domicile” for the purposes of this rule shall mean a person who has resided in the Mysore State for a period of not less than ten years.

Domicile for  
electors and  
candidates in  
special consti-  
tuencies.

12. The Government may in the case of candidates or electors in any special constituency reduce, by notification in the official Gazette, the period of domicile specified in the last preceding rule to not less than three years.

Disqualifica-  
tions for  
electors.

13. No person shall be included in the electoral roll for, or vote at any election in, any constituency—

- (a) if he is of unsound mind;
- (b) if he is an undischarged insolvent;
- (c) if, whether before or after the passing of the Act, he has been convicted of any offence and sentenced to imprisonment for not less than six months by a court in Mysore or elsewhere, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release;
- (d) if he has been dismissed from the civil or military service of His Highness the Maharaja, unless five years have elapsed from the date of dismissal or the Government has removed the disqualification;

NOTIFICATION.

No. Rl. 725—R. A. 19-40-1, dated Bangalore,  
the 25th October 1940.

exercise of the powers vested in them by the  
ment of Mysore Act, 1940, the Government of His  
ss the Maharaja are pleased to direct that the  
g rule be inserted as "Rule 13-A" of the Represen-  
sssembly Rules, 1940.

A. (1) The fact that a person or body has, in  
to any constituency, more than one qualification  
luded, or to nominate persons to be included, in  
toral roll therefor, shall not increase his or its  
s respects inclusion, or, as the case may be, the  
ons of persons for inclusion, in that roll.

rs of  
n offices  
quali-  
r  
ership  
bly.

(1) No person shall be entitled to be included twice  
ectoral roll of any particular constituency, and  
that a person is included twice in the electoral  
constituency shall not increase his rights as  
pects voting therein  
by salary, wages or fees; or

(b) if he is a shanbhog or patel.

(2) If any question arises as to whether any  
officer is or is not in the whole-time service of His  
Highness the Maharaja, the decision of the Government  
shall be final.

15. No person shall be included in the electoral roll  
for, or vote at any election in, a Muhammadan constituency,  
an Anglo-Indian constituency, a European constituency  
or an Indian Christian constituency unless he is a  
Muhammadan, an Anglo-Indian, a European or an  
Indian Christian, as the case may be.

Qualifications  
of electors in  
Muham-  
madan  
constituen-  
cies, etc.

16. No person who is or is entitled to be included  
in the electoral roll for any Muhammadan constituency,  
Anglo-Indian constituency, European constituency or  
Indian Christian constituency shall be included in the  
electoral roll for, or vote at any election in, a general  
constituency.

Qualification  
of electors in  
general  
constituen-  
cies.

17. No person shall vote at any election in any  
constituency if he is for the time being undergoing a  
sentence of transportation, penal servitude or imprison-  
ment.

Provision  
against vot-  
ing by per-  
sons under-  
going impris-  
onment, etc.

18. No person shall vote at a general election in  
more than one territorial constituency, or more than once  
in the same constituency, and if a person votes in  
contravention of this rule all his votes shall be void.

Provision  
against plural  
voting in  
territorial  
constituen-  
cies.



## CHAPTER IV.

QUALIFICATIONS FOR ELECTORS AND CANDIDATES  
IN TERRITORIAL CONSTITUENCIES.

Qualifications  
dependent  
upon  
taxation,  
property, etc.

19. Subject to the provisions of Chapter III and to any overriding provisions of this Chapter, a person shall be qualified to be included in the electoral roll for a territorial constituency if he -

- (a) is assessed to income-tax and resides in the constituency ; or
- (b) is assessed to a sum of not less than four rupees in the constituency on account of—
  - (i) taxes imposed under the Mysore Village Panchayet Act ; or
  - (ii) taxes imposed under the Mysore Mines Act ; or
  - (iii) taxes, other than toll and octroi, imposed under the Mysore Minor Municipalities Act ; or
  - (iv) taxes imposed by the Town Boards constituted by the Government from time to time ; or
- (c) is assessed to such amount of municipal tax or land revenue in a town or city municipality as would qualify him to be included in the electoral roll for municipal elections in the constituency ; or
- (d) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than fifteen rupees per annum payable to the Government ; or
- (e) is a *kadim* tenant paying an annual rent of not less than fifteen rupees on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Mysore Land Revenue Code have been applied ; or
- (f) is the owner of one or more entire *inam* villages with a total *beriz* of one hundred rupees per annum in the constituency ; or
- (g) has passed the secondary school leaving certificate examination and ordinarily resides in the constituency ; or

\* (g-a) has passed—

- (i) the Kavya examination or Champu Nataka examination conducted by the Board of Sanskrit Studies in Mysore, or
- (ii) the Upper Secondary examination or the Vernacular Teachers Certificate examination, or
- (iii) the Pravesha examination conducted by the Maharaja's Sanskrit College, Mysore, and ordinarily resides in the constituency, or
- (h) is the holder of a title conferred by His Highness the Maharaja, His Excellency the Viceroy or His Majesty the King-Emperor and resides in the constituency; or
- (i) is a retired or pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency.

**20.** Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she has passed the upper primary examination, middle school examination or lower secondary examination. \* Kavya examination conducted by the Board of Sanskrit Studies in Mysore and ordinarily resides in the constituency.

Additional qualification for women.

**21.** Subject as aforesaid, a person who is a member of the depressed classes shall also be qualified to be included in the electoral roll for any territorial constituency if he—

Special qualifications for depressed classes.

- (a) is assessed to a sum of not less than two rupees in the constituency on account of—
  - (i) taxes imposed under the Mysore Village Panchayet Act; or
  - (ii) taxes imposed under the Mysore Mines Act; or
  - (iii) taxes, other than toll and octroi, imposed under the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act; or
  - (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

\* *Vide* Notification No. Rl. 277—R. A. 8-40-11, dated 27th August 1940.

- (b) is assessed to a municipal tax or land revenue of not less than three rupees in a city municipality; or
- (c) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than two rupees per annum payable to the Government.

Provisions as to joint property, etc.

22. For the purposes of the said provisions where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, or partnership, the family or partnership shall be adopted as the unit for deciding whether any qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, or the member authorised by a majority of the family, and in the case of a partnership, the member or partner authorised in that behalf by the partnership.

*Explanation.*—“Partnership” includes a company, firm, association, body of two or more guardians or trustees or the joint *pattadars* or other body possessing joint rights.

Qualifications for candidates.

23. (1) A person shall not be qualified to be chosen in a territorial constituency to fill a seat in the Assembly unless he—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill that seat:

Provided that, a person included in the electoral roll by virtue only of his educational qualification shall be qualified to fill a seat if he—

- (i) has passed the secondary school leaving certificate examination \* or the Upper Secondary or the Vernacular Teachers Certificate examinations, or the Champu Nataka examination conducted by the Board of Sanskrit Studies in Mysore \* in case he is a member of the depressed classes; and

\* (ii) in all other cases—

- (1) is a graduate, or
- (2) has passed the Pandit final examination, or
- (3) has passed the Vidwat Uttama examination conducted by the Board of Sanskrit studies in Mysore, or

\* *Vide* Notification No. Rl. 277—R. A. 8-40-11, dated 27th August 1940.

- (4) has passed the Moulvi final examination, or  
 (5) has passed the Vidwat examination conducted by the Maharaja's Sanskrit College, Mysore, or  
 (6) has passed the examination for the diploma of Licentiate in Ayurvedic Medicine and Surgery or the diploma of Licentiate in Unani Medicine and Surgery.

(2) Subject to the provisions of clause (a) of sub-rule (1) of this rule, a member of the depressed classes who is entitled to vote in the choice of a member to fill a seat in the Assembly shall be qualified to fill that seat or any other seat of a similar class in the district.

*Explanation.*—The fact that one of two territorial constituencies is an urban and the other a rural constituency shall not prevent them being deemed to be constituencies of a similar class if they are both general constituencies, and the expression "seat of a similar class" shall, for the purposes of this rule, be construed accordingly.

## CHAPTER V.

### QUALIFICATIONS OF ELECTORS AND CANDIDATES IN SPECIAL CONSTITUENCIES.

#### PART I.—EUROPEAN SEAT.

**24.** (1) The seat to be filled by a representative of the European community shall be filled by an election in the constituency specified in the first column of the table in Part IV of the first schedule. Constituency.

(2) In the second column of that table is specified, the body (hereafter referred to in this Part as "the constituent body"), membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

**25.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the European constituency if he is a qualified member of the constituent body and is residing in the Mysore State excluding the Civil and Military Station, Bangalore. Qualifications for electors.

**26.** A person shall not be qualified to be chosen to fill the European seat unless he— Qualifications for candidates.

- (a) has attained the age of twenty-five years; and  
 (b) is entitled to vote in the choice of a member to fill that seat.

## PART II.—ANGLO-INDIAN SEAT.

Constituency.

27. (1) The seat to be filled by a representative of the Anglo-Indian community shall be filled by an election in the constituency specified in the first column of the table in Part V of the first schedule.

(2) In the second column of that table is specified the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

Qualifications for electors.

28. Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the Anglo-Indian constituency if he is a qualified member of the constituent body and is residing in the Mysore State excluding the Civil and Military Station, Bangalore.

Qualifications for candidates.

29. A person shall not be qualified to be chosen to fill the Anglo-Indian seat unless he—

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill that seat.

## PART III.—SPECIAL SEATS FOR THE DEPRESSED CLASSES.

Constituencies.

30.—(1) The special seats reserved for the depressed classes shall be filled by elections in the constituencies specified in the first column of the table in Part VI of the first schedule, and the number of seats to be filled in each of those constituencies shall, subject to the provisions of sub-rule (4), be as specified in the fourth column of that table.

(2) The constituencies shall be association constituencies, that is to say, constituencies the electoral rolls for which shall, in the manner hereafter provided, be based on membership of the associations mentioned in the second column of that table.

(3) The associations on membership of which the electoral roll is to be based as aforesaid are hereafter referred to as "constituent associations."

(4) Of the two seats to be filled by constituent associations of Lambanies, the Government may allot one seat to be filled by any particular constituent association or associations of Lambanies.

**31.—**(1) An association shall be deemed to be a constituent association if, and only if, it is recognised and certified to be such by the Government.

Conditions for  
the recogni-  
tion of  
associations.

(2) The recognition of an association for the purposes of these rules shall be subject to the following conditions :—

- (i) it must be a *bona fide* association existing wholly or mainly for the furtherance of one or more specific interests of such castes or communities as are mentioned in relation to the constituency in the third column of the said table ; and
- (ii) it must be registered under the Mysore Societies Registration Act ; and
- (iii) the number of members on the roll of the association shall not be less than one hundred ; and
- (iv) meetings of the general body or the managing committee shall be held at least twice a year, and minutes of the meetings shall be kept with the records of the association. On a requisition from the Deputy Commissioner, the association shall submit an annual statement of the number of meetings held and the number of members present ; and
- (v) copies of the bye-laws of the association and all subsequent changes therein, as and when they are made, shall be submitted to the Government.

(3) The Government may, from time to time, reconsider the circumstances of the constituent associations and may revoke certificates previously issued, if such associations infringe any of the above conditions, and grant new certificates, as the circumstances may appear to it to require.

**32.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for a depressed class special constituency if he is a qualified member of a constituent association, and is also a member of such castes or communities as are mentioned in relation to the constituency in the third column of the said table.

Qualifications  
for electors.

Qualifications  
for candi-  
dates.

**33.** A person shall not be qualified to be chosen to fill a special depressed class seat unless he—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

#### PART IV.—WOMEN'S SEATS.

Constitu-  
encies.

**34.** The seats to be filled by representatives of women shall be filled by elections in the constituencies specified in the first column of the table in Part VII of the first schedule, the extent thereof shall be as specified in the second column of that table, and one seat shall be filled in each constituency.

Qualification  
for electors.

**35.** A person shall not be qualified to be included in the electoral roll for the said constituencies unless she is a woman, but, subject to the provisions of Chapter III, the qualifications for inclusion in the said electoral roll shall be those which are by rules 19, 20 or 21 specified as the qualifications for inclusion in the electoral roll for territorial constituencies.

Qualifications  
for candi-  
dates.

**36.** No person shall be qualified to be chosen to fill a woman's seat unless she—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

#### PART V.—TRADE AND COMMERCE SEAT.

Constituency.

**37.** (1) The seat to be filled by a representative of trade and commerce shall be filled by an election in the constituency specified in the first column of the table in Part VIII of the first schedule.

(2) In the second column of that table are specified the bodies (hereafter referred to in this Part as "the constituent bodies") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

Qualifications  
for electors.

**38.** (1) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the trade and commerce constituency if he is himself a qualified member of one of the constituent bodies, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is a qualified member of one of those bodies.

(2) For the purposes of this rule, a member of a constituent body shall be deemed to be a qualified member thereof if, and only if, he or it—

- (a) is not the representative of any industrial establishment owned by the Government; and
  - (b) has been a subscribing member shown as such in the list of members for a period of not less than one year prior to the preparation of the electoral roll, and has paid all subscriptions accrued due before the end of the previous financial year; and
  - (c) is engaged in trade and commerce and has a place of business in the State excluding the Civil and Military Station, Bangalore; and
  - (d) in the case of an individual, firm or Hindu joint family was, in any one of the five financial years immediately preceding the date of election, assessed to income-tax on income derived from trade and commerce.
- (3) For the purposes of this rule—

- (a) if in any financial year the partners in a firm have been separately assessed to income-tax on their shares of the income of the firm derived from trade and commerce, the firm shall be deemed to have been assessed to income-tax; and
- (b) a firm shall be deemed to retain its identity notwithstanding any change in the partners therein.

**39.** (1) A firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election.

Nominees of firms, etc.

(2) No person shall be nominated as aforesaid by a firm or Hindu joint family, unless he is a member thereof or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or



manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

Qualifications  
for candi-  
dates.

**40.** A person shall not be qualified to be chosen to fill the trade and commerce seat unless he—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

Provision  
against plural  
voting.

**41.**—(1) The fact that a person or body has, in relation to the trade and commerce constituency, more than one qualification to be included or to nominate

*No. Rl. 742—R. A. 20-40-1, dated Bangalore,  
the 25th October 1940.*

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that clauses (1) and (2) of Rule 41 of the Representative Assembly Rules, 1940, shall be deleted and clause (3) renumbered as Rule 41.

virtue of its being a qualified member of the Mysore Chamber of Commerce.

Definition of  
trade and  
commerce.

**42.** For purposes of this part of the rules, the expression "trade and commerce" includes industries, banking, insurance and transport.

#### PART VI.—INDUSTRY SEATS.

Constitu-  
encies.

**43.**—(1) The seats to be filled by representatives of industry shall be filled by elections in the constituencies specified in the first column of the table in Part IX of the first schedule.

(2) The extent of each constituency and the number of seats to be filled in it shall be as specified in the second and third columns of that table respectively.

Qualifications  
for electors.

**44.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for an industry constituency if he is the proprietor of a qualifying industrial establishment, that is to say, such a factory as is mentioned in relation to the constituency in the second column of the said table, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is the proprietor of such a factory.

45.—(1) A firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election. Nominees of firms, etc.

(2) No person shall be nominated as aforesaid by a firm or Hindu joint family, unless he is a member thereof or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

46. A person shall not be qualified to be chosen to fill an industry seat unless he— Qualifications for candidates.

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill that seat.

#### PART VII.—PLANTING SEATS.

47. The seats to be filled by representatives of European planting and Indian planting shall be filled by elections in the constituencies mentioned in the first column of the table in Part X of the first schedule, and the extent of those constituencies and the number of seats to be filled in them respectively shall be as specified in the second and third columns of that table. Constituencies.

\*48. "Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll— Qualifications for electors.

(a) for the European Planting constituency, if he is an European and—

(i) is the proprietor of an estate of not less than twenty acres assessed to coffee assessment; or

---

\*NOTE.—*Vide* Notifications Nos. Rl. 3097—R. A. 39-39-1, dated 21st June 1940 and Rl. 180—R. A. 39-39-2, dated 30th July 1940.

- (ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore ; or
  - (iii) is the superintendent or manager of any such estate owned by a corporation which is under European control ; or
  - (iv) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof ;
- (b) for the Indian Planting constituency, if he is an Indian and—
- (i) is the proprietor of an estate of not less than twenty acres assessed to coffee assessment ; or
  - (ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore ; or
  - (iii) is the superintendent or manager of any such estate owned by corporation which is under Indian control ; or
  - (iv) if any such estate is owned by partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof :

Provided that, where any such estate is owned by a corporation or a partnership, not more than one person shall be qualified to be included in the electoral roll."

Qualifications  
for  
candidates.

**49.** A person shall not be qualified to be chosen to fill a planting seat unless he—

- (a) has attained the age of twenty-five years, and
- (b) is entitled to vote in the choice of a member to fill that seat.

#### PART VIII.—LABOUR SEATS.

Constituencies.

**50.**—(1) The seats to be filled by representatives of labour shall be filled by elections in the constituencies specified in the first column of the table in Part XI of the first schedule.

(2) One seat shall be filled in each of those constituencies.

(3) The electoral roll for each constituency shall be based, in the manner hereafter provided, on employment

in qualifying industrial establishments, that is to say, factories or mines situated in the areas mentioned in relation to the constituency in the second column of the said table.

**51.**—(1) A person shall not be qualified to be included in the electoral roll for a labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity. Qualification for electors.

*Explanation.*—A person employed in a factory as clerk, typist, office superintendent, manager, proof reader, cashier, accountant, auditor, salesman, time-keeper, jobber, recruiting maistry, or in any capacity of an allied nature shall be deemed to be employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity.

(2) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for a labour constituency if on not less than one hundred and eighty days (whether successive or not) in each of the three years prior to the preparation of the electoral roll he has worked in a qualifying factory for remuneration at a rate of not less than fifteen rupees per month if he is a man, or ten rupees per month if she is a woman, but not exceeding in either case one hundred and fifty rupees per month.

**52.** A person shall not be qualified to be chosen to fill a labour seat unless he— Qualifications for candidates.

- (a) has attained the age of twenty five years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

#### PART IX.—CO-OPERATION SEAT.

**53.**—(1) The seat to be filled by a representative of co-operation shall be filled by an election in the constituency specified in the first column of the table in Part XII of the first schedule. Constituency.

(2) In the second column of that table is specified the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

**54.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the co-operation constituency if he is the Qualifications for electors.

nominee in that behalf of a co-operative society registered under the Mysore Co-operative Societies Act and which is a qualified member of the constituent body.

Nominees of  
co-operative  
societies.

**55.**—(1) A co-operative society shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the co-operative society in question, but not more than one of those persons shall be entitled to vote at any election.

(2) No person shall be nominated as aforesaid by a co-operative society unless he is a director, or the secretary thereof, or a person who is and has, for at least six months, been authorised to sign documents in its name in the ordinary course of its business.

Qualifications  
for candi-  
dates.

**56.** A person shall not be qualified to be chosen to fill the co-operation seat unless he—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

#### PART X.—UNIVERSITY SEAT.

Constituency.

**57.** The seat to be filled by a representative of the University shall be filled by an election in a constituency to be called the University Constituency.

Qualifications  
for electors.

**58.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the said constituency, if he—

- (a) is a member of the Senate of the Mysore University; or
- (b) has been a graduate and was registered as such in the University Register.

Qualifications  
for candi-  
dates.

**59.** A person shall not be qualified to be chosen to fill the said seat unless he—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill it.

#### PART XI.—GOLD MINING SEAT.

Constituency  
and election.

**60.** The seat to be filled by a representative of gold mining shall be filled by an election by members of the Kolar Gold Field Mining Board,

## CHAPTER VI.

PREPARATION, REVISION AND PUBLICATION OF  
ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

**61.**—(1) An electoral roll shall be prepared for every constituency in English or Kannada, whichever is more convenient, in which shall be entered the names of all persons appearing to be entitled to be included in the electoral roll for that constituency: Electoral roll.

Provided that the rolls for the European, Anglo-Indian, Gold Mining, European Planting, Trade and Commerce, Industry and University Constituencies shall be in English.

(2) The date of election by reference to which the roll is to be made up or revised, in whole or in part, under the provisions of rule 10, shall be notified in the official Gazette.

**62.** Every person shall be entitled to have his name included in the electoral roll for a constituency if he is qualified under the provisions of these rules to have his name included in such roll. General conditions for inclusion in the electoral roll.

**63.** The electoral roll for all territorial constituencies shall be prepared by the Registration Officer in form I, and the electoral roll for all other constituencies shall be prepared by the Registration Officer in form II. Form of electoral roll.

**64.** The expression "Registration Officer" shall mean for purposes of these rules, the person designated as such in the second column of the tables in the second schedule in respect of the constituency specified against him in the first column of the said table, and includes any person whom the Registration Officer may for the time being, subject to the control of the Government, depute to perform any of his duties. Registration Officer.

**65.**—(1) The electoral roll shall contain—

- (a) the name of the constituency;
- (b) the name of each elector;
- (c) the name of the father of each elector, or if the elector is a woman the husband's name, or other identifying particulars;
- (d) the postal address of each elector;
- (e) the occupation of each elector; and
- (f) the qualification of each elector:

Contents of the electoral roll.

Provided that, where the qualification prescribed is liability to pay any tax or land revenue, the amount payable shall not be specified.

(2) When a firm, corporation, Hindu joint family or co-operative society is represented by its nominee or nominees in the electoral roll for the trade and commerce constituency, industry constituency or co-operation constituency, the name of the firm, corporation, Hindu joint family or co-operative society shall be entered in column two of the appropriate form of the electoral roll and shall be followed by the name or names of the nominee or nominees.

(3) In the electoral roll for a constituency in which a seat is reserved for members of the depressed classes, the letters "DC" shall be prefixed to the name of every elector who is a member of those classes.

Procedure for  
the certifica-  
tion of consti-  
tuent associa-  
tions for  
depressed  
class special  
seats.

**66.**—(1) Before the preparation of the electoral roll for a depressed class special constituency is taken in hand, the Government shall cause a notice to be published in the official Gazette inviting applications within the time specified in the notice from associations which desire to be certified as constituent associations within the meaning of rule 31.

(2) When any such application is made by an association, the Government may, for the purpose of satisfying itself as to the claims of the association for a certificate, require such association to produce, within such time as may be specified by the Government such registers, records or documents as the Government considers necessary and may employ such agency as it deems fit for the examination of such claim.

(3) If an association fails to produce the registers, records or documents required by the Government within the time specified by it, the Government may refuse to certify the association.

(4) The Government may, after considering the claims of the associations, issue a certificate to such associations as satisfy the conditions specified in rule 31.

(5) A list of the associations which shall be deemed as constituent associations shall be published by the Government in the official Gazette.

(6) The Government may appoint a Registration Officer for each special constituency for the depressed classes, and such Registration Officer shall thereupon call upon the constituent association or associations to prepare and submit to him within such time and in such form as

may be specified by him in this behalf, a list of the members of the association who are qualified to be included in the electoral roll for the constituency under rule 32.

(7) For the purposes of satisfying himself as to the correctness of the list of members submitted by an association under the last preceding sub-rule, the Registration Officer may require the association to produce before him, within such time as he may fix in this behalf, any register, record or document of such association, and may call upon any officer or member of the association to appear before him for oral examination on a date or dates to be fixed by him.

**67.**—(1) On the commencement of the preparation of the electoral roll for the trade and commerce constituency, the Registration Officer shall publish in the official Gazette a notice inviting applications from qualified members of the constituent bodies for inclusion in the electoral roll for the constituency.

Application for inclusion in the electoral roll for the trade and commerce constituency.

(2) Every application under this rule shall be made in such form and with such documents and shall be submitted within such time as may be specified in the notice referred to in the last preceding sub-rule.

(3) A firm, Hindu joint family, or corporation entitled to nominate persons for inclusion in the electoral roll shall submit by an application made under the last preceding sub-rule the names of the nominees of such firm, corporation or Hindu joint family, nominated by it in accordance with the provisions of rule 39.

(4) When any question arises as to whether an individual, firm or Hindu joint family was assessed to income-tax in any year on income derived from trade and commerce, a statement by the income-tax officer or his successor in office that such individual, firm or Hindu joint family was or was not so assessed on income derived from business shall be conclusive evidence of the fact.

**68.**—(1) The Registration Officer for every industry constituency shall, on the commencement of the preparation of the electoral roll for the constituency, publish a notice in the official Gazette inviting applications from proprietors of qualifying factories for inclusion in the electoral roll for the constituency.

Application for inclusion in the electoral rolls for the industry constituencies.

(2) Every application under this rule shall be made in such form and with such documents and shall be submitted in such time as may be specified in the notice referred to in the last preceding sub-rule.



(3) In cases where the proprietor of a qualifying factory is a firm, Hindu joint-family or corporation, the names of the nominees nominated in accordance with the provisions of rule 45 shall be submitted by such firm, family or corporation by an application made under the last preceding sub-rule.

Application for inclusion in the electoral roll for the co-operation constituency

**69.** The Registration Officer of the co-operation constituency shall call upon the constituent body to submit to him within such time and in such form as may be specified by him in this behalf, the names of the nominees of each society nominated by such society in accordance with the provisions of rule 55.

Procedure for the preparation of the electoral rolls for labour constituencies.

**70.** The Registration Officer for every labour constituency shall call upon the manager of each qualifying factory or mine to prepare and submit to him within such time and in such form as may be specified by him in this behalf, a list of persons qualified under the provisions of rule 51 to be included in the electoral roll for the constituency.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

Publication of the electoral roll.

**71.** On or before a date to be notified by the Government in the official Gazette in respect of each constituency, the electoral roll for that constituency shall be published by such authority as the Government may appoint and in such manner as may be directed by the Government.

Claims and objections

**72.—(1)** Any person whose name is not entered in the roll, or is entered in an incorrect place or manner or with incorrect particulars, or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other person in the roll, may prefer a claim or objection to the Registration Officer.

(2) All such claims and objections shall be made in writing and not later than three o'clock in the afternoon on the twenty-first day from the date of publication of the electoral roll as notified in the official Gazette under the provisions of rule 71, and no claim or objection received after that time shall be entertained by the Registration Officer:

Provided that the Government, by notification in the official Gazette, specify a shorter period within which claims and objections shall be preferred in respect of the electoral roll of any constituency.

(3) A claim or objection shall be accompanied by any documents on which the claimant or objector relies.

**\*72-A.** Notwithstanding anything contained in sub-rule (2) of rule 72, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than three o'clock in the afternoon of the 3rd October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer.

*Explanation.*—A person shall be qualified to be included in the electoral roll if he has acquired before the 3rd of October 1940 the qualifications specified in these rules for such inclusion.

**73.** The Registration Officer shall maintain a register of all claims and objections preferred to him and shall forward all such claims and objections to the Revising Authority for decision.

Register of claims and objections.

**74.**—(1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general or special approval of the Government, appoint a Revising Authority for the whole or part of any territorial constituency, women's constituency, European planting constituency, Indian planting constituency and labour constituency situated respectively within his jurisdiction, or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority for the whole or part of a constituency, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

Appointment of Revising Authority.

(2) The Registration Officer of every special constituency, other than a women's constituency, European planting constituency, Indian planting constituency

---

\* *Vide* Notification No. Rl. 203—R. A. 2-40-6, dated 3rd August 1940.

and labour constituency shall, with the general or special approval of the Government, appoint a Revising Authority or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

**75.**—(1) The Revising Authority shall hold a summary enquiry into the claims or objections preferred, and shall record his decision in writing.

(2) For the purposes of the Revising Authority's enquiry, the roll, as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

**76.**—(1) The Revising Authority shall report to the Registration Officer his decisions on all claims and objections disposed of by him, and the Registration Officer shall amend the roll in accordance with such decisions.

(2) The decision of the Revising Authority shall be final.

**77.** The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person—

- (a) whose qualification as entered in the roll is insufficient to entitle him to be registered; or
- (b) who is incapacitated from voting by reason of any disqualification or disability imposed by or under the provisions of the Act or the rules made thereunder; or
- (c) who is proved to him to be dead; or
- (d) who has been entered in more than one place on the roll of the same constituency, from such other place or places :

Provided that—

- (i) before passing an order under clause (a) or (b), the Revising Authority shall, if this can

Enquiry into claims and objections.

Decisions of the Revising Authority.

Amendments on Revising Authority's own motion.

- conveniently be done, give an opportunity to any person concerned to be heard; and
- (ii) before passing an order under clause (d), the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same constituency, informing him that he may select, within such time as may be specified in the notice, the entry to be retained.

**78.** The Registration Officer may, of his own motion, at any time prior to the republication of the roll, exercise any or all of the powers conferred on the Revising Authority by the provisions of rule 77.

Amendments  
on Registra-  
tion Officer's  
own motion.

**79.—(1)** The roll with the amendments, if any, shall be republished in the manner specified in rule 71 on or before a date notified by the Government in that behalf.

Republi-  
cation of the  
roll.

(2) Two copies of the roll as republished shall be certified by the Registration Officer and deposited with the Secretary, Representative Assembly.

(3) Such number of copies of the roll as republished as the Registration Officer deems to be sufficient shall be kept by him for sale.

### PART III.—MISCELLANEOUS.

**80.—(1)** Notwith-  
tained, any person ma  
electoral roll for the ti  
application in that be  
The Registration Office  
the Government, and if  
the Government direc  
Gazette the preparation  
of an electoral roll, the  
list of amendments of  
provisions of these rul  
manner and to the sam  
of the preparation of th

ent  
ent  
al

Provided that—

- (i) where any s  
correction  
toral roll a  
satisfied at  
cant that  
erroneous .

and labour constituency shall, with the general or special approval of the Government, appoint a Revising Authority or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

Enquiry into  
claims and  
objections.

**75.—**(1) The Revising Authority shall hold a summary enquiry into the claims or objections preferred, and shall record his decision in writing.

(2) For the purposes of the Revising Authority's enquiry, the roll, as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

Decisions of  
the Revising  
Authority.

**76.—**(1) The Revising Authority shall report to the Registration Officer his decisions on all claims and objections disposed of by him, and the Registration Officer shall amend the roll in accordance with such decisions.

(2) The decision of the Revising Authority shall be final.

Amendments  
on Revising  
Authority's  
own motion.

**77.** The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person—

- (a) whose qualification as entered in the roll is insufficient to entitle him to be registered ; or
- (b) who is incapacitated from voting by reason of any disqualification or disability imposed by or under the provisions of the Act or the rules made thereunder ; or
- (c) who is proved to him to be dead ; or
- (d) who has been entered in more than one place on the roll of the same constituency, from such other place or places :

Provided that—

- (i) before passing an order under clause (a) or (b), the Revising Authority shall, if this can

- conveniently be done, give an opportunity to any person concerned to be heard; and
- (ii) before passing an order under clause (d), the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same constituency, informing him that he may select, within such time as may be specified in the notice, the entry to be retained.

**78.** The Registration Officer may, of his own motion, at any time prior to the republication of the roll, exercise any or all of the powers conferred on the Revising Authority by the provisions of rule 77.

Amendments on Registration Officer's own motion.

**79.**—(1) The roll with the amendments, if any, shall be republished in the manner specified in rule 71 on or before a date notified by the Government in that behalf.

Republication of the roll.

(2) Two copies of the roll as republished shall be certified by the Registration Officer and deposited with the Secretary, Representative Assembly.

(3) Such number of copies of the roll as republished as the Registration Officer deems to be sufficient shall be kept by him for sale.

### PART III.—MISCELLANEOUS.

**80.**—(1) Notwithstanding, any person may apply for the correction of an electoral roll for the time being in force. The Registration Officer may, on the application in that behalf made, refer the matter to the Government, and if the Government direct, by order in the Gazette the preparation of a corrected electoral roll, the list of amendments of these rules shall be in the same manner and to the same effect as the provisions of these rules relating to the preparation of the

ent  
tent  
ral

Provided that—

- (i) where any person has applied for the correction of an electoral roll and the Government are not satisfied that the correction is necessary or that the roll is so erroneous as to require

and labour constituency shall, with the general or special approval of the Government, appoint a Revising Authority or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

Enquiry into claims and objections.

**75.**—(1) The Revising Authority shall hold a summary enquiry into the claims or objections preferred, and shall record his decision in writing.

(2) For the purposes of the Revising Authority's enquiry, the roll, as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

Decisions of the Revising Authority.

**76.**—(1) The Revising Authority shall report to the Registration Officer his decisions on all claims and objections disposed of by him, and the Registration Officer shall amend the roll in accordance with such decisions.

(2) The decision of the Revising Authority shall be final.

Amendments on Revising Authority's own motion.

**77.** The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person—

- (a) whose qualification as entered in the roll is insufficient to entitle him to be registered ; or
- (b) who is incapacitated from voting by reason of any disqualification or disability imposed by or under the provisions of the Act or the rules made thereunder ; or
- (c) who is proved to him to be dead ; or
- (d) who has been entered in more than one place on the roll of the same constituency, from such other place or places :

Provided that—

- (i) before passing an order under clause (a) or (b), the Revising Authority shall, if this can

- conveniently be done, give an opportunity to any person concerned to be heard; and
- (ii) before passing an order under clause (d), the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same constituency, informing him that he may select, within such time as may be specified in the notice, the entry to be retained.

**78.** The Registration Officer may, of his own motion, at any time prior to the republication of the roll, exercise any or all of the powers conferred on the Revising Authority by the provisions of rule 77.

Amendments on Registration Officer's own motion.

**79.**—(1) The roll with the amendments, if any, shall be republished in the manner specified in rule 71 on or before a date notified by the Government in that behalf.

Republication of the roll.

(2) Two copies of the roll as republished shall be certified by the Registration Officer and deposited with the Secretary, Representative Assembly.

(3) Such number of copies of the roll as republished as the Registration Officer deems to be sufficient shall be kept by him for sale.

### PART III.—MISCELLANEOUS.

**80.**—(1) Notwithstanding anything hereinbefore contained, any person may apply for the amendment of any electoral roll for the time being in force by presenting an application in that behalf to the Registration Officer. The Registration Officer shall forward the application to the Government, and if, after considering the application, the Government directs by notification in the official Gazette the preparation of a list of amendments in respect of an electoral roll, the Registration Officer shall prepare a list of amendments of such roll, and thereupon all the provisions of these rules shall apply to such list in like manner and to the same extent as they apply in the case of the preparation of the electoral roll:

Subsequent amendment of electoral roll.

Provided that—

- (i) where any such application is made for the correction of any existing entry in the electoral roll and if the Registration Officer is satisfied after personally hearing the applicant that the entry relates to him and is erroneous or defective in any particular, he



may amend the roll or cause it to be amended accordingly; and

- (ii) where any such application is made for the inclusion of the applicant's name in the electoral roll and the Registration Officer is satisfied after such enquiries as he deems necessary that the applicant is entitled to have his name entered in the electoral roll, he may amend the roll or cause it to be amended accordingly. Such an application shall be accompanied by a fee of ten rupees in cash, which shall in no circumstances be refunded.

(2) When in pursuance of the provisions of the last preceding sub-rule, any list of amendments has been republished, or any name has been entered, or any correction has been made in respect of any existing entry in the roll, the electoral roll concerned shall be deemed to have been amended accordingly.

Custody and preservation of electoral rolls, etc.

**81.** The following papers, namely,—

- (i) the preliminary electoral rolls published under the provisions of rule 71 ;
- (ii) claims and objections having reference to the preliminary rolls, the registers recording such claims and objections and the orders of the Revising Authority thereon ; and
- (iii) the final electoral rolls republished under the provisions of rule 79,

shall be preserved in the record room of the Registration Officer until after the next revision of the electoral rolls and shall then be destroyed or sold as waste paper.

Electoral rolls, etc., to be available for public inspection.

**82.** Any member of the public shall have a right to inspect any of the papers specified in the last preceding rule on payment of a fee of two rupees and to obtain certified and attested copies thereof on payment of the same fees as are prescribed for copies of revenue records.

Duration of electoral rolls.

**83.** The electoral roll for a constituency shall come into force from the date of its republication under the provisions of rule 79, and shall continue in force for a period of four years or for such period as may be prescribed by the Government by notification in the official Gazette ; and after the expiration of such period a fresh roll shall be prepared in accordance with the provisions of these rules.

## CHAPTER VII.

## CONDUCT OF ELECTIONS.

## PART I.—GENERAL PROCEDURE AT ELECTIONS.

**84.** A general election shall be held for the purpose of constituting the Assembly under the Act and thereafter, a general election shall be held, as often as may be necessary, for the constitution of a new Assembly before the expiration of the term, or on the dissolution, of the previous Assembly.

Constitution and reconstitution of the Assembly.

**85.** For the purposes mentioned in the last preceding rule, the Government shall, by notification in the official Gazette, call upon all constituencies to elect members in accordance with these rules within such time as may be specified in that notification and shall appoint for each constituency—

Notification of election.

- (a) a date on or before which notices of candidature are to be presented;
- (b) a further date for the scrutiny of notices of candidature;
- (c) a further date, not later than the date next succeeding the date fixed for the scrutiny of notices of candidature, on or before which candidatures may be withdrawn; and
- (d) a further date or dates on which a poll shall, if necessary, be taken.

**86.** When the seat of a member becomes vacant by reason of his death or resignation or by virtue of any provision contained in the Act or in any of these rules, the Government shall, by notification in the official Gazette, call upon the constituency concerned to elect a member for the purpose of filling the seat within such time as may be specified in that notification, and these rules shall apply as far as may be, to the procedure for the election of a member to fill that seat.

Casual vacancies.

**87.** The Returning Officers for the constituencies mentioned in the first column of the tables in the second schedule shall be the persons respectively specified in the corresponding entries in the third column thereof.

Returning officers.

**88.** Any person may stand as a candidate for election to fill a seat in any constituency, if he is qualified to be chosen to fill that seat under the provisions of the Act or of any of these rules:

Qualification for candidature.

Provided that not more than one nominee of a firm, Hindu joint-family, corporation or co-operative society shall stand as a candidate for the trade and commerce constituency, industry constituencies or the co-operation constituency:

Provided further that no person who is not a member of the depressed classes shall stand as a candidate for a seat reserved for the depressed classes.

Presentation of notice of candidature.

**89.** (On or before the date specified in clause (a) of rule 85 for the presentation of notices of candidature, each candidate shall, 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 authorised by the Government in this behalf, a notice of candidature completed in the manner prescribed in form III.

Latest hour for presentation of notice of candidature.

**90.** Any notice of candidature which is not received before three o'clock in the afternoon on the date appointed under clause (a) of rule 85 for the presentation of notices of candidature shall be rejected.

Supply of notices of candidature.

**91.** Printed copies of notices of candidature shall, on application, be supplied to any elector in the constituency by the office of the Returning Officer thereof.

Declaration regarding the appointment of an election agent.

**92.** Every notice of candidature delivered under rule 89 shall be accompanied by a declaration in writing as shown in form III subscribed by the candidate that the candidate has appointed, or does thereby appoint, as his election agent for the election either himself or some other person who is not disqualified under the provisions of any of these rules from being a member of the Assembly or the Council or from voting at elections and who shall be named in the declaration; and no notice of candidature shall be deemed to be valid unless such declaration is delivered along with the notice of candidature.

Deposit by candidates.

**93.—(1)** At the time of delivery of a notice of candidature, each candidate shall enclose, with the notice of candidature, a Government treasury receipt (challan) showing that a deposit of one hundred and fifty rupees has been made by him or on his behalf in the treasury:

Provided that the sum to be deposited by a candidate in a special constituency for women or in a labour constituency, or by a candidate who is a member of the depressed classes shall be twenty-five rupees.

(2) Savings bank deposit or State loan bonds may also be accepted by the Returning Officer from a candidate

n lieu of the treasury receipt referred to in sub-rule (1) if the candidate authorises the Deputy Commissioner to treat the savings bank deposit as a deposit for the purposes of sub-rule (1) in accordance with the Savings Bank Rules, or endorses the bonds in favour of the Comptroller, as the case may be.

(3) No notice of candidature shall be deemed to be valid unless the deposit has been made.

94. On the presentation of a notice of candidature, the Returning Officer, or other person authorised under rule 89, shall inform the candidate of the date, time and place appointed for the scrutiny of notices of candidature and shall enter in the notice of candidature its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the notice of candidature 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 copy of the notice of candidature.

Procedure upon receipt of notice of candidature.

95. At the time of the scrutiny of notices of candidature, the candidates and their election agents, but no other person, may attend at the office of the Returning Officer or at such other place as he may appoint, and the Returning Officer, or other person authorised under rule 89, shall give them all reasonable facilities for examining the notices of candidature of all candidates which have been delivered within the time and in the manner specified in rule 89.

Scrutiny of notices of candidature.

96.—(1) On the date appointed by the Government under clause (b) of rule 85 for the scrutiny of notices of candidature, the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any notice of candidature on any of the following grounds—

Disposal of objections and rejection of notice of candidature.

- (a) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of these rules;
- (b) that there has been any failure to comply with any of the provisions of rules 89, 92 or 93;
- (c) that the candidate is not identical with the person whose number or name on the electoral roll is given in the notice of

candidature as the number or name of such candidate; and

(d) that the signature of the candidate is not genuine or has been obtained by fraud.

(2) Nothing contained in clauses (b), (c) or (d) of sub-rule (1) shall be deemed to authorise the rejection of any notice of candidature on the ground of any irregularity, if the candidate has delivered another notice of candidature in respect of which no irregularity has been committed.

Completion  
of scrutiny.

**97.**—(1) The Returning Officer, or other person authorised under rule 89, shall endorse on each notice of candidature his decision accepting or rejecting the same, and, if the notice of candidature is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

Withdrawal  
of candida-  
ture.

**98.**—(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer, or the person authorised under rule 89, before three o'clock in the afternoon on the date specified in clause (c) of rule 85 :

Provided that, if this day is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the notice shall be considered as having been received in due time, if it is presented before three o'clock on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a fresh notice of candidature for the same election.

Notification of  
withdrawal.

**99.** The Returning Officer, or the person authorised under rule 89, shall, on receiving a notice of withdrawal under the last preceding rule, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in his office.

**100.** After the expiry of the period within which candidatures may be withdrawn under rule 98, the Returning Officer, or the person authorised under rule 89, shall, after assigning to each candidate, if he considers it

Publication  
of the list of  
candidates.

necessary to do so, any one of the symbols from the list specified in the third schedule, prepare a list in form IV showing the names of the candidates whose notices of candidature are valid and who have not withdrawn, with the symbols, if any, assigned to them and with distinguishing particulars as to occupation, etc., if there are two or more candidates bearing the same name, and cause it to be affixed in some conspicuous place in his office.

**101.**—(1) If the number of candidates who have not withdrawn their candidature in the manner and within the time specified in rule 98 is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected.

Procedure after the publication of the list of candidates.

(2) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected, and the Government shall, by notification in the official Gazette, call upon the constituency to elect a member or members, as the case may be, to fill the remaining seat or seats within such time as may be specified in the notification :

Provided that, where a constituency having already been called upon under this sub-rule has failed to elect a member or the requisite number of members, as the case may be, to fill the seat or seats, the Government shall not be bound again to call upon the constituency to elect a member or members until such time as it may deem fit.

(3) If the number of such candidates exceeds the number of seats to be filled, the Returning Officer shall forthwith publish in the official Gazette and in such other manner as the Government may direct the names of the candidates as given in the notices of candidature in alphabetical order together with the symbol, if any, assigned to each candidate, and a poll shall be taken.

**102.** In a constituency in which a seat or seats are reserved for members of the depressed classes—

Special procedure in constituencies in which seats are reserved for the depressed classes.

(a) if the number of candidates qualified to be chosen to fill the reserved seat or seats is equal to the number of those seats, all such candidates shall be declared by the Returning Officer to be duly elected ;

(b) if the number of such candidates is less than the number of the reserved seats, the procedure prescribed in sub-rule (2) of the last preceding rule shall be followed ; and

- (c) if the number of such candidates exceeds the number of the reserved seats, all such candidates shall be deemed to stand for election both for the seats reserved for members of the depressed classes and for the seats which are not so reserved; and the names of such candidates shall be published along with the names of the candidates for the non-reserved seats in the manner prescribed in sub-rule (3) of the last preceding rule, but it shall not be mentioned therein that such candidates are standing for election for the reserved seats or for both the reserved and non-reserved seats.

Disqualifica-  
tion or death  
of candidate  
before  
commence-  
ment of poll.

**103.** If a person whose candidature has been notified under sub-rule (3) of rule 101 becomes subject to any of the disqualifications specified in section 20 of the Act or dies before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the candidate's disqualification or death, cancel his name in the list of candidates and in the ballot papers if there is sufficient time to do so before the date fixed for polling:

Provided that a failure to make such cancellation shall not affect the election proceedings.

## PART II.—PERSONAL VOTING.

Votes to be  
given by  
ballot.

**104.** In constituencies other than those mentioned in rule 128, votes shall be given by ballot and in person and in the manner provided therefor in these rules save as otherwise provided in rule 123. No votes shall be given by proxy.

Selection of  
polling  
stations,  
booths and  
polling areas.

**105.** The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general approval of the Government, select for the whole or so much of any territorial constituency, labour constituency and special constituency for women as lies within his jurisdiction as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area, to be known as polling area, for each polling station or booth as the case may be.

**106.**—(1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be, shall appoint a presiding officer for each polling station and may, if necessary, appoint such other persons (hereafter referred to as polling officers) as he thinks necessary to assist the presiding officer, and may nominate not more than four non-officials to be associated with the presiding officer for assisting him in conducting the poll:

Appointment of presiding officers, polling officers, etc.

Provided that, if a polling officer is absent from a polling station, the presiding officer may appoint any person who is present at the polling station to be a polling officer during the absence of the former officer, and inform accordingly the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

(2) The same polling stations and presiding officers may be appointed in respect of elections held simultaneously.

(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(4) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

**107.** The Government shall fix the hours at which the poll shall commence and the hour at which it shall close on the date or dates appointed for the poll under clause (d) of rule 85. The hours so fixed shall be published by notification in the official Gazette and in such other manner as the Government may direct.

Hours of polling.

**108.**—(1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except—

Duties of presiding officer.

- (a) the polling officers and the non-officials associated with him;
- (b) the candidates;
- (c) the police or other public servants on duty; and



(d) such other persons as the presiding officer may from time to time admit for the purpose of identifying the electors.

Removal for misconduct at polling station.

**109.** If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer, or polling officer performing the duties of the presiding officer, he may immediately, by order of the presiding officer, or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer, or such polling officer, to remove him; and the person so removed shall not, except with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Who may vote at a polling station.

**110.** Subject to the provisions of rule 123, no elector shall be admitted to vote except at the polling station fixed under rule 105 for the polling area under which his name appears on the electoral roll.

Close of polling.

**111.** The poll shall be closed at the hour fixed in that behalf:

Provided that, if there are any electors waiting at the polling station to record their votes, the presiding officer shall cause a list to be prepared in his presence of such electors, which shall be signed by him, and shall allow such electors to record their votes on the same day if he considers that the polling can be completed within a reasonable time or on the following day during such hours as he may fix in that behalf.

Arrangements for secrecy of voting.

**112.** Each polling station or booth, as the case may be, shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in the box. As far as possible, separate compartments and separate entrances and exits shall be provided for women electors.

Supply of election materials and ballot boxes.

**113.** Each polling station shall be provided with materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot papers as may be necessary, and copies of the electoral roll or of such part

thereof as contains the names of the electors entitled to vote at such polling station.

114. Every ballot box shall be so constructed that the ballot papers shall be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer shall, immediately before the commencement of the poll, lock the ballot box and place a seal upon it in such manner as to prevent its being opened without breaking such seal. He shall thereupon place the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it.

Sealing of ballot box before commencement of poll.

115. The ballot paper shall be in form V. It shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Form of ballot paper.

116. At elections in constituencies in which more than one seat has to be filled, an elector shall have as many votes as there are seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

Number of votes to be recorded by each elector.

117. Where elections for more than one constituency, whether territorial or special, are held simultaneously at a polling station, an elector entitled to vote for the constituencies shall be given a ballot paper for each constituency.

Simultaneous elections for more than one constituency.

118. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the electoral roll, shall be verified, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Procedure before ballot paper is delivered to elector.

119. The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station and there mark his ballot paper in accordance with the instructions contained therein, fold it up so as to conceal his vote, and put his ballot paper, so folded up, into the ballot box. Every elector shall

Manner of recording votes after receipt of ballot paper.

vote without undue delay and shall quit the polling station as soon as he has voted.

Assistance to illiterate and infirm electors.

**120.**—(1) If an elector, owing to illiteracy or infirmity, is unable to make a mark on the ballot paper, the presiding officer or the polling officer shall mark the vote on the ballot paper according to the directions of the elector. The elector shall then himself or with the assistance of such officer put the ballot paper folded up into the ballot box.

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the presiding officer or polling officer, as the case may be, of the reason why it was so dealt with.

Spoilt ballot papers.

**121.** An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Identity of electors.

**122.** The presiding officer or the polling officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. The presiding officer is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the table, and that the persons who have recorded their votes leave the place immediately.

Voting of officials on duty at polling stations.

**123.**—(1) A presiding officer, polling officer, or other person who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency in which he is registered as an elector to be entitled to vote at the election for the constituency, be allowed to record his vote at that polling station. The said certificate shall be in form VI.

(2) If the polling station at which the person is on duty is in the same constituency as the one in which he is entitled to vote, then, the presiding officer shall, on production of the said certificate, issue a ballot paper to the person concerned in the same manner as to any other elector. The name of the polling station at which he would otherwise have been entitled to vote shall be entered

in the counterfoil of the ballot paper together with his number on the electoral roll for the constituency in which that polling station is situated and the provisions of rule 119 shall apply. The certificate referred to in sub-rule (1) shall be filed by the presiding officer.

(3) If the polling station at which the person is on duty is not in the constituency in which he is entitled to vote, the person concerned shall record his vote on the Returning Officer's certificate and shall hand over the certificate to the presiding officer. Such certificate shall be placed in an envelope and sealed by the presiding officer, who shall record on the envelope a description of its contents and transmit it to the Returning Officer who has granted the same, and such Returning Officer shall cause such votes to be included among other votes given for the candidate or candidates designated by the elector.

**124.** The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates who may be present, make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals—

Procedure on closing of poll.

- (i) each ballot box in use at such station unopened, but with the key (which should also be sealed in the same manner as the ballot box) attached;
- (ii) the unused ballot papers;
- (iii) the spoilt ballot papers;
- (iv) the marked copy of the electoral roll;
- (v) the counterfoils of the ballot papers.

**125.** The packets shall be accompanied by a statement in a separate cover in form VII made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers and ballot papers dealt with under rule 123.

Statement by presiding officer.

**126.** Subject to any directions given in that behalf by the Returning Officer or the Government, the packets and statements referred to in the last two preceding rules shall be forwarded by the presiding officer to the Returning Officer, or where the Returning Officer is a Sub-Division Officer, Deputy Commissioner or Secretary, Representative Assembly, to the nearest Amildar. The Amildar shall forward the packets to the Returning Officer. Each

Despatch of ballot boxes.

packet shall be numbered and shall bear a note on it as to its contents and the name of the polling station. Where no vote has been recorded in any constituency, the polling officer shall submit a nil report together with the statement in form VII and the empty box.

Postponement of poll :  
adjournment  
of poll.

**127.**—(1) Notwithstanding anything contained in this Part, the Returning Officer may, for sufficient cause and with the previous consent of the Government, postpone the date or extend the period fixed for polling.

(2) In emergencies such as disturbance of the public peace or the intervention of floods, the presiding officer may, with the previous approval of the Returning Officer, close the poll and announce an adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government.

(3) The subsequent date to which polling is postponed or adjourned shall be notified in the constituency in such manner as the Returning Officer thinks fit.

### PART III.—POSTAL VOTING.

Special rules  
for voting  
in the  
university  
constituency,  
etc.

**128.** In the case of an election in the university constituency, the trade and commerce constituency, the industry constituencies, co-operation constituency, European and Anglo-Indian constituencies, and European and Indian planting constituencies, rules 104 to 127 inclusive shall not be applicable, and the following rules, *viz.*, 129 to 137 inclusive, shall be substituted therefor and shall apply. No elector of these constituencies shall be allowed to vote in any other way than is provided in these rules.

Issue of ballot  
and declara-  
tion papers.

**129.** On or before such date as may be fixed in this behalf by the Government by notification in the official Gazette, the Returning Officer shall send by post a declaration paper and a ballot paper, hereafter referred to collectively as voting papers, to each elector to the address entered against his name in the electoral roll :

Provided that, in the case of the trade and commerce constituency, industry constituencies or co-operation constituency where a firm, Hindu joint family, corporation or co-operative society is represented in the electoral roll by its nominee or nominees, the Returning Officer shall send only one set of voting papers to such firm, Hindu

joint family, corporation, or co-operative society to the address of its office as given in the electoral roll, instead of to the nominee or nominees therefor.

**130.** The declaration paper, shall be in form VIII and the ballot paper in form IX. To each elector shall be issued the voting papers whose serial numbers correspond to the number which the elector bears on the electoral roll. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper.

Form of ballot paper and declaration paper.

**131.** Before the voting papers are issued to an elector, the Returning Officer shall--

Procedure before issue of ballot paper.

- (a) have the name of the elector entered on the declaration paper; and
- (b) place his initials against the name of the elector in the electoral roll or in the copy of it used for the purpose of election:

Provided that, in the case of the trade and commerce constituency, industry constituency or co-operation constituency where a firm, Hindu joint family, corporation or co-operative society is represented in the electoral roll by its nominee or nominees, the name of such firm, Hindu joint family, corporation or co-operative society together with the name or names of its nominee or nominees shall be entered on the declaration paper.

**132.** With the voting papers, the Returning Officer shall enclose an envelope addressed to himself in form X, a cover with the number of the ballot paper entered on its face and a letter in form XI. The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelope.

Forms to accompany ballot paper.

**133.** Each elector, upon receipt of his voting paper shall, if he desires to vote in the election, first sign the declaration in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar, to whom he is personally known or to whose satisfaction he has been identified, and who shall attest his signature, and thereafter record his vote on the ballot paper:

Voting.

Provided that, in the case where the voting papers are sent under rule 129, to a firm, Hindu joint family, corporation or co-operative society, the declaration shall be signed and the vote shall be recorded by one nominee only of such firm, Hindu joint family, corporation or co-operative society.

Return of  
ballot paper  
and declara-  
tion paper.

**134.** After recording his vote, the voter shall enclose his ballot paper in the cover, fasten up the cover and enclose it with the declaration paper in the envelope, which he shall send by post to the Returning Officer so as to reach him not later than five o'clock in the afternoon of the date appointed for the poll under rule 85. Envelopes received after that hour shall be rejected :

Provided that the voter may, at his option, instead of sending the envelope to the Returning Officer by post, deposit it in a ballot box which shall be provided for the purpose at the office of the Returning Officer, up to the hour of five o'clock in the afternoon of the aforesaid date.

Assistance to  
incapacitated  
electors.

**135.** If an elector is incapacitated by blindness or other physical cause from voting in the manner prescribed in rule 133, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his declaration under rule 133; and such officer shall certify in the declaration paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration paper and to mark the ballot paper for him and that the papers were so signed and marked by him in the presence of the elector.

Lost or spoilt  
ballot papers.

**136.** An elector who has not received his voting papers, or who has lost them, or whose voting papers before their despatch back to the Returning Officer have been inadvertently dealt with in such manner that they cannot be conveniently used as such, may, on making a declaration to that effect, obtain from the Returning Officer new voting papers. In every case where new voting papers are issued under this rule, a distinctive mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, lost or spoilt, as the case may be:

Provided that duplicate voting papers issued under this rule to a firm, Hindu joint family, corporation or co-operative society shall either be sent to the address of such firm, Hindu joint family, corporation, or co-operative society as given in the electoral roll or shall be delivered to a representative on his personally applying for the same and producing written authority in that behalf from such firm, Hindu joint family, corporation or co-operative society.

**137.** No election shall be invalid by reason that voting papers duly sent to an elector under these rules have not been received by him.

Election not to be invalid for failure to receive ballot paper when such paper has been issued.

#### PART IV.—VOTING IN SPECIAL CONSTITUENCIES FOR DEPRESSED CLASSES.

**138.** In the case of elections to the special seats reserved for the depressed classes, the Government may, by a notification in the official Gazette, direct the application of the provisions of rules 104 to 127 relating to personal voting, or of the provisions of rules 128 to 137 relating to postal voting for the conduct of elections in the constituent associations as circumstances may require.

Conduct of elections in constituent associations.

#### PART V.—COUNTING OF VOTES.

**139.** The counting of votes shall commence on such day and at such time and place as the Returning Officer may appoint.

Appointment of day, time and place for counting of votes.

**140.** 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. No other persons shall be allowed to be present except such persons as the Returning Officer may appoint to assist him in counting votes; and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Who may be present at the counting.

**141.**—The Returning Officer shall proceed as follows:—

Procedure at counting.

(1) If the constituency is one in which the voting is personal, the ballot box or boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 123, as the case may be, shall be opened one after another, and the Returning Officer shall take out the ballot papers therefrom, count them or cause them to be counted and record the number thereof in a statement. Such statement shall not be shown to any candidate or agent.



(2) If the constituency is one for which postal voting is prescribed—

- (a) the envelopes received from or deposited by electors under the proviso to rule 134 shall be opened one after another and the covers and declaration papers taken out therefrom.
- (b) If an envelope should contain no declaration paper outside the cover, the cover enclosed in such envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the cover.
- (c) If an envelope contains a declaration paper, the Returning Officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected cover in a separate bundle.
- (d) If more than one declaration paper or more than one cover is enclosed in one and the same envelope, all the declaration papers and covers contained in the envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the back of each declaration paper and keep the declaration papers so rejected and the covers contained in the envelope in the same bundle of rejected papers.
- (e) He shall file the other declaration papers and the covers containing the corresponding ballot papers in a separate heap. These covers shall then be opened, the ballot papers enclosed therein taken out, and counted and the total thereof recorded by the Returning Officer in a statement.

**142.** The Returning Officer shall then mix together all the ballot papers so counted and totalled up, and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

**143.** When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers which in his opinion are liable to be rejected. He shall endorse on every ballot paper which is wholly or partially rejected the word "rejected". If any candidate or agent present questions the correctness of the rejection, he shall also record, on the ballot paper, the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

Inspection of  
ballot papers  
by candidates  
etc.

**144.** The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

Counting to  
be continuous  
as far as  
practicable.

**145.**— (1) A ballot paper shall be rejected if—

(a) in the case of all constituencies—both personal vote and postal vote—

- (i) it bears any mark by which the elector can be identified ;
- (ii) the number of votes recorded thereon exceeds the number of seats to be filled ;
- (iii) no vote is recorded thereon ;
- (iv) it is void for uncertainty ;

(b) in the case of postal vote constituencies—

- (i) the envelope enclosing the elector's declaration paper and the cover containing his ballot paper, has neither been sent by post so as to reach the Returning Officer not later than the day and the latest hour appointed for the poll nor deposited in the ballot-box provided in the Office of the Returning Officer on the day and during the hours appointed for the poll ;
- (ii) the envelope contains no declaration paper outside the cover ;
- (iii) more than one declaration paper or cover containing the ballot paper have been enclosed in one and the same envelope ;

Grounds for  
rejection of  
ballot papers

- (iv) the declaration paper is not the one sent out by the Returning Officer to the elector, or the declaration or attestation is not in order :

Provided that, in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(2) Except on the abovementioned grounds, a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

Declaration of result.

**146.** When the counting of 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—

- (a) if a seat is reserved for a member of the depressed classes, the Returning Officer shall first declare elected to the reserved seat the candidate belonging to the depressed classes to whom the largest number of valid votes have been given ; and
- (b) thereafter the candidate or candidates, as the case may be, other than the candidate declared to be elected under proviso (a), who have secured the largest number of votes whether such candidates are members of the depressed classes or not.

Procedure in case of equality of votes.

**147.** 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.

Report of the result of election.

**148.**—(1) The Returning Officer shall, without delay, report the result of the election to the Secretary, Representative Assembly, and to the Government.

(2) As soon as may be after the election of members, the names of members elected for the constituencies concerned shall be notified in the official Gazette by the Government.

**149.** The following procedure shall apply to constituencies other than those for which postal voting is allowed:—

The Returning Officer shall not open the sealed packets of the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 125 by comparing it with the number of counted ballot papers and of rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 123 and the unused ballot papers in his possession, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

**150.** The following procedure shall apply in the case of postal vote constituencies:—

Upon the completion of the counting, the Returning Officer shall seal up in separate packets—

- (1) the counted ballot papers;
- (2) the rejected declaration papers and connected covers;
- (3) the ballot papers rejected at the count;
- (4) the rejected envelopes and the connected declaration papers, if any; and
- (5) the marked copy of the electoral roll.

He shall also prepare and sign a statement in form XII, and shall record on each packet a description of its contents and the date of the election to which it refers.

**151.—**(1) In the case of all constituencies—both personal and postal vote—the Returning Officer shall then prepare and certify a return in form XIII setting forth—

- (a) the names of the candidates for whom valid votes have been given;
- (b) the number of valid votes given for each candidate;
- (c) the names of the candidates elected;
- (d) the number of votes declared invalid, and shall permit any candidate or any representative duly authorised under rule 140 to take a copy or an extract from such return.

Verification of statement in personal vote constituencies.

Statement by Returning Officer in postal vote constituencies.

Return of the result of election.

(2) The Returning Officer shall forward a copy of the return made under the above sub-rule to the Government, as soon as possible, after reporting the result of the election as required by rule 148.

#### PART VI—RETURN AND FORFEITURE OF DEPOSITS.

**152.** If a candidate by whom, or on whose behalf, the deposit referred to in rule 93 has been made withdraws his candidature in the manner and within the time specified in rule 98, or if the notice of candidature of any such candidate is rejected, the deposit shall be returned to the person by whom it was made; and, if any candidate becomes subject to any of the disqualifications specified in section 20 of the Act or dies before the commencement of the poll, any such deposit, if made by him, shall be returned to him or to his legal representative, as the case may be, or, if not made by the candidate, shall be returned to the person by whom it was made.

**153.** The deposit made by or on behalf of a candidate shall be forfeited to the Government—

- (a) if the candidate withdraws his candidature after the time specified in rule 98 ; or
- (b) if the candidate is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled ; or
- (c) if having been elected by more than one constituency, he fails to intimate the choice of the constituency which he desires to serve in the manner specified in these rules ;
- (d) if having been elected, he fails to take the oath of allegiance to His Highness the Maharaja at the next meeting of the Assembly or within such time as the Government may direct.

*Explanation.*—For the purposes of this rule the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

**154.** The deposit made by or on behalf of a candidate whether such candidate is elected or not, shall, if it is not forfeited under the last preceding rule, be returned to the candidate or the person who has made the deposit on his behalf, as the case may be :

Return of deposit in the event of withdrawal, rejection or death.

Forfeiture of deposit.

Return of deposit of successful and unsuccessful candidates.

Provided that, where the candidate is elected, such return shall be made only after he has taken his seat in the Assembly and taken the prescribed oath of allegiance to His Highness the Maharaja :

Provided further that, if a candidate has stood for 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 forfeited to the Government.

## PART VII—DISPOSAL OF BALLOT PAPERS.

**155.** All the packets relating to the elections shall remain in the custody of the Returning Officer.

Custody of election papers.

**156.** The packets of ballot papers whether counted or rejected, and of the counterfoils thereof, or of the declaration papers, as the case may be, shall not be opened and their contents shall not be inspected or produced except under the order of a competent court or of a Commissioner appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Government may impose and to the payment of a fee of two rupees.

Production and inspection of election papers.

**157.** (1) The packets aforesaid shall be retained for a period of one year, and shall thereafter be destroyed, subject to any direction to the contrary made by the Government or by a competent court or by a Commissioner appointed to hold an inquiry in respect of an election.

Destruction of election papers.

(2) The notices of candidature and the withdrawals from candidature shall be kept in the office of the Returning Officer concerned, and shall be destroyed after four years, unless otherwise ordered by the Government.

## PART VIII—GENERAL.

**158.** If a question arises for the decision of a Returning Officer or presiding officer under these rules whether an entry in an electoral roll relates to a particular person, the Returning Officer or presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein,

Power of Returning Officers and presiding officers to overlook printing or clerical errors in electoral rolls.

No suit to lie in a court of law for acts done under this chapter.

**159.** Save as otherwise provided in the Act or in these rules, no act done or proceedings taken under, or with reference to, the rules contained in this Chapter shall be called in question by means of a suit or otherwise in a court of law.

## CHAPTER VIII.

### CORRUPT PRACTICES AND ELECTION PETITIONS.

#### PART I.—ELECTION AGENTS AND EXPENSES.

Appointment of election agents.

**160.** Every person standing as a candidate at an election to fill a seat or seats in the Assembly or the Council shall, at the time and in the manner prescribed by the provisions of these rules, appoint either himself or some one other person to be his election agent.

Disqualifications for being an agent in connection with an election.

**161.** No person who is for the time being disqualified under the provisions of the Act or of any of these rules from being a member of the Assembly or the Council or from voting at elections, shall, so long as the disqualification exists, be employed by or on behalf of a candidate as an agent in connection with any election held under the Act or rule made thereunder.

Revocation of appointment of an agent.

**162.** (1) Any revocation of the appointment of an election agent, whether he be the candidate himself or not, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of rule 165, the candidate shall appoint forthwith either himself or some other person to be his election agent, and shall give notice, in writing, of the appointment to the Returning Officer.

Agent's duty to maintain accounts.

**163.** Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter therein such particulars of expenditure in connection with the election as are specified in these rules.

Accounts of agent.

**164.** The books of account to be kept by an election agent under the last preceding rule shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate

or in his interests 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.

**165.**—(1) Within thirty-five days from the date of the publication of the result of the election in the official Gazette, there shall be lodged with the Returning Officer in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election agent.

Return of election expenses.

(2) Every such return shall be in Form XIV and contain the particulars specified in the fourth schedule, and shall be accompanied by declarations in the forms contained in paragraph 3 of the said schedule by the candidate and his election agent made on oath before a magistrate.

(3) Every such return shall also bear court-fee stamps of the value of two rupees without which the Returning Officer shall not accept the return.

**166.** For the purpose of rule 162 a candidate, who is unable to write his name, shall be deemed to have signed a revocation of the appointment of an election agent, and for the purpose of rule 165 a candidate or an election agent, who is unable to write his name, shall be deemed to have signed a return of election expenses, if he has placed a mark on the document in the presence of the Returning Officer and if the Returning Officer, on being satisfied as to his identity, has attested the mark as being the mark of the candidate or the election agent.

Signature by a candidate or an election agent who is unable to write his name in certain cases.

**167.** When any return and the declarations made in respect thereof have all 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 official 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 the same fees as are prescribed for grant of copies of revenue records, to obtain attested copies thereof or of any part thereof.

Notice that return of election expenses has been lodged, and inspection and copy of such return.

**168.**—(1) The Government shall cause to be prepared in such manner as it may direct a record showing—

Maintenance of records regarding elections and election expenses.

- (a) the names of all candidates at every election to fill a seat or seats either in the Assembly or in the Council;



- (b) the names of the election agents of each such candidate;
- (c) the date of each election;
- (d) the name of each constituency in which an election has been held; and
- (e) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished by the Returning Officers concerned.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees, and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for five years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

**169.**—(1) The Government may, from time to time by notification in the official Gazette—

- (a) fix maximum scales of expenditure (including the personal expenses of candidates) which shall apply to any election held under the Act or the rules thereunder;
- (b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election.

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

## PART II.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.

Definitions.

**170.** In this Part of this Chapter and in the fifth schedule, except where it is otherwise expressly provided or the context otherwise requires—

- (a) “agent” includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have

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

acted as an agent in connection with the election with the knowledge or consent of the candidate ;

- (b) "candidate" means a person who has stood or claims to have stood as a candidate at any election, and a candidate who, with the election in prospect, has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out ;
- (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 ;
- (d) "returned candidate" means a candidate whose name has been published under these rules as duly elected ;
- (e) "corrupt practice" means one of the practices specified in Parts I, II and III of the fifth schedule.

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

**172.—(1)** An election petition against any returned candidate may be presented to the Government— Presentation of the petition.

- (a) by any candidate or elector on any ground ;
- (b) by an officer empowered in that behalf by the Government 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.

*Explanation.*—In this rule, the expression "elector", in relation to a trade and commerce, industry or co-operation constituency, includes all the persons included in the electoral roll as the nominees of any body, notwithstanding that only one of them is entitled to vote.

(2) A petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself has been duly

elected, but such a declaration shall only be claimed on one or other of the following grounds—

- (a) that in fact the petitioner received a majority of the valid votes; or
- (b) that, but for votes obtained for the returned candidate by corrupt practices, the petitioner would have obtained a majority of the valid votes.

Time limit  
for the  
presentation  
of the  
petition.

**173.**—(1) An election petition against any returned candidate may be presented to the Government as provided in the last preceding rule—

- (a) by any candidate or elector within fourteen days from the date of the publication of the notice in the official Gazette under rule 167 that the return of election expenses of the returned candidate and the declarations made in respect thereof have been lodged with the Returning Officer; or
- (b) within thirty days from that date by an officer referred to in clause (b) of sub-rule (1) of rule 172.

(2) An election petition shall be deemed to have been presented to the Government when it is delivered to any officer appointed by it 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, 1917, or has been notified by the 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.

Contents of  
the petition.

**174.**—(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 laid down in the Code of Civil Procedure, 1911, for the verification of pleadings.

(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.

**175.** When the petitioner in addition to calling in question the election of a returned candidate, claims a declaration that he himself has been duly elected, he shall join as respondents to his petition all other candidates who stood at the election.

Against whom petition may be presented.

**176.** 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 172, enclose with the petition a Government treasury receipt (challan) showing that a deposit of one hundred rupees has been made by him in the treasury as security for the costs of the petition.

Deposit of security.

**177.** If the provisions of rule 173, rule 174 or rule 176 are not complied with, the Government may dismiss the petition.

Petition when to be dismissed.

**178.—(1)** Unless the Government dismisses a petition under the provisions of the last preceding rule, it shall appoint as Commissioner for the trial of the petition a person who is or has been, or is eligible to be appointed, a District Judge.

Appointment of Commissioner for the trial of election petitions.

(2) All applications and proceedings in connection with the petition shall be dealt with by, and carried on by or before, the Commissioner.

(3) Where in respect of an election in a constituency more petitions than one are presented, the Government shall refer all those petitions to the same Commissioner, who may at his discretion inquire into the petitions either separately or in one or more groups, as he thinks fit.

(4) If during the course of the inquiry the Commissioner is unable to continue to attend thereat, the Government shall appoint another person as Commissioner and the inquiry shall re-commence before the Commissioner so appointed :

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

Attendance of  
Government  
Advocate.

**179.** When at an inquiry into an election petition the Commissioner so orders, the Government Advocate, or some person appointed by the Government in that behalf, shall attend and shall take such part therein as the Commissioner may direct.

Procedure on  
appointment  
of Commis-  
sioner.

**180.** The Commissioner shall, as soon as may be after he is appointed, cause a copy of the petition to be served on each respondent and to be published in the official 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 172.

Inquiry by  
Commis-  
sioner.

**181.—**(1) Subject to the provisions of these rules, every election petition shall be inquired into by the Commissioner, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1911, to the trial of suits :

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

(2) The Commissioner may, upon such terms as to costs and otherwise as he may direct at any time, allow the particulars included in the list mentioned in sub-rule (2) of rule 174 to be amended or order such further or better particulars in regard to any matter referred to therein to be furnished as may in his opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

(3) Notwithstanding the provisions of rule 177, the Commissioner may inquire into the compliance of the petition with the provisions of rule 173, rule 174 or rule 176.

**182.** The inquiry shall be held at such place as the Government may appoint : Place of inquiry.

Provided that the Commissioner may in his discretion sit at any other place in the State for any part of the inquiry.

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

(2) If there are more petitioners 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 Commissioner, 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 official Gazette.

(4) No application for withdrawal shall be granted if, in the opinion of the Government or of the Commissioner, 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 Commissioner may think fit ;
- (b) notice of the withdrawal shall be published in the official Gazette by the Government or by the Commissioner, 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 176 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

(6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (c) of sub-rule (5), the Commissioner shall report the fact to the Government.

**184.**—(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 172, the proceedings may be continued by any other officer empowered in this behalf by the Government under the said clause.

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

(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 176 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

**185.** 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 Commissioner shall cause notice of such event to be published in the official 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 Commissioner may think fit.

**186.**—(1) Where at any 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 the 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 rule

Abatement or substitution on death of petitioner.

Abatement or substitution on death of respondent.

Recrimination when seat claimed

180, given notice of his intention to the Commissioner and made the deposit and procured the execution of the bond referred to in rules 176 and 180, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 174 in the case of an election petition and shall be signed and verified in like manner.

187.—(1) Subject to the provisions of this rule, if in the opinion of the Commissioner—

Grounds  
for declaring  
election void.

- (a) the election of a returned candidate has been procured or induced, or the results of the election has been materially affected, by any corrupt practice ; or
- (b) any corrupt practice specified in Part I of the fifth schedule has been committed in the interests of a returned candidate ; or
- (c) the result of the election has been materially affected by the improper acceptance or rejection of any notice of candidature, or by reason of the fact that any person who was a candidate was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the Act or of the rules thereunder relating to the election, or by any mistake in the use of any prescribed form ; or
- (d) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in Part I of the fifth schedule, but further reports that the candidate has satisfied him that—

- (a) no corrupt practice was committed at the 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 the candidate or his election agent ;
- (b) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election ;
- (c) the corrupt practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election ; and
- (d) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

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

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

**188.**—(1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any person who has lodged a petition and claimed a seat, has been duly elected, and in so reporting shall have regard to the provisions of the last preceding rule.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom costs shall be paid, and any such recommendation may include a recommendation for the payment of costs to the Government Advocate or a person appointed under rule 179 for attending the trial in pursuance of the order of the Commissioner.

(3) The report shall be signed by the Commissioner who shall forthwith forward his report to the Government.

**189.** Where any charge is made in an election petition of any corrupt practice, the Commissioner shall record in his 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 that corrupt practice ; and

Report of the  
Commissioner.

Finding as to  
corrupt  
practices and  
persons  
guilty  
thereof.

- (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 that practice with any such recommendations as the Commissioner may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules 192 to 195 :

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.

**190.**—(1) An appeal shall lie to the High Court from the report of the Commissioner on a point of law only, provided that such appeal is preferred within fifteen days from the date of such report exclusive of the time required for obtaining a copy of the report.

Appeals from report of Commissioner.

(2) The High Court upon the hearing of any such case shall decide the questions of law raised thereby, and shall deliver its judgment therein containing the grounds on which such decision is founded and shall send to the Government a copy of such judgment under the seal of the Court and the signature of the Registrar.

(3) The High Court shall frame such rules as it may deem fit for regulating the procedure to be adopted for the filing and the hearing of such appeal.

**191.**—(1) The Government shall, on the receipt of the judgment of the High Court, issue orders in accordance with such judgment.

Issue of orders by the Government.

(2) In cases where an appeal to the High Court does not lie or is not preferred, the Government shall issue orders in accordance with the report of the Commissioner.

(3) The orders of the Government shall be published in the official Gazette and shall be final.

### PART III—DISQUALIFICATIONS.

**192.** If any person is, after an inquiry under Part II of this Chapter, reported as guilty of any such corrupt practice as is specified in Part I or Part II of the fifth schedule he shall, for a period of six years from the date of the conviction or report, be disqualified for voting at any election to, or for membership of, the Assembly or the Council.

Offences and practices which entail disqualification for voting or membership.

Disqualifica-  
tion for  
certain  
corrupt  
practices.

**193.** If, in relation to any election to the Assembly or the Council, any person is, after such an inquiry as aforesaid, reported as guilty of any such corrupt practice as is specified in Part III of the fifth schedule he shall be disqualified for voting at any such election or for membership of the Assembly or the Council for a period of four years from the date of the report.

Persons to be  
disqualified  
in the case of  
firms, etc.

**194.** Where under either of the two last preceding rules a person is, in connection with an election in a trade and commerce, industry, or co-operation constituency disqualified for voting for any period, then if that person was at the date of election either,

- (a) included in the electoral roll for the constituency as the nominee of an association, firm, Hindu joint family, corporation or co-operative society entitled to nominate persons for inclusion therein; or
- (b) a member of any such association, firm, Hindu joint family or a director, managing agent or manager of any such corporation or society or a person authorised to sign in the name of any such firm, Hindu joint family, corporation or society in the ordinary course of its business, the association, firm, family, corporation or society shall, for the like period, be disqualified from nominating persons for inclusion in the electoral roll for any trade and commerce, industry or co-operation constituency.

Failure to  
lodge return  
of election  
expenses.

**195.** If default is made in making the return of the election expenses of any person who has been a candidate at an election to the Assembly or the Council, or if such a return is found, either by the Commissioner holding an inquiry into the election or by any court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which a return was required to be lodged.

Disqualifica-  
tion for  
being an  
election  
agent.

**196.** Any person who is for the time being disqualified under the foregoing provisions of this Part of this Chapter for being a member of either chamber, or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

**197.** Any disqualification under rules 192 to 195 inclusive arising in connection with an election to either Chamber may be removed by the Government if such disqualification is in respect of voting.

Power of Government to remove disqualification.

#### PART IV.—CUSTODY AND PRESERVATION OF ELECTION PETITIONS, ETC.

**198.** Election petitions with the proceedings and reports of the Commissioner thereon shall be kept by the Government and shall be destroyed after four years unless otherwise ordered by the Government.

Election petitions, etc., to be kept for four years.

### CHAPTER IX.

#### GENERAL.

**199.**—(1) If any person is elected to the Assembly or the Council by more than one constituency he shall, by notice in writing signed by him and delivered to the Secretary to the Assembly or the Council, as the case may be, within seven days from the date of the publication in the official Gazette of the declarations containing the names of that person as having been elected, or where such publication has been made on different dates within seven days from the later of such dates, as the case may be, choose for which of the constituencies he shall serve and his choice shall be conclusive.

Vacation of seat by a person elected by more than one constituency.

(2) When any such choice has been made, the Government shall call upon the constituency or constituencies not chosen by such person to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Government shall call upon the constituencies concerned to elect other persons.

**200.**—(1) Any person who is chosen a member of the Assembly and the Council and who has not taken his seat in either Chamber may, by notice in writing signed by him and delivered to the Secretaries of both the Chambers, within seven days from the date of the publication in the official Gazette of the declarations that he has been so chosen, or if such publications have been made on different dates within seven days from the later of such dates,

Vacation of seat by a person elected to both Chambers.

intimate in which of the Chambers he wishes to serve, and any choice so intimated shall be conclusive. In default of such intimation, the seat of such person in the Assembly shall become vacant.

(2) If a person who is already a member of the Assembly and has taken his seat in such Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

(3) If a person who is already a member of the Council and has taken his seat in such Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

Penalty for failure to take the oath of allegiance.

**201.** If any person having been elected or nominated to the Assembly or the Council fails to take the oath of allegiance to His Highness the Maharaja within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another member within such time as may be specified in the notification or shall nominate another person, as the case may be.

## CHAPTER X.

### SPECIAL PROVISIONS.

Power of the Government to remove difficulties.

**202.** If any difficulty arises as to the preparation, revision or publication of any electoral roll or of any list of amendments to any such roll, or to the holding of any election under the provisions of these rules, the Government may, by order do anything not inconsistent with these rules or with any provision of the Act, which appears to it to be necessary for the proper preparation, revision, or publication of the roll or for the proper holding of the election.

Power of the Government to interpret the rules.

**203.** If any question arises as to the interpretation of these rules otherwise than in connection with an election enquiry held under the provisions of these rules, the question shall be referred for the decision of the Government, and its decision shall be final.

---

## SCHEDULES.

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

## PART I.—GENERAL CONSTITUENCIES.

(Rule 8.)

Name of constituency	Extent of constituency	No. of seats	No. of seats reserved for depressed classes
<i>Bangalore District.</i>			
(i) <i>Urban.</i>			
Bangalore City ...	Bangalore City Municipality and Binneypet.	4	1
Channapatna ...	Channapatna town municipal area	1	...
Dodballapur ...	Dodballapur town municipal area ...	1	...
Devanhalli ...	Devanhalli town municipal area	1	...
Kankanhalli ...	Kankanhalli town municipal area ...	1	...
Anekal ...	Anekal town municipal area ...	1	...
Closepet ...	Closepet town municipal area ...	1	...
Magadi ...	Magadi town municipal area ...	1	...
<i>Kolar District.</i>			
Kolar ...	Kolar town municipal area ...	1	...
Chikballapur ...	Chikballapur town municipal area ...	1	...
Sidlaghatta ...	Sidlaghatta town municipal area ...	1	...
Bowringpet ...	Bowringpet town municipal area ...	1	...
Mulbagal ...	Mulbagal town municipal area ...	1	...
Chintamani ...	Chintamani town municipal area ...	1	...
<i>Tumkur District.</i>			
Tumkur ...	Tumkur town municipal area ...	1	...
Sira ...	Sira town municipal area ...	1	...
Chiknayakanhalli.	Chiknayakanhalli town municipal area	1	...
Madhugiri ...	Madhugiri town municipal area ...	1	...
Gubbi ...	Gubbi town municipal area ...	1	...
Tiptur ...	Tiptur town municipal area ...	1	...
Kunigal ...	Kunigal town municipal area ...	1	...
<i>Mysore District.</i>			
Mysore City ...	Mysore City Municipality ...	4	1
Nanjangud ...	Nanjangud town municipal area ...	1	...
Chamarajnaragar ...	Chamarajnaragar town municipal area	1	...
Hunsur ...	Hunsur town municipal area ...	1	...
*Gundlupet ...	Gundlupet town municipal area ...	1	...

\*Vide G. O. No. RI. 78—R. A. 1-40-1, dated 16th July 1940.

## General Constituencies—concl'd.

Name of constituency	Extent of constituency	No. of seats	No. of seats reserved for depressed classes
<i>Mandya District.</i>			
Mandya ...	Mandya town municipal area including the area comprised by the Sugar Town Board, Mandya.	1	...
Seringapatam ...	Seringapatam town municipal area.	1	...
Malvalli ...	Malvalli town municipal area ...	1	...
<i>Hassan District.</i>			
Hassan ...	Hassan town municipal area ...	1	...
Hole-Narsipur ...	Hole-Narsipur town municipal area	1	...
Arsikere ...	Arsikere town municipal area ...	1	...
<i>Shimoga District.</i>			
Shimoga ...	Shimoga town municipal area ...	1	...
Bhadravati ...	Bhadravati town municipal area including the area comprised by Bhadravati New Town Board.	1	...
Sagar ...	Sagar town municipal area ...	1	...
Shikarpur ...	Shikarpur town municipal area ...	1	...
<i>Kadur District.</i>			
Chikmagalur ...	Chikmagalur town municipal area...	1	...
Tarikere ...	Tarikere town municipal area ...	1	...
Birur ...	Birur municipal area ...	1	...
<i>Chitaldrug District</i>			
Davangere ...	Davangere town municipal area ...	1	...
Chitaldrug ...	Chitaldrug town municipal area ..	1	...
Harihar ...	Harihar town municipal area ...	1	...
(ii) <i>Rural.</i>			
<i>Bangalore District.</i>			
Bangalore North.	Bangalore North taluk excluding the area comprised by the Bangalore City Municipality and Binneypet	2	...
Bangalore South	Bangalore South taluk ...	2	...
Hoskote ...	Hoskote taluk ...	3	1
Dodballapur ...	Dodballapur taluk excluding Dodballapur town municipal area.	2	...

## Rural—contd.

Name of constituency	Extent of constituency	No. of seats	No. of seats reserved for depressed classes
<i>Bangalore District—concl'd.</i>			
Nelamangala ...	Nelamangala taluk ...	3	1
Kankanhalli ...	Kankanhalli taluk excluding Kankanhalli town municipal area.	4	1
Magadi ...	Magadi taluk excluding Magadi town municipal area.	2	...
Channapatna...	Channapatna taluk excluding Channapatna town municipal area.	2	...
Anekal ...	Anekal taluk excluding Anekal town municipal area.	2	...
Devanhalli ...	Devanhalli taluk excluding Devanhalli town municipal area.	2	...
Closepet ...	Closepet taluk excluding Closepet town municipal area.	2	...
<i>Kolar District.</i>			
Kolar ...	Kolar taluk excluding Kolar town municipal area.	3	1
Bowringpet ...	Bowringpet taluk excluding Bowringpet town municipal area.	2	...
Chintamani ...	Chintamani taluk excluding Chintamani town municipal area.	2	...
Mulbagal ...	Mulbagal taluk excluding Mulbagal town municipal area.	2	...
Sidlaghatta ...	Sidlaghatta taluk excluding Sidlaghatta town municipal area.	2	...
Chikballapur ...	Chikballapur taluk excluding Chikballapur town municipal area.	2	...
Bagepalli ...	Bagepalli taluk ...	2	...
Goribidnur ...	Goribidnur taluk ...	4	1
Malur ...	Malur taluk ...	2	...
Srinivaspur ...	Srinivaspur taluk ...	2	...
Kolar Gold Field Sanitary Board.	Kolar Gold Field Sanitary Board Area	3	1
Gudibanda ...	Gudibanda sub-taluk ...	1	...
<i>Tumkur District.</i>			
Tumkur ...	Tumkur taluk excluding Tumkur town municipal area.	4	1
Madhugiri ...	Madhugiri taluk excluding Madhugiri town municipal area.	3	1



## Rural—contd.

Name of constituency	Extent of constituency	No. of seats	No. of seats reserved for depressed classes
<i>Tumkur District—concl'd.</i>			
Chiknayakanhalli.	Chiknayakanhalli taluk excluding Chiknayakanhalli town municipal area.	2	...
Sira ...	Sira taluk excluding Sira town municipal area.	2	...
Gubbi ...	Gubbi taluk excluding Gubbi town municipal area.	2	...
Tiptur ...	Tiptur taluk excluding Tiptur town municipal area.	2	...
Pavagada ...	Pavagada taluk ...	3	1
Kunigal ...	Kunigal taluk excluding Kunigal town municipal area.	2	...
Koratagere ...	Koratagere taluk ...	2	...
Turuvekere	Turuvekere taluk ...	2	...
<i>Mysore District.</i>			
Mysore ...	Mysore taluk excluding Mysore City municipal area.	2	...
Chamarajnagar	Chamarajnagar taluk excluding Chamarajnagar town municipal area.	4	1
Hunsur ...	Hunsur taluk excluding Hunsur town municipal area.	2	...
Krishnaraj-nagar	Krishnarajnagar taluk ...	2	...
Heggaddevankote.	Heggaddevankote taluk ...	2	...
Gundlupet ...	Gundlupet taluk excluding Gundlupet town municipal area.	2	...
Nanjangud ...	Nanjangud taluk excluding Nanjangud town municipal area.	4	1
T-Narsipur ...	T-Narasipur taluk ...	4	1
Periyapatna ...	Periyapatna sub-taluk ...	1	...
Yelandur ...	Yelandur jaghir ...	1	...
<i>Mandya District.</i>			
Mandya ...	Mandya taluk excluding Mandya town municipal area and the area comprised by the Sugar Town Board, Mandya.	3	1
Seringapatam	Seringapatam taluk excluding Seringapatam town municipal area.	2	...
French-Rocks	French-Rocks taluk ...	2	...

## Rural—contd.

Name of constituency	Extent of constituency	No. of seats	No. of seats reserved for depressed classes
<i>Mandya District—concl'd.</i>			
Malvalli ...	Malvalli taluk excluding Malvalli town municipal area.	3	1
Krishnarajpet	Krishnarajpet taluk ...	2	...
Nagamangala...	Nagamangala taluk ...	2	...
Maddur ...	Maddur taluk ...	2	...
<i>Hassan District.</i>			
Hassan ...	Hassan taluk excluding Hassan town municipal area.	2	...
Manjarabad ...	Manjarabad taluk ...	3	1
Arkalgud ...	Arkalgud taluk ...	2	...
Belur ...	Belur taluk ...	3	1
Channarayapatna.	Channarayapatna taluk ...	3	...
Arsikere	Arsikere taluk excluding Arsikere town municipal area.	3	...
Hole-Narsipur	Hole-Narsipur taluk excluding Hole-Narsipur town municipal area.	2	...
Alur ...	Alur sub-taluk ...	1	..
<i>Shimoga District</i>			
Shimoga ...	Shimoga taluk excluding Shimoga town municipal area and Bhadravati town municipal area and the Bhadravati New Town Board area	3	1
Chennagiri ...	Chennagiri taluk ...	2	...
Honnali ...	Honnali taluk ...	3	1
Shikarpur ...	Shikarpur taluk excluding Shikarpur town municipal area.	2	...
Sorab ...	Sorab taluk ...	3	1
Sagar ...	Sagar taluk excluding Sagar town municipal area.	2	...
Nagar ...	Nagar taluk ...	2	...
Tirthahalli ...	Tirthahalli taluk ...	2	...
Kumsi ...	Kumsi sub-taluk ...	1	...
<i>Kadur District.</i>			
Chikmagalur ...	Chikmagalur taluk excluding Chikmagalur town municipal area.	3	1

## Rural—concl'd.

Name of constituency	Extent of constituency	No. of seats	No of seats reserved for depressed classes
Kadur	Kadur taluk excluding Birur town municipal area.	2	...
Tarikere	Tarikere taluk excluding Tarikere town municipal area.	2	...
Koppa	Koppa taluk	2	...
Mudgere	Mudgere taluk	3	1
Narasimharajpura.	Narasimharajpura sub-taluk	1	...
Sringeri	Sringeri Jahgir	1	...
<i>Chitaldrug District.</i>			
Chitaldrug	Chitaldrug taluk excluding Chitaldrug town municipal area.	3	1
Chellakere	Chellakere taluk	3	1
Hiriyur	Hiriyur taluk	2	...
Holalkere	Holalkere taluk	3	1
Davangere	Davangere taluk excluding Davangere town municipal area	2	...
Molakalmuru...	Molakalmuru taluk	2	...
Jagalur	Jagalur taluk	2	...
Hosdurga	Hosdurga taluk	2	...
Harihar	Harihar sub-taluk excluding Harihar town municipal area.	1	...

## PART II.—MUHAMMADAN CONSTITUENCIES.

## (Rule 8.)

Name of constituency	Extent of constituency	No. of seats
<i>(i) Urban.</i>		
Bangalore City	Bangalore City Municipality and Binneypet	2
Mysore City	Mysore City Municipality	2
Shimoga cum Bhadravati.	Shimoga town and Bhadravati town including the area comprised by the New Town Board.	1

Name of constituency	Extent of constituency	No. of seats
<i>(ii) Rural.</i>		
<i>Bangalore District.</i>		
Bangalore (North and South) <i>cum</i> Closepet.	Bangalore (North and South) excluding Bangalore City Municipality and Binneypet, and Closepet taluks.	1
Hoskote <i>cum</i> Devanhalli <i>cum</i> Anekal.	Hoskote, Devanhalli and Anekal taluks.	1
Dodballapur <i>cum</i> Nelamangala <i>cum</i> Magadi.	Dodballapur, Nelamangala and Magadi taluks.	1
Chennapatna <i>cum</i> Kankanhalli.	Chennapatna and Kankanhalli taluks.	1
<i>Kolar District.</i>		
Kolar Gold Field Sanitary Board Area <i>cum</i> Bowringpet.	Kolar Gold Field Sanitary Board Area and Bowringpet taluk.	1
Kolar <i>cum</i> Malur ...	Kolar and Malur taluks ...	1
Mulbagal <i>cum</i> Srinivasapur <i>cum</i> Chintamani.	Mulbagal, Srinivasapur and Chintamani taluks.	1
Sidlaghatta <i>cum</i> Chikballapur <i>cum</i> Goribidnur <i>cum</i> Bagepalli <i>cum</i> Gudibanda.	Sidlaghatta, Chikballapur, Goribidnur and Bagepalli taluks and Gudibanda sub-taluk.	1
<i>Tumkur District.</i>		
Tumkur <i>cum</i> Kunigal.	Tumkur and Kunigal taluks	1
Madhugiri <i>cum</i> Koratagere <i>cum</i> Sira <i>cum</i> Pavagada.	Madhugiri, Koratagere, Sira and Pavagada taluks.	1
Gubbi <i>cum</i> Tiptur <i>cum</i> Chiknayakanhalli <i>cum</i> Turuvekere.	Gubbi, Tiptur, Chiknayakanhalli and Turuvekere taluks.	1
<i>Mysore District.</i>		
Mysore <i>cum</i> Krishnarajanagar <i>cum</i> Hunsur <i>cum</i> Heggaddevankote <i>cum</i> Periyapatna.	Mysore, excluding Mysore City Municipality, Krishnarajanagar, Hunsur, and Heggaddevankote taluk and Periyapatna sub-taluk.	1
Gundlupet <i>cum</i> Chamarajanagar <i>cum</i> Nanjangud <i>cum</i> T.-Narsipur <i>cum</i> Yelandur.	Gundlupet, Chamarajanagar, Nanjangud and T.-Narsipur taluks and Yelandur jahgir.	1

Name of constituency	Extent of constituency	No. of seats.
<i>Mundya District.</i>		
Seringapatam cum French-Rocks cum Krishnarajpet cum Nagamangala.	Seringapatam, French-Rocks, Krishnarajpet and Nagamangala taluks.	1
Mandya cum Malvalli cum Maddur.	Mandya, Malvalli and Maddur taluks.	1
<i>Hassan District.</i>		
Hassan cum Manjarabad cum Belur cum Alur.	Hassan, Manjarabad and Belur taluks and Alur sub-taluk.	1
Arsikere cum Channarayapatna cum Hole-Narsipur cum Arkalgud.	Arsikere, Channarayapatna, Hole-Narsipur and Arkalgud taluks	1
<i>Shimoga District.</i>		
Shimoga cum Tirthahalli cum Kumsi.	Shimoga taluk, excluding Shimoga and Bhadravati town municipal areas including the area comprised by Bhadravati New Town Board, and Tirthahalli taluk and Kumsi sub-taluk.	1
Chennagiri cum Honnali cum Shikarpur.	Chennagiri, Honnali and Shikarpur taluks.	1
Sagar cum Nagar cum Sorab.	Sagar, Nagar and Sorab taluks ...	1
<i>Kadur District.</i>		
Chikmagalur cum Mudgere.	Chikmagalur and Mudgere taluks.	1
Kadur cum Tarikere cum Koppa cum Narasimharajapura cum Sringeri.	Kadur, Tarikere and Koppa taluks and Narasimharajapura sub-taluk and Sringeri jahgir.	1
<i>Chitaldrug District.</i>		
Jagalur cum Molakalmuru cum Chellakere.	Jagalur, Molakalmuru and Chellakere taluks.	1
Chitaldrug cum Hosadurga cum Hiriyur.	Chitaldrug, Hosdurga and Hiriyur taluks.	1
Davangere cum Holalkere cum Harihar.	Davangere and Holalkere taluks and Harihar sub-taluk.	

## PART III.—INDIAN CHRISTIAN CONSTITUENCY.

*(Rule 8.)*

Name of constituency	Extent of constituency	Number of seats
Indian Christian	The whole of Mysore ... ..	5

## PART IV.—EUROPEAN CONSTITUENCY.

*(Rule 24.)*

Name of constituency	Extent of constituency	Number of seats
European ...	European Association, Bangalore district circle and Mysore planting districts circle.	1

## PART V.—ANGLO-INDIAN CONSTITUENCY.

*(Rule 27.)*

Name of constituency	Extent of constituency	Number of seats
Anglo-Indian	Anglo-Indian and Domiciled European Association, Mysore State Branch.	1

## PART VI.—DEPRESSED CLASS SPECIAL CONSTITUENCIES.

*(Rule 30.)*

Name of constituency	Extent of constituency	Name of caste or community	Number of seats
Korachas and Koramas.	Associations of Korachas and Koramas	Korachas and Koramas.	1
Lambanias ...	Associations of Lambanias	Lambanias	2
Voddas ...	Associations of Voddas	Voddas	1

## PART VII.- -WOMEN'S CONSTITUENCIES.

(Rule 34.)

Name of constituency	Extent of constituency	Number of seats
Mysore ...	Mysore district including Mysore City ...	1
Bangalore ...	Bangalore district including Bangalore City.	1
Hassan ...	Hassan district	1
Mandya ...	Mandya district	1
Kadur ...	Kadur district	1
Shimoga ...	Shimoga district	1
Chitaldrug ...	Chitaldrug district	1
Tumkur ...	Tumkur district	1
Kolar ...	Kolar district	1

## PART VIII.—TRADE AND COMMERCE CONSTITUENCY.

(Rule 37.)

Name of constituency	Extent of constituency	Number of seats
Trade and Commerce.	The Mysore Chamber of Commerce and such of its affiliated associations as are situated within the State, excluding the Civil and Military Station, Bangalore.	1

## PART IX.--INDUSTRY CONSTITUENCIES.

(Rule 43.)

Name of constituency	Extent of constituency	Number of seats
Large Industries.	Factories (other than those owned by the Government) situated in the State, excluding the Civil and Military Station, Bangalore, and employing not less than one hundred workers.	1
Small Industries.	Factories (other than those owned by the Government) situated in the State excluding the Civil and Military Station, Bangalore, and employing less than one hundred workers.	1

## PART X.—PLANTING CONSTITUENCIES.

(Rule 47.)

Name of constituency	Extent of constituency	Number of seats
European ...	Mysore, Hassan, Kadur and Shimoga districts	1
Indian ...	Mysore, Hassan, Kadur and Shimoga districts	1

## PART XI.—LABOUR CONSTITUENCIES.

(Rule 50.)

Name of constituency	Extent of constituency	Number of seats
Bangalore ...	Factories situated in Bangalore City and employing not less than one hundred workers.	1
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati	Factories situated in Mysore City, Mandya (including the area comprised by the Sugar Town Board) and Bhadravati (including the area comprised by the New Town Board, Bhadravati) towns and employing not less than one hundred workers.	1
Mining ...	Factories situated in Kolar Gold Field and employing not less than one hundred workers and the gold mines in Kolar Gold Field.	1

## PART XII.—CO-OPERATION CONSTITUENCY.

(Rule 53.)

Name of constituency	Extent of constituency	Number of seats
Co-operation...	The Mysore Co-operative Institute ...	1



## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

## PART I.—GENERAL CONSTITUENCIES.

(Rules 64 and 87).

Name of constituency	Registration officer	Returning officer
<i>Bangalore District.</i>	(i) <i>Urban.</i>	
Bangalore City ...	Municipal Commissioner, Bangalore City.	Municipal Commissioner, Bangalore City.
Channapatna ...	Amildar, Channapatna taluk.	Amildar, Channapatna taluk.
Dodballapur ...	Amildar, Dodballapur taluk.	Amildar, Dodballapur taluk.
Devanhalli ...	Amildar, Devanhalli taluk.	Amildar, Devanhalli taluk.
Kankanhalli ...	Amildar, Kankanhalli taluk.	Amildar, Kankanhalli taluk.
Anekal ...	Amildar, Anekal taluk ...	Amildar, Anekal taluk.
Closepet ...	Amildar, Closepet taluk ...	Amildar, Closepet taluk.
Magadi ...	Amildar, Magadi taluk ...	Amildar, Magadi taluk.
<i>Kolar District.</i>		
Kolar ...	Amildar, Kolar taluk ...	Amildar, Kolar taluk.
Chikballapur ...	Amildar, Chikballapur taluk.	Amildar, Chikballapur taluk.
Sidlaghatta ...	Amildar, Sidlaghatta taluk.	Amildar, Sidlaghatta taluk.
Bowringpet ...	Amildar, Bowringpet taluk.	Amildar, Bowringpet taluk.
Mulbagal ...	Amildar, Mulbagal taluk.	Amildar, Mulbagal taluk.
Chintamani ...	Amildar, Chintamani taluk.	Amildar, Chintamani taluk.
<i>Tumkur District.</i>		
Tumkur ...	Amildar, Tumkur taluk ...	Amildar, Tumkur taluk.
Sira ...	Amildar, Sira taluk ...	Amildar, Sira taluk.
Chiknayakanhalli ...	Amildar, Chiknayakanhalli taluk.	Amildar, Chiknayakanhalli taluk.
Madhugiri ...	Amildar, Madhugiri taluk.	Amildar, Madhugiri taluk.
Gubbi ...	Amildar, Gubbi taluk.	Amildar, Gubbi taluk.
Tiptur ...	Amildar, Tiptur taluk.	Amildar, Tiptur taluk.
Kunigal ...	Amildar, Kunigal taluk.	Amildar, Kunigal taluk.

## Urban—concl'd.

Name of constituency	Registration Officer	Returning officer
<i>Mysore District.</i>		
Mysore City ...	President, Municipal Council, Mysore City.	President, Municipal Council, Mysore City.
Nanjangud ...	Amildar, Nanjangud taluk.	Amildar, Nanjangud taluk.
Chamarajnapur ...	Amildar, Chamarajnapur taluk.	Amildar, Chamarajnapur taluk.
Hunsur ...	Amildar, Hunsur taluk ...	Amildar, Hunsur taluk
<i>Mandya District.</i>		
Mandya ...	Amildar, Mandya taluk ...	Amildar, Mandya taluk
Seringapatam ...	Amildar, Seringapatam taluk.	Amildar, Seringapatam taluk.
Malvalli ...	Amildar, Malvalli taluk ...	Amildar, Malvalli taluk
<i>Hassan District.</i>		
Hassan ...	Amildar, Hassan taluk ...	Amildar, Hassan taluk.
Hole-Narsipur ...	Amildar, Hole-Narsipur taluk.	Amildar, Hole-Narsipur taluk.
Arsikere ...	Amildar, Arsikere taluk.	Amildar, Arsikere taluk.
<i>Shimoga District.</i>		
Shimoga ...	Amildar, Shimoga taluk	Amildar, Shimoga taluk.
Bhadravati ...	Amildar, Shimoga taluk	Amildar, Shimoga taluk.
Sagar ...	Amildar, Sagar taluk ...	Amildar, Sagar taluk.
Shikarpur ...	Amildar, Shikarpur taluk.	Amildar, Shikarpur taluk.
<i>Kadur District.</i>		
Chikmagalur ...	Amildar, Chikmagalur taluk.	Amildar, Chikmagalur taluk.
Tarikere ...	Amildar, Tarikere taluk ...	Amildar, Tarikere taluk.
Birur ...	Amildar, Kadur taluk ...	Amildar, Kadur taluk.
<i>Chitaldrug District</i>		
Davangere ...	Amildar, Davangere taluk.	Amildar, Davangere taluk.
Chitaldrug ...	Amildar, Chitaldrug taluk	Amildar, Chitaldrug taluk.
Harihar ...	Deputy Amildar, Harihar	Deputy Amildar, Harihar sub-taluk.

*Rural.*

Name of constituency	Registration officer	Returning officer
(ii) <i>Rural.</i>		
<i>Bangalore District.</i>		
Bangalore North.	Amildar, Bangalore North taluk.	Amildar, Bangalore North taluk.
Bangalore South.	Amildar, Bangalore South taluk.	Amildar, Bangalore South taluk.
Hoskote ...	Amildar, Hoskote taluk	Amildar, Hoskote taluk.
Dodballapur ...	Amildar, Dodballapur taluk.	Amildar, Dodballapur taluk.
Nelamangala ...	Amildar, Nelamangala taluk.	Amildar, Nelamangala taluk.
Kankanhalli ...	Amildar, Kankanhalli taluk.	Amildar, Kankanhalli taluk.
Magadi ...	Amildar, Magadi taluk	Amildar, Magadi taluk.
Channapatna ...	Amildar, Channapatna taluk.	Amildar, Channapatna taluk.
Anekal ...	Amildar, Anekal taluk	Amildar, Anekal taluk.
Devanhalli ...	Amildar, Devanhalli taluk.	Amildar, Devanhalli taluk.
Closepet ...	Amildar, Closepet taluk	Amildar, Closepet taluk.
<i>Kolar District.</i>		
Kolar ...	Amildar, Kolar taluk	Amildar, Kolar taluk.
Bowringpet ...	Amildar, Bowringpet taluk.	Amildar, Bowringpet taluk.
Chintamani ...	Amildar, Chintamani taluk.	Amildar, Chintamani taluk.
Mulbagal ...	Amildar, Mulbagal taluk	Amildar, Mulbagal taluk.
Sidlaghatta ...	Amildar, Sidlaghatta taluk.	Amildar, Sidlaghatta taluk.
Chikballapur ...	Amildar, Chikballapur taluk.	Amildar, Chikballapur taluk.
Bagepalli ...	Amildar, Bagepalli taluk	Amildar, Bagepalli taluk.
Goribidnur ...	Amildar, Goribidnur taluk...	Amildar, Goribidnur taluk.
Malur ...	Amildar, Malur taluk	Amildar, Malur taluk.
Srinivaspur ...	Amildar, Srinivaspur taluk	Amildar, Srinivaspur taluk.
Kolar Gold Field Sanitary Board.	Special Magistrate, Kolar Gold Field Sanitary Board Area.	Special Magistrate, Kolar Gold Field Sanitary Board Area.
Gudibanda ...	Deputy Amildar, Gudibanda sub-taluk.	Deputy Amildar, Gudibanda sub-taluk.
<i>Tumkur District.</i>		
Tumkur ...	Amildar, Tumkur taluk	Amildar, Tumkur taluk.
Madhugiri ...	Amildar, Madhugiri taluk	Amildar, Madhugiri taluk.
Chiknayakanhalli.	Amildar, Chiknayakanhalli taluk.	Amildar, Chiknayakanhalli taluk.

## Rural.—contd.

Name of constituency	Registration officer	Returning officer
<i>Tumkur District—</i> concl'd.		
Sira ...	Amildar, Sira taluk ...	Amildar, Sira taluk.
Gubbi ...	Amildar, Gubbi taluk ...	Amildar, Gubbi taluk.
Tiptur ...	Amildar, Tiptur taluk ...	Amildar, Tiptur taluk.
Pavagada ...	Amildar, Pavagada taluk ...	Amildar, Pavagada taluk.
Kunigal ...	Amildar, Kunigal taluk ...	Amildar, Kunigal taluk.
Koratagere ...	Amildar, Koratagere taluk.	Amildar, Koratagere taluk.
Turuvekere ...	Amildar, Turuvekere taluk.	Amildar Turuvekere taluk.
<i>Mysore District.</i>		
Mysore ...	Amildar, Mysore taluk ...	Amildar, Mysore taluk.
Chamarajugar.	Amildar, Chamarajugar taluk.	Amildar, Chamarajugar taluk.
Hunsur ...	Amildar, Hunsur taluk ...	Amildar, Hunsur taluk.
Krishnarajugar.	Amildar, Krishnarajugar taluk.	Amildar, Krishnarajugar taluk.
Heggaddevankote	Amildar, Heggaddevankote taluk.	Amildar, Heggaddevankote taluk.
Gundlupet ..	Amildar, Gundlupet taluk ...	Amildar, Gundlupet taluk.
Nanjangud ...	Amildar, Nanjangud taluk...	Amildar, Nanjangud taluk.
T.-Narsipur ...	Amildar, T.-Narsipur taluk.	Amildar, T.-Narsipur taluk.
Periyapatna ...	Deputy Amildar, Periyapatna sub-taluk.	Deputy Amildar, Periyapatna sub-taluk.
Yelandur ...	Amildar, Yelandur taluk ...	Amildar, Yelandur taluk.
<i>Mandya District.</i>		
Mandya ...	Amildar, Mandya taluk ...	Amildar, Mandya taluk.
Seringapatam ...	Amildar, Seringapatam taluk.	Amildar, Seringapatam taluk.
French-Rocks ...	Amildar, French-Rocks taluk.	Amildar, French-Rocks taluk.
Malvalli ...	Amildar, Malvalli taluk ...	Amildar, Malvalli taluk.
Krishnarajpet ...	Amildar, Krishnarajpet taluk.	Amildar, Krishnarajpet taluk.
Nagamangala ...	Amildar, Nagamangala taluk.	Amildar, Nagamangala taluk.
Maddur ...	Amildar, Maddur taluk ...	Amildar, Maddur taluk.
<i>Hassan District.</i>		
Hassan ...	Amildar, Hassan taluk ...	Amildar, Hassan taluk.
Manjarabad ...	Amildar, Manjarabad taluk.	Amildar, Manjarabad taluk.
Arkalgud ...	Amildar, Arkalgud taluk ...	Amildar, Arkalgud taluk.

## Rural—concl'd.

Name of constituency	Registration officer	Returning officer
<i>Hassan District—concl'd.</i>		
Belur ... Channarayapatna.	Amildar, Belur taluk ... Amildar, Channarayapatna taluk.	Amildar, Belur taluk. Amildar, Channarayapatna taluk.
Arsikere .. Hole-Narsipur ...	Amildar, Arsikere taluk ... Amildar, Hole-Narsipur taluk.	Amildar, Arsikere taluk. Amildar, Hole-Narsipur taluk.
Alur ... <i>Shimoga District.</i>	Deputy Amildar, Alur sub-taluk.	Deputy Amildar, Alur sub-taluk.
Shimoga ... Chennagiri ... Honnali ... Shikarpur ... Sorab ... Sagar ... Nagar ... Tirthahalli ... Kumsi ...	Amildar, Shimoga taluk ... Amildar, Chennagiri taluk. Amildar, Honnali taluk... Amildar, Shikarpur taluk. Amildar, Sorab taluk ... Amildar, Sagar taluk ... Amildar, Nagar taluk ... Amildar, Tirthahalli taluk. Deputy Amildar, Kumsi sub-taluk.	Amildar, Shimoga taluk. Amildar, Chennagiri taluk. Amildar, Honnali taluk. Amildar, Shikarpur taluk. Amildar, Sorab taluk. Amildar, Sagar taluk. Amildar, Nagar taluk. Amildar, Tirthahalli taluk. Deputy Amildar, Kumsi sub-taluk.
<i>Kadur District.</i>		
Chikmagalur ... Kadur ... Tarikere ... Koppa ... Mudgere ... Narasimharajapura. Sringeri ...	Amildar, Chikmagalur taluk. Amildar, Kadur taluk ... Amildar, Tarikere taluk ... Amildar, Koppa taluk ... Amildar, Mudgere taluk ... Deputy Amildar, Narasimharajapura sub-taluk. Assistant Commissioner in charge of Sringeri Jaghir.	Amildar, Chikmagalur taluk. Amildar, Kadur taluk. Amildar, Tarikere taluk. Amildar, Koppa taluk. Amildar, Mudgere taluk. Deputy Amildar, Narasimharajapura sub-taluk. Assistant Commissioner in charge of Sringeri Jaghir.
<i>Chitaldrug District.</i>		
Chitaldrug ... Chellakere ... Hiriyur ... Holalkere ... Davangere ... Molakalmuru ... Jagalur ... Hosdurga ... Harihar ...	Amildar, Chitaldrug taluk. Amildar, Chellakere taluk. Amildar, Hiriyur taluk ... Amildar, Holalkere taluk. Amildar, Davangere taluk. Amildar, Molakalmuru taluk. Amildar, Jagalur taluk... Amildar, Hosdurga taluk. Deputy Amildar, Harihar sub-taluk.	Amildar, Chitaldrug taluk. Amildar, Chellakere taluk. Amildar, Hiriyur taluk. Amildar, Holalkere taluk. Amildar, Davangere taluk. Amildar, Molakalmuru taluk. Amildar, Jagalur taluk. Amildar, Hosdurga taluk. Deputy Amildar, Harihar sub-taluk.

## PART II. - MUHAMMADAN CONSTITUENCIES.

Name of constituency	Registration officer	Returning officer
(i) <i>Urban.</i>		
Bangalore City ...	Municipal Commissioner, Bangalore City Municipality.	Municipal Commissioner, Bangalore City Municipality.
Mysore City ...	President, Municipal Council, Mysore.	President, Municipal Council, Mysore.
Shimoga <i>cum</i> Bhadravati.	Sub-Division Officer, Shimoga sub-division.	Sub-Division Officer, Shimoga sub-division.
(ii) <i>Rural.</i>		
<i>Bangalore District.</i>		
Bangalore (North and South) <i>cum</i> Closepet	Sub-Division Officer, Bangalore sub-division.	Sub-Division Officer, Bangalore sub-division.
Hoskote <i>cum</i> Devanahalli <i>cum</i> Anekal.	Sub-Division Officer, Bangalore sub-division.	Sub-Division Officer, Bangalore sub-division.
Dodballapur <i>cum</i> Nalamangala <i>cum</i> Magadi.	Sub-Division Officer, Dodballapur sub-division.	Sub-Division Officer, Dodballapur sub-division
Chennapatna <i>cum</i> Kankanhalli.	Sub-Division Officer, Closepet sub-division.	Sub-Division Officer, Closepet sub-division.
<i>Kolar District.</i>		
Kolar Gold Field Sanitary Board Area <i>cum</i> Bowringpet.	Special Magistrate, Kolar Gold Fields.	Special Magistrate, Kolar Gold Fields.
Kolar <i>cum</i> Malur	Sub-Division Officer, Kolar sub-division	Sub-Division Officer, Kolar sub-division.
Mulbagal <i>cum</i> Srivasapur <i>cum</i> Chintamani.	Sub-Division Officer, Kolar sub-division.	Sub-Division Officer, Kolar sub-division.
Sidlaghatta <i>cum</i> Chikballapur <i>cum</i> Goribidnur <i>cum</i> Bagepalli <i>cum</i> Gudibanda.	Sub-Division Officer, Chikballapur sub-division.	Sub-Division Officer, Chikballapur sub-division.

## Rural—contd.

Name of constituency	Registration officer	Returning officer
<i>Tumkur District.</i>		
Tumkur cum Kunigal.	Sub-Division Officer, Tumkur sub-division.	Sub-Division Officer, Tumkur sub-division.
Madhugiri cum Koratagere cum Sira cum Pavagada.	Sub-Division Officer, Madhugiri sub-division.	Sub-Division Officer, Madhugiri sub-division.
Gubbi cum Tiptur cum Chiknayakanhalli cum Turuvekere.	Sub-Division Officer, Gubbi sub-division.	Sub-Division Officer, Gubbi sub-division.
<i>Mysore District.</i>		
Mysore cum Krishnarajanagar cum Hunsur cum Heggaddevankote cum Periyapatna.	Sub-Division Officer, Mysore sub-division.	Sub-Division Officer, Mysore sub-division.
Gundlupot cum Chamarajanagar cum Nanjangud cum T.-Narsipur cum Yelandur.	Sub-Division Officer, Nanjangud sub-division.	Sub-Division Officer, Nanjangud sub-division.
<i>Mandya District.</i>		
Seringsapatam cum French-Rocks cum Krishnarajpete cum Nagamangala.	Sub-Division Officer, French-Rocks sub-division.	Sub-Division Officer, French Rocks sub-division.
Mandya cum Malvalli cum Maddur.	Assistant Commissioner, in charge of Mandya district treasury.	Assistant Commissioner in charge of Mandya district treasury.
<i>Hassan District.</i>		
Hassan cum Manjarabad cum Belur cum Alur.	Sub-Division Officer, Saklespur sub-division.	Sub-Division Officer, Saklespur sub-division.
Arsikere cum Channarayapatna cum Hole-Narsipur cum Arkalgud	Sub-Division Officer, Hassan sub-division.	Sub-Division Officer, Hassan sub-division.
<i>Shimoga District.</i>		
Shimoga cum Tirthahalli cum Kumsi.	Sub-Division Officer, Shimoga sub-division.	Sub-Division Officer, Shimoga sub-division.
Channagiri cum Honnalli cum Shikarapur.	Sub-Division Officer, Bhadravati sub-division.	Sub-Division Officer, Bhadravati sub-division.
Sagar cum Nagar cum Sorab.	Sub-Division Officer, Sagar sub-division.	Sub-Division Officer, Sagar sub-division.

*Rural—concl.*

Name of constituency	Registration officer	Returning officer
<i>Kadur District.</i>		
Chikmagalur <i>cum</i> Mudgere.	Sub-Division Officer, Chikmagalur sub-division.	Sub-Division Officer, Chikmagalur sub-division.
Kadur <i>cum</i> Tarikere <i>cum</i> Koppa <i>cum</i> Narasimharajpura <i>cum</i> Sringeri.	Sub-Division Officer, Tarikere sub-division.	Sub-Division Officer, Tarikere sub-division.
<i>Chitaldrug District.</i>		
Jagalur <i>cum</i> Molakaturu <i>cum</i> Challakere.	Sub-Division Officer, Chitaldrug sub-division.	Sub-Division Officer, Chitaldrug sub-division.
Chitaldrug <i>cum</i> Hosadurga <i>cum</i> Hiriyur.	Sub-Division Officer, Chitaldrug sub-division.	Sub-Division Officer, Chitaldrug sub-division.
Davangere <i>cum</i> Holakere <i>cum</i> Harihar.	Sub-Division Officer, Davangere sub-division.	Sub-Division Officer, Davangere sub-division.

## PART III.—INDIAN CHRISTIAN CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
Indian Christian	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Representative Assembly.

## PART IV.—EUROPEAN CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
European ...	Secretary, European Association, Bangalore district circle.	Secretary, European Association, Bangalore district circle.



## PART V.—ANGLO-INDIAN CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
Anglo-Indian	Secretary, Anglo-Indian and Domiciled European Association, Mysore State Branch	Secretary, Anglo-Indian and Domiciled European Association, Mysore State Branch.

## PART VI.—WOMEN'S CONSTITUENCIES.

Name of constituency	Registration officer	Returning officer
Mysore ...	Deputy Commissioner, Mysore district.	Deputy Commissioner, Mysore district.
Bangalore ...	Deputy Commissioner, Bangalore district.	Deputy Commissioner, Bangalore district.
Hassan ...	Deputy Commissioner, Hassan district.	Deputy Commissioner, Hassan district.
Mandya ..	Deputy Commissioner, Mandya district.	Deputy Commissioner, Mandya district.
Kadur ...	Deputy Commissioner, Kadur district.	Deputy Commissioner, Kadur district.
Shimoga ...	Deputy Commissioner, Shimoga district.	Deputy Commissioner, Shimoga district.
Chitaldrug ...	Deputy Commissioner, Chitaldrug district.	Deputy Commissioner, Chitaldrug district.
Tumkur ...	Deputy Commissioner, Tumkur district.	Deputy Commissioner, Tumkur district.
Kolar ...	Deputy Commissioner, Kolar district.	Deputy Commissioner, Kolar district.

## PART VII.—TRADE AND COMMERCE CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
Trade and Commerce.	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART VIII.—INDUSTRY CONSTITUENCIES.

Name of constituency	Registration officer	Returning officer
Large Industries	Secretary, Representative Assembly.	Secretary, Representative Assembly.
Small Industries.	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART IX.—PLANTING CONSTITUENCIES.

Name of constituency	Registration officer	Returning officer
European ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Representative Assembly.
Indian ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Representative Assembly.

## PART X.—LABOUR CONSTITUENCIES.

Name of constituency	Registration officer	Returning officer
Bangalore ...	Secretary, Representative Assembly.	Secretary, Representative Assembly.
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati	Secretary, Representative Assembly.	Secretary, Representative Assembly.
Mining ...	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART XI.—CO-OPERATION CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
Co-operation...	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART XII.—UNIVERSITY CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
University ...	Registrar, Mysore University	Registrar, Mysore University

## PART XIII.—GOLD MINING CONSTITUENCY.

Name of constituency	Registration officer	Returning officer
Gold Mining ...	Secretary, Kolar Gold Field Mining Board.	Secretary, Kolar Gold Field Mining Board.

## THIRD SCHEDULE.

## LIST OF SYMBOLS.

REPRESENTATIVE ASSEMBLY.  
(Rule 100.)

1. Lion	10. Tiger	17. Charak
2. Elephant	11. Cow	18. Spade
3. Horse	12. Plough and	19. Bicycle
4. Bird	a pair of	20. Axe
5. Sun	bullocks.	21. Flag
6. House	13. Ship	22. Umbrella
7. Scales	14. Camel	23. Bell
8. Tree	15. Sword	24. Ganapathy
9. Cart	16. Trisula	25. Hand

---



## FOURTH SCHEDULE.

## RETURN OF ELECTION EXPENSES.

(Rule 165)

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), clerk or messenger;

(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 persons so travelling;

(e) the cost whether paid or incurred of:—

- (i) printing,
- (ii) advertising,
- (iii) stationery,
- (iv) postage,

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 five rupees 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.

- (v) telegrams, and
- (vi) rooms hired either for public meetings or as committee rooms;

(f) any other miscellaneous expenses whether paid or incurred.

3. The form of the declarations referred to in Rule 165 shall be as follows:—

*Form of Declaration by Election Agent.*

I, ..... being 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.

## FIFTH SCHEDULE.

(Rule 170)

## CORRUPT PRACTICES.

## PART I.

1. Bribery, that is to say, any gift, offer or promise Bribery.  
by a candidate or his agent, or by any other person with the connivance of a candidate or his agent of any gratification 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 at an election; or
- (b) an elector to vote or refrain from voting at an election,

or as a reward to—

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

For the purposes of this paragraph the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and it 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 purpose of, any election and duly entered in the return of election expenses prescribed by these rules.

2. Undue influence, that is to say, 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: Undue influence.

Provided that—

- (a) without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—
  - (i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or



(ii) induces or attempts to induce a candidate or elector 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 that candidate or elector within the meaning of this paragraph; and

(b) 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 paragraph.

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 for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Removal of voting paper.

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

Publication of false statements.

5. The publication by a candidate or his agent, or by any other person with the connivance of a 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, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorizing 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 issued by the Government under rule 169.

## PART II.

Acts under Part I.

1. Any act specified in Part I of this schedule, 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.

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 fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote. Personation.

3. The receipt of, or agreement to receive, any gratification whether as a motive or reward— Bribery.

- (a) by a person for standing or not standing as, or for withdrawing 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.

For the purposes of this paragraph the term "gratification" has the same meaning as it has for the purposes of paragraph 1 of Part I of this schedule.

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. Payment for conveyance.

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: Hiring and use of public conveyances.

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.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

### PART III.

1. The incurring or authorization by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, Incurring expense without authority.

circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized, in writing, so to do by the candidate.

Hiring of  
liquor shops.

2. 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.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

## FORMS.

## I. ELECTORAL ROLL FOR TERRITORIAL CONSTITUENCIES.

(Rule 63.)

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency*.....

Sl. No.	Name of elector together with the father's name or other identifying particulars	Address	Occupation	How qualified
1	2	3	4	5

## II. ELECTORAL ROLL FOR SPECIAL CONSTITUENCIES.

(Rule 63.)

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency*.....

Serial number	Name of elector with identifying particulars	Names of nominees of firms, Hindu joint families, corporations or co-operative societies	Postal Address of elector	How qualified
1	2	3	4	5

\*\* This column will appear only in the electoral rolls for the trade and commerce, industry and co-operation constituencies.

## III. NOTICE OF CANDIDATURE.

(Rule 89.)

## REPRESENTATIVE ASSEMBLY.

1. Name of the constituency in which the candidate desires to stand for election.	
2. Father's Name Husband's	
3. Age and date of birth	
4. Address	
5. Sex	
6. *Denomination	
7. †Number of candidate on the electoral roll.	

I hereby declare that I am qualified to stand for election and that I have appointed.....to be my election agent.

Date.....19 .

.....  
Signature of candidate.

This notice of candidature will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on or before.....19 .

(Please see the certificates on the back.)

Note.—\*State whether Muhammadan, Indian Christian, European, Anglo-Indian or belonging to general community. This column need not be filled in the case of special constituencies.

†When the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division, a description of the sub-division in which the name of the person concerned is entered must also be given.

In the case of a member of the depressed classes who is entitled to stand as a candidate in any constituency in a district, the name of the constituency on the electoral roll of which the candidate is registered as an elector and his number therein must be given in this column.

*(Back of Notice of Candidature.)*

**CERTIFICATE OF DELIVERY.**

Serial No.....

This notice of candidature was delivered to me at my office  
at.....on the.....19 .

.....  
Returning Officer or other  
authorised person.

**CERTIFICATE OF SCRUTINY.**

I have scrutinized the eligibility of the candidate and find that he  
is qualified to stand for election.

Date.. .....19 .

.....  
Returning Officer or other  
authorised person.

IV. LIST OF CANDIDATES FOR ELECTION.

(Rule 100.)

REPRESENTATIVE ASSEMBLY.

Name of Constituency .....

Serial No.	Name of candidate	Address of candidate	Symbol assigned to candidate, if any.
1	A.		
2	B.		
3	C.		
4	D etc., etc.		

\* Note.—The poll will be taken on .....day of.....  
 .....19 between.....and .....

.....  
 Returning Officer or  
 other authorised person.

\* In the case of a constituency for which postal ballot is prescribed, the note shall run as follows:—

"Ballot papers should reach the Returning Officer or other person authorised in this behalf by post before.....ON.....  
 or be deposited or caused to be deposited at the Office of the Returning Officer or other person authorised in this behalf between.....  
 and.....ON....."



## V. BALLOT PAPER.

(Rule 115.)

## REPRESENTATIVE ASSEMBLY.

*Front.*

Counterfoil.	Outerfoil.	
<b>Serial No.</b> .....	Name and Symbol of candidate.	Cross.
Name of constituency ...		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		
	<i>Note.</i> —Please see instructions on the back.	

*Back of outerfoil.*

- (1) \* You have one vote.  
† You have.....votes.

- (2) \* The vote is to be shown by a cross mark X.  
† Each vote is to be shown by a cross mark X.

- (3) \* The mark is to be placed against only one candidate.  
† You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

**SERIAL No.**

\* In the case of single-member constituencies.

† In the case of multi-member constituencies.

**VI. CERTIFICATE ENTITLING A PERSON TO VOTE AT THE POLLING STATION WHERE HE IS APPOINTED FOR DUTY.**

(Rule 123.)

**REPRESENTATIVE ASSEMBLY.**

Mr.....being duly registered as elector No. .... in.....contituency of the Representative Assembly and being duly appointed for duty at the polling station ..... of ..... constituency is entitled to record his vote at polling station ..... of ..... constituency and at no other.

\* A list of the candidates for election in the constituency in which the said.....is entitled to vote is given below :—

Serial No.	Names of candidates	† Cross

Date.....

.....  
 Returning Officer or  
 other authorised person.  
 ..... constituency.

\* This portion is to be struck out if the polling station at which the person appointed for duty is in the same constituency as the one in which he is entitled to vote.

† The person to whom this certificate is given will mark his votes in this column

VII. BALLOT PAPER ACCOUNT.

(Rule 125.)

REPRESENTATIVE ASSEMBLY.

Name of Constituency.....

Name or number of Polling Station.....

1. Total number of electors for the polling station as shown in the electoral roll.	
2. Total number of ballot papers entrusted to the presiding officer.	
3. Number of ballot papers used.	
4. Number of ballot papers used for the votes of persons appointed for duty at the polling station under rule 23.	
5. Spoilt ballot papers (Rule 121).	
6. Balance that should be in the box.	
7. Number of unused ballot papers.	

.....  
 Date..... Presiding Officer  
 or other authorised person.

- Column 1.—Give total number of the names on the electoral roll for your polling station.
- Column 2.—Give total number of ballot papers received by you.
- Column 3.—Count the counterfoils of the issued ballot papers and enter that number.
- Column 4.—Total of the counterfoils of ballot papers used by the persons appointed for duty at the polling station.
- Column 5.—The total of the counterfoils marked cancelled, checked with the total number of spoilt ballot papers with the presiding officer.
- Column 6.—Deduct from number in column 3 the sum of the totals in columns 4 and 5.
- Column 7.—Count unused ballot papers and enter the total.

## VIII. DECLARATION PAPER.

(Rule 130.)

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency*.....*Serial Number*.....

\* Elector's name and number on the electoral roll.....

## ELECTOR'S DECLARATION.

† I, .....  
 declare that I am an elector for this constituency and have signed no  
 other ballot paper at this election for this constituency.

.....  
Signature of elector.

Address .....

.....

Signed in my presence by the elector .....  
 who is personally known to me.  
 who has been identified to my satisfaction.

Date.....

.....  
Signature and  
Official designation.

\*NOTE.—The names of the nominees of a firm, corporation, Hindu joint family or  
 co-operative society should be entered here along with the name or number of the  
 firm, etc.

† Name in full and designation to be entered here.

IX. BALLOT PAPER.

(Rule 130.)

REPRESENTATIVE ASSEMBLY.

*Front.*

Name of Constituency.....

Names of candidates and symbols, if any.	Mark showing the elector's choice.

(Please see instructions on the back).

*Back of the Ballot Paper.*

- (1) The number of votes which you may give is one
- (2) Place a cross mark thus × against the name of the candidate for whom you wish to vote

**SERIAL No.....**

## X. ENVELOPE.

*(Rule 132.)*

## REPRESENTATIVE ASSEMBLY.

*Face of Envelope.*

Representative Assembly election.

Constituency.....

Poll on .....

To

The Returning Officer,

.....Constituency.

Address.....

.....

.....

## XI. LETTER OF INTIMATION.

*(Rule 132.)*

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency .....*

SIR,

The persons whose names are printed on the ballot paper sent herewith have signified their intention to stand as candidates for election to the Representative Assembly. Should you desire to vote at this election, I have to request that you will—

(a) first sign the declaration paper in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar ;

(b) then mark your vote in the column provided for the purpose in the ballot paper ;

(c) enclose the ballot paper by itself in the cover, and

(d) put the cover and the declaration paper in the envelope addressed to me, and return it to me by post so as to reach me not later than 5 P.M. on the.....day of.....19..... or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose in .....between..... and... .. on .....

.....  
 Returning Officer or  
 other authorised person.

## XII. BALLOT PAPER ACCOUNT.

*(Rule 150.)*

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency.....*

1. Total number of electors on roll.	
2. Number of ballot papers issued originally.	
3. Number issued in place of ballot papers reported as not received, spoilt or lost.	
4. Number of ballot papers received.	
5. Number of ballot papers rejected.	
6. Number of ballot papers counted.	
7. Number of declaration papers filed separately.	
8. Remarks.	

Date .....

.....  
Returning Officer.



## XIII RETURN OF THE RESULT OF ELECTION.

*(Rule 151.)*

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency* .....

Name of candidate	Number of valid votes recorded in favour of the candidate
1.           A	
2.           B	
3.           C	
4.           D etc., etc.	

Total number of valid ballot papers.....

Number of ballot papers declared invalid in whole or part.....

I do hereby declare that:

(1) Mr.....

Address .....

(2) Mr.....

Address .....

(3) Mr.....

Address .....

(4) Mr.....

Address .....

Has  
Have been duly elected......  
Returning Officer.

Dated the.....day of .....19.....

## XIV. RETURN OF ELECTION EXPENSES.

(Rule 165.)

## REPRESENTATIVE ASSEMBLY.

Name of Constituency .....

1. *Receipts*.—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person, etc., and the amount received shall be shown separately:—

Date of receipt	Name and description of payer	Amount or value
Total ...		

2. *Expenses.*—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of, or in connection with, or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware:—

*N. B.*—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lumpsums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

**PART A.**—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
<b>Total ...</b>					

**PART B.**—In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
<b>Total ...</b>						

**PART C.** — *In this Part shall be shown all other expenditure (including traveling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid

Total ...

**PART D.**—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
Total ...					

PART E.—*In this Part the cost of printing shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid
			Total ...	

**PART F.**— *In this Part the cost of advertising shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
<b>Total</b> ...					



PART G.—*In this Part the cost of stationery shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total ....					

**PART H.**—*In this Part the cost of postage and telegrams may be shown in lumpsums.*

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid
	Total	....

**PART I.**—*In this Part the cost of rooms hired for public meetings, or as committee rooms, or as an office, shall be shown.*

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
<b>Total</b>					

**PART J.**—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
Total	...	



# INDEX.



	PAGE		PAGE
<b>A</b>			
<b>Act—</b>		<b>Assembly—</b>	
Interpretation of the " — " ...	35	Interpretation of — ...	35
<b>Acts or proceedings re conduct of elections—</b>		Composition of — ...	36, 37
— protected from legal action ...	82	Constitution and reconstitution of the	
<b>Administrative Measures—</b>		— Procedure re — ...	61
Proclamation re Government to ascertain the views of the Representative Assembly on — before making a final decision ...	3	Strength of — ...	36
<b>Agent—</b>		<b>Association of non-officials—</b>	
Definition of — ...	84, 85	— in conducting the poll : Procedure re — ...	67
<b>Agreements—</b>		<b>B</b>	
Excluded Subject ...	16	<b>Ballot—</b>	
Expenditure pertaining to — Expenditure on Excluded Head ...	18	See "Vote by —" ...	28
<b>Allowances of Members—</b>		<b>Ballot Box(es)—</b>	
— ...	15	Arrangements for sealing of — before Commencement of poll ...	69
<b>Amendment of Electoral rolls—</b>		<b>Ballot box (es)—</b>	
How effected ...	58	See "Election materials and —" ...	
(i) On Decisions of revising authority ...	58	Procedure re despatch of — ...	71—72
(ii) On the initiative of revising authority ...	58, 59	<b>Ballot and Declaration Papers —</b>	
(iii) On the initiative of Registration Officer ...	59	Procedure re issue of — to electors in (postal voting) ...	72—73
<b>Amendments—</b>		<b>Ballot Paper—</b>	
Representative Assembly not to move other than — of principle of Bills. See "General Principles of Bills" ...	15 10	Cancellation of spoilt — Procedure re (in Personal voting) ...	70
<b>Anglo-Indian—</b>		Form of — (in Personal voting) ...	69
Interpretation of — ...	35	Forms to accompany — in Postal voting ...	73
<b>Anglo-Indian Constituency—</b>		Non-receipt of — not to invalidate an election by Postal voting ...	76
No. of seats allotted for — <i>Vide</i> Part V of First Schedule ...	105	Procedure before issue of — in Postal voting ...	73
Qualifications of electors in — ...	39	— Procedure before the delivery of — to elector (in personal voting) ...	69
Seat for — How filled ...	44	<b>Ballot paper and Declaration Paper—</b>	
<b>Anglo-Indian Seat—</b>		Form of — in Postal voting ...	73
Candidate for — to represent the Anglo-Indian Community ...	87	Procedure re return of — in Postal voting ...	74
Number of — ...	36	<b>Ballot Papers—</b>	
<b>Annual Financial Statement—</b>		Distribution of — for counting ...	76
Government to place before both the Chambers the — of the State ...	17	Grounds for rejection of— ...	77—78
<b>Annual Financial Statements—</b>		Inspection of — by candidates, etc	77
See "Resolution on Annual Financial Statement" ...	18	Procedure in the case of lost or spoilt — in Postal voting ...	74
— ...	18	Procedure re disposal of — ...	81
Details of the — ...	17	<b>Bills—</b>	
<b>Appointment of presiding officers, polling officers, etc.</b>		See "Legislative Measures"	
Procedure re — ...	67	His Highness the Maharaja's assent to — ...	16
<b>Appropriations of Revenues—</b>		Power of Government to introduce in the Legislative Council — the general principles of which are not approved by the Representative Assembly ...	15
No — for any purpose to be made except on the recommendation of Government ...	18	Right of the Representative Assembly to discuss the general principles of — before they are introduced in the Legislative Council ...	15
		— See "Amendments"	

	PAGE		PAGE
Booths—		Conduct of elections—	
See "Polling Stations — and Polling areas"		Rules <i>re.</i> —	61, 66
Business of Government—		Constituency—	
Conduct of — of His Highness the Maharaja ... ..	8	Interpretation of —	35
<b>C</b>		Constituent associations—	
Candidate—		Conditions for recognition of —	45
Definition of —	85	Procedure for certification of — for Depressed Class special seats ...	54, 55
—s for a territorial constituency ...	42-43	— to form the electorate for filling special seats for Depressed classes	44
Casting Vote—		Conventions—	
President to exercise a — in the case of equality of votes ... ..	11	Excluded Subject	16
Certification—		Conventions—	
Proclamation <i>re.</i> — by the Dewan for restoration of grants ... ..	3	Expenditure pertaining to — Expenditure on Excluded Head ...	18
Chamber—		Co-operation—	
Disqualifications for membership of either —	12-14	Number of seats allotted for — Constituency ... ..	37
Every member of the — to make an oath of allegiance to His Highness the Maharaja ... ..	12	Co-operation Constituency—	
No person to be a member of either —	12	No. of seats allotted for <i>Vide</i> Part XII of the First Schedule ... ..	107
Power of either — to transact business notwithstanding any vacancy in the membership therein ... ..	11	Seats for — how filled ... ..	51
Chamber—		Corrupt practice—	
See "Excluded Subjects"		Definition of —	86
Dissolution of the —	10	Disqualification for —	92, 93
Chambers—		Disqualification for — of persons found guilty ... ..	94
Freedom of speech in the —	14	Findings as to — and persons guilty thereof ... ..	92, 93
Interpretation of —	7	Corrupt practices and election petitions—	
Members not liable for proceedings for any speech or vote in the —	14	Rules <i>re.</i> —	82, 95
Quorum for meetings of the two —	12	Council—	
Right of the Dewan to address either Chamber or both— assembled together ... ..	10	Interpretation of —	35
See "Annual Financial Statement"		Council of Ministers—	
Sessions of the —	10	Dewan to preside at meetings of the —	8
Term of a —	9	— to consist of the Dewan and not less than four ministers ... ..	7
Validity of the Proceedings in the —	11	Vacancy in the — not a disqualification for transaction of business ...	8
Voting in the —	11	Counting of Votes—	
Civil and Military Station—		— to be continuous ... ..	77
Residence in — special Qualification for inclusion in the electoral roll ...	38	Crown Representative—	
Claims and objections—		Expenditure pertaining to the relations of His Highness the Maharaja with —; Expenditure on Excluded Head ... ..	17
See "Register of —"		Relations of His Highness the Maharaja with —. Excluded Subject ...	16
— to be preferred to the Registration Officer ... ..	56, 67	Custody and preservation of electoral rolls—	
Close of polling—		Procedure as to —	60
Procedure <i>re.</i> —	68	<b>D</b>	
Closing of poll—		Death of candidates—	
Procedure on —	71	Procedure in respect of — before Commencement of poll ... ..	66
Commencement of the Act—	22	Declaration papers—	
Commissioner—		See "Issue of ballot and —"	
Appeals from report of —	98	Deposit—	
Appointment of a — for the trial of election petitions ... ..	67	Procedure <i>re.</i> forfeiture of —	80
Inquiry by —	88	Procedure <i>re.</i> return of — in cases of withdrawal, rejection or death ...	80
Procedure on appointment of	88	Procedure <i>re.</i> return of — of successful and unsuccessful candidates ...	80, 81
Report of the — at the Conclusion of the inquiry ... ..	92	Deposit by candidates—	
Composition of the Council—		Procedure <i>re.</i> —	62, 63
Proclamation <i>re.</i> revising the —	3		

PAGE	PAGE
Deposit of Security— — for the costs of Election petition	87
Depressed class associations— — to choose persons for special seats — for Depressed classes	37
Depressed class candidates— Reduction of qualification in the case of —	43
Depressed class special seats— Procedure for certification of consti- tuent associations for —	54
Depressed classes— See "General constituencies" Conduct of elections in constituent associations for special constituencies for —	75
Interpretation of —	35
Depressed Classes— Number of "General seats" allotted for—	36
Special Qualifications for — for inclusion in any territorial consti- tuency	41
Voting in special constituencies for —	75
Depressed Classes Constituencies— Number of Special seats allotted for —	105
Vide Part VI of the First Schedule	105
Special Seats for —how filled	44
Deputy President — Proclamation <i>re</i> Legislative Council to have a non-official elected —	3
Deputy President of the Council— — and his duties	10
Vacation of office by or removal from office of —	10, 11
Dewan— Appointment of the —	8
Tenure of office of —	8
Right of the — to address either Chamber or both Chambers assembled together	10
— to authenticate the Schedule of authorised expenditure	18, 19
— to decide whether any expendi- ture falls within the class of expenditure on Excluded Heads"	18
— to <i>ex-officio</i> be the President of the Assembly	70
— to preside at meetings of the Council of Ministers	8
Direct Election— See "Minority Communities"	3
Disqualification— Vacancy in the Council of Ministers not a — for transaction of business.	8
Disqualification for corrupt practices— — in the case of firms etc.,	94
— of persons found guilty	94
Disqualification for Election Agent— — for certain corrupt practices	94
Disqualification of Membership— See "Disqualification for voting"	94
Disqualification of Voting— Offences and practices which entail —	93
Disqualification of Candidates— Procedure in respect of — before commencement of poll ...	66
Disqualifications— — for Membership of either Chamber	12, 14
Disqualification for electors — in any constituency	35, 39
Disqualifications of Voters— Proclamation <i>re</i> relaxing the opera- tion of certain — to both Houses.	4
Domicile— See "Special constituencies"	36
Duration of electoral rolls— — to be 4 years or longer as pres- cribed by Government	50
Duties of presiding officers — — defined	67, 68
<b>E</b>	
Educational Qualifications for Voters— Proclamation <i>re</i> reducing the — to the Representative Assembly	3, 4
Election— Interpretation of—	35
Election Agent— Appointment of —	82
Declaration <i>re</i> appointment of an —	62
Disqualifications for being an —	82
Duty of — to maintain accounts	82
Procedure <i>re</i> maintenance of accounts by —	82, 83
Revocation of appointment of —	82
Election as member— Holders of certain offices qualified for — (s)	39
Election disputes— Recrimination by returned candidate in —	90
Election expenses— Attesting of — by illiterate candidates or election agents	83
Failure to lodge return of — How dealt with	94
Maintenance of records <i>re</i> —	83, 84
Notice that return of — has been lodged and inspection and copy of such returns	83
Power to fix maximum scales of — vested in Government	84
Power to regulate employment for pay in — vested in Government	84
Procedure <i>re</i> lodging of — with Returning officer	83
Election materials and ballot boxes— Supply of —	68, 69
Election papers— Procedure <i>re</i> custody of —	81
Procedure <i>re</i> Destruction of—	81
Procedure <i>re</i> production and inspection of —	81
Election petition— Abatement of — on death of peti- tioner	90
Against whom an — may be presented.	87
Contents of —	86, 87
Need for — to call in question any election	85
Place of inquiry into —	89



	PAGE		PAGE
Election petition—		Emergency Legislation—	
Presentation of— Procedure <i>re</i> ...	85, 86	Withdrawal of the— ...	17
See "Deposit of Security" ...		Enquiry into claims and objections—	
See "Government Counsel" ...		Procedure for summary— ...	58
Substitution of— on death of petitioner ...	90	Errors in electoral rolls—	
Time limit for presentation of— ...	86	See "Electoral rolls" ...	
—when to be dismissed ...	87	Estimates—	
Withdrawal of— ...	89, 90	Procedure in the Chambers with respect to— ...	15
Custody and preservation of—s ...	95	European—	
See "Trial of—s		Interpretation of— ...	35
Elections in Constituent Associations—		European Constituency—	
Conduct of— for depressed classes ...	75	No. of seats allotted for— <i>Vide</i> Part IV of First Schedule ...	115
Election void—		Qualifications of electors in— ...	39
Grounds for declaring— ...	91, 92	Seat for—how filled ...	43
Electoral right—		European Planting—	
Definition of— ...	85	Number of seats allotted for—constituency ...	37
Electoral Roll -		European Seat—	
Contents of— ...	53	Candidate for—to represent the European Community ...	87
Every constituency to have an— ...	37	Number of—s ...	35
Form of— for territorial constituencies and all other constituencies ...	53	Excluded Heads—	
General conditions for inclusion in— ...	53	See Expenditure on Excluded Heads. ...	17, 18
—how prepared ...	53	Excluded Subjects—	
Electoral roll for Trade and Commerce Constituency—		Power of Government to frame any measures in respect of— ...	16, 17
Application for inclusion in the— ...	55	Executive Council—	
Electoral rolls—		Proclamation <i>re</i> composition of the— ...	4
Power of Returning Officers and presiding officers to overlook printing or clerical errors in— ...	81	Existing Laws—	
Preparation and revision of— ...	38	Continuation of the— ...	23
Electoral rolls for the Co-operation constituency—		Expenditure on Excluded Heads -	
Application for inclusion in the— ...	56	Details of— ...	17, 16
Electoral rolls for the Industry Constituencies—		Dewan to decide whether any expenditure falls within the class of— ...	18
Application for inclusion in the— ...	55	—not open to discussion in either Chamber ...	18
Electoral rolls for Labour constituencies—		Expenditure specified under any law—	
Procedure for the preparation of— ...	56	—Expenditure on Excluded Head ...	
Electoral rolls to be available for public inspection—		Extent—	
Terms and conditions— ...	60	—of the Act ...	7
Electorate -		<b>E'</b>	
Proclamation <i>re</i> : widening the— for both the Houses ...	3	Factory—	
Electors—		Interpretation of— ...	35
"Disqualifications for Electors" ...	38, 39	Financial measures—	
Domicile for— in special constituencies ...	38	Proclamation <i>re</i> Government to ascertain the views of the Representative Assembly on—before making a final decision ...	3
Electors—		Financial Proposals—	
General Qualifications for— ...	38	—in respect of which no proposals could be made by either Chamber except on the recommendation of Government ...	19
Qualifications for—in territorial constituencies ...	40, 41	Form—	
Electors—		Interpretation of— ...	35
Qualification of—in General, Muhammadan, Anglo-Indian, European or Indian Christian constituencies ...	39	Franchise—	
Right of—to vote ...	37, 38	Power of the Government to make rules with respect to—etc. ...	21, 22
Special Qualifications for—resident in the C. & M. Station ...	38	Freedom of Speech—	
Emergency Legislation—		—in the Chambers ...	14
Extension of the period of— ...	17	Proclamation <i>re</i> privilege of—to the members of both Houses ...	2
Period for which—shall have the force of law ...	17		
Power of Government to frame— ...	17		

PAGE	PAGE
	<b>G</b>
General Constituencies—	
Proclamation <i>re.</i> returning representatives of minority communities to both the Houses by direct election through—	3
Qualifications of electors in—	39
Reservation of seats for Depressed Classes in the—	37
General Principles of Bills—	
Proclamation <i>re.</i> Right of the Assembly to consider and propose amendments to—	2
General Qualifications—	
See "Electors" ...	
General Seats—	
Candidates for—to be chosen in territorial constituencies ...	37
Composition of—	36
Number of—	36
Gold Mining—	
Number of seats allotted for—	37
Gold Mining Constituency—	
Seat for—how filled	52
Government—	
Decision of—whether an officer is or is not in whole-time service of His Highness the Maharaja is final ...	39
Election date to be prescribed by—	38
Nomination of certain persons to the Representative Assembly by—	36
Period of domicile for electors and candidates in special constituencies may be reduced by—	38
Period of disqualification may be reduced by—in any particular case...	38
Removal by—of disqualification due to dismissal ...	38
Government Council—	
Attendance of—at inquiry into election dispute ...	38
Government of Mysore Act—	
Excluded Subject ...	16
Government orders on appeals—	
Issue of—	38
	<b>H</b>
Holders of certain offices—	
—When qualified for membership ...	39
Hours of polling—	
Procedure <i>re.</i> fixing of the—	67
	<b>I</b>
Identity of electors—	
Arrangements <i>re.</i> —(in Personal voting) ...	70
Illiterate and infirm electors—	
—Assistance to (in personal voting)	70
Illiterate candidates or election agents—	
Attesting of election expenses by—	83
Immunity from arrest—	
Proclamation <i>re.</i> Privilege of—to members of both Houses under certain conditions ...	2
Immunity from the jurisdiction of Courts—	
See "Officers of the Chambers" ...	20
Incapacitated electors—	
Assistance to—in postal voting ...	74
Indian Christian—	
Interpretation of—	36
Indian Christian Constituency—	
Qualifications of electors in—	39
Indian Christian Seats—	
Candidates for—to be chosen in territorial Constituencies—	37
Candidates for—to represent the Indian Christian Community ...	37
Number of—	36
Indian Planting—	
Number of seats allotted for—constituency ...	37
Industry—	
Number of seats allotted for—constituency ...	37
Industry Constituencies—	
<i>Vide</i> Part IX of the First Schedule ...	106
"Industry" Constituencies—	
Seats for—how filled ...	48
Industry Constituency—	
Voting by nominees in the—	49
Infirm electors—	
See "Illiterate and—"	
Inspection of Return of Election Expenses—	
See "Election Expenses"	
Interest on Loans—	
Expenditure on Excluded Head ...	18
Interpretation—	35
	<b>J</b>
Joint family members—	
Persons qualified to be voters in the case of—	42
Joint property of Electors—	
Provisions as to—	42
Joint property owners—	
Persons qualified to be voters in the case of—	42
	<b>K</b>
King Emperor, His Majesty the—	
Expenditure pertaining to the relations of His Highness the Maharaja with—or the Crown Representative; Expenditure on Excluded Head ...	17
Relations of His Highness the Maharaja with—or Crown Representative; Excluded subject ...	16
Kolar Gold Field Mining Board—	
—Constituency for Gold Mining seat ...	52
	<b>L</b>
Labour—	
Number of seats allotted for—constituency ...	37
Labour Constituencies—	
Number of seats allotted for— <i>vide</i> Part XI of the First Schedule ...	107
Seats for—how filled ...	50 & 51
Lambanis' Constituent Associations—	
Seats for—how filled ...	41
Legislative Council—	
Composition of the—	9
Extension of the term of the—until 1st March 1941 ...	25

PAGE	PAGE
Legislative Council— <i>concl'd.</i>	
Proclamation <i>re</i> bringing the—and the Representative Assembly into integral relationship with one another ... ..	2
Proclamation <i>re</i> increasing the strength of the—and revising its composition ... ..	3
Term of the— ... ..	9
Legislative Measures—	
Powers of the Legislative Council in respect of— ... ..	15
Proclamation <i>re</i> consulting the Representative Assembly on all—before introducing them in the Legislative Council ... ..	2
Proclamation <i>re</i> Government to ascertain the views of the Representative Assembly on—before making a final decision ... ..	3
Proclamation <i>re</i> Power of Government to introduce in the Legislative Council in exceptional cases— <i>not</i> accepted by the Representative Assembly. ... ..	2
List of Candidates—	
Procedure after the publication of— ... ..	65
Procedure for publication of ... ..	64, 65
<b>M</b>	
Maharaja, His Highness the—	
Dewan appointed by— ... ..	8
Expenditure pertaining to the relations of— with His Majesty the King Emperor or the Crown Representative; Expenditure on Excluded Head ... ..	17
—may make rules for the transaction and allocation of Government business ... ..	8
Minister vacating office owing to dissolution may be continued in office by order of— ... ..	8
Ministers appointed by— ... ..	8
Relations of— with His Majesty the King Emperor or Crown Representative; Excluded subject ... ..	16
Matters governed by Treaties ... ..	16
Expenditure on— Expenditure on Excluded Head ... ..	18
Member—	
Every—of either Chamber to make an Oath of allegiance to His Highness the Maharaja ... ..	12
Member—	
No person to be a—of either Chamber ... ..	12
Member of the Assembly—	
Elected—shall be chosen as a minister ... ..	8
Member of the Council—	
Elected—shall be chosen as a minister ... ..	8
Members—	
Allowances of— ... ..	15
—not liable to any proceedings for speech or vote in the Chambers ... ..	14
Privileges of— ... ..	14
Vacation of seats by— ... ..	12
Military Expenditure—	
Proclamation <i>re</i> relaxing the restriction regarding discussion in the Representative Assembly on— ... ..	2
Minister—	
—may continue office, when he vacates it owing to dissolution ... ..	8
—not chosen from the Legislative Council to be an additional member of the Legislative Council ... ..	9
Ministers—	
Appointment of— ... ..	8
Choosing at least two of the—from among the elected members of the Representative Assembly or the Legislative Council ... ..	8
Swearing in of—as members of the council of— ... ..	8
Tenure of office of— ... ..	
—to <i>ex-officio</i> be the Vice-Presidents of the Assembly ... ..	10
Vacation of office by— ... ..	8
Minorities—	
Proclamation <i>re</i> providing for enlarged representation for—in the Legislative Council ... ..	3
Minority Communities—	
Proclamation <i>re</i> returning representatives of—to both the Houses by direct election through the general constituencies ... ..	
Misconduct at polling station—	
Removal for—Procedure <i>re</i> — ... ..	69
Muhammadan Constituency—	
Qualifications of electors in— ... ..	39
Muhammadan Seats—	
Candidates for—to represent the Muhammadan Community ... ..	37
Candidates for—to be chosen in territorial constituencies ... ..	37
Number of— ... ..	36
<b>N</b>	
Nominees of Co-operative Societies—	
Voting by—in "Co-operation" constituency ... ..	52
Nominees of Firms—	
Voting by—in "Industry" Constituencies ... ..	48
Voting by—in the Trade and Commerce constituency ... ..	47
Non-official Bills—	
Disposal of— ... ..	16
Non-official Elected Deputy President—	
See "Deputy President" ... ..	
Non-official President—	
See "President" ... ..	
Notice of Candidature—	
Completion of scrutiny of— ... ..	64
Notice of candidature—	
Disposal of objections and rejection of— ... ..	63, 64
Latest hour for presentation of— ... ..	62
Procedure <i>re</i> presentation of— ... ..	62
Procedure upon receipt of— ... ..	63
Scrutiny of— ... ..	63
Notice (s) of Candidature—	
Supply of— ... ..	62
Notification—	
— <i>re</i> the date from which the Provisions of the New Act will come into operation ... ..	24, 25

	PAGE		PAGE
Notification— <i>concl.</i>		Postal Vote Constituencies—	
<i>re</i> Extension of the Representative		Definition of—	72
Assembly and the Legislative Council		Procedure by Returning Officer on	79
until 1st March 1941	...	Completion of Voting in—	72
Notification of elections—		Constituencies where—is applicable.	72 to 76
Procedure <i>re</i> —	61	Rules <i>re</i> —	72
Notification of withdrawal—		Special rule <i>re</i> —	72
Action to be taken on—	64	Poll—	
O		Procedure <i>re</i> adjournment of—	72
Oath—		Procedure <i>re</i> postponement of—	72
Every member of either Chamber to		Polling areas—	
make an—of allegiance to His		See "Polling stations, booths and	
Highness the Maharaja	12	"	
Oath of Allegiance—		Polling Officers—	
Form of—Schedule	28	See "Appointment of presiding officers	
Penalty for failure to take—	96	and—"	
Officers of the Chambers—		Polling stations, booths and polling areas—	
Immunity of—from the jurisdiction		Procedure for selection of—	66
of Courts	20	Prerogative of His Highness the	
Officers of Government—		Maharaja—	
No right of Vote to—deputed to		Preservation of the—	23
attend the Representative Assembly		President—	
Sittings	9	Proclamation <i>re</i> : Legislative Council	
P		to have a non-official—	3
Palace—		President of the Assembly—	
Expenditure on—		Dewan to be <i>Ex-officio</i> —	10
Expenditure on Excluded Head	17	Senior Vice-President to act as—	
Palace Troops—		during Dewan's absence	10
Expenditure on—		President of the Council—	
Expenditure on Excluded Head	17	First—to be appointed by His	
Partnership—		Highness the Maharaja, second and	
Explanation of—	42	succeeding Presidents to be elected	
Persons qualified to be voters in the		by the Legislative Council and appro-	
case of—	42	ved by His Highness	10
Patels—		Salary of the—	11
See "Shanbhogs or Patels"		Term of office of the—	10
Penalty—		—to exercise a casting vote in the	
—for sitting or voting as a member		case of equality of votes	11
of either Chamber when not qualified		Vacation of office by or removal from	
or disqualified to do so	14	office of—	10 11
Pension of Public Servants—		Presiding officers	
Expenditure on—Expenditure on Excluded		See "Appointment of—and polling	
Head	...	officers"	
Person elected by more than one consti-		Privileges of Members—	
tutey—		—	14
Vacation of seat by—	95	Proceedings in the Chambers—	
Person elected to both chambers—		Validity of the—	11
Vacation of seat by—	95, 96	Proclamation—	
Personal vote Constituencies—		—of His Highness the Maharaja	1, 4
Definition of—	66	Property qualifications for voters—	
Procedure for verification of state-		Proclamation <i>re</i> reducing the— <i>for</i>	
ment in—	79	the Representative Assembly, in the	
Personal voting—		rural areas	3
Rules <i>re</i> —	66, 72	Protection from legal action—	
Persons undergoing imprisonment—		—for acts done or proceedings taken	
Provision against voting by,—etc	39	under rules <i>re</i> conduct of elections...	82
Planting Constituencies—		Publication of electoral rolls—	
<i>Vide</i> Part X of the First Schedule	107	Authority for and mode of—	56
Seats for—how filled	49	Public servants—	
Plural Voting—		See "Pensions of public servants"	
Provision against—in territorial		Public Service Commission—	
Constituencies	39	See "Public Service Commissioner"	
Provision against—in Trade and		Public Service Commissioner—	
Commerce Constituency	48	Appointment of a or Public Service	
		Commission	20, 21
		Functions of the—	21

	PAGE		PAGE
<b>Q</b>			
Qualifications for Candidates—		Representations—	
— for Anglo-Indian seat ...	44	Privilege of members of the Representa-	
— for "Co-operation" Constituency ...	52	tive Assembly to submit — on	
— for European seat ...	43	matter of public interest for the	
— for "Industry" seats ...	49	consideration of Government ...	20
— for Labour seats ...	51	— Proclamation <i>re</i> : increasing the	
— for Planting seats ...	50	number of — which may be sent	
— for Special Depressed Class seats ...	46	up for discussion in the Assembly ...	2
— for Trade and Commerce seat ...	48	Representative Assembly—	
— for University seat ...	52	Composition of the — ...	9
— for Women's seats ...	46	Dewan to <i>ex-officio</i> be the Presi-	
Qualifications for Candidate—		dent of the — ...	10
— to stand (for election) in any con-		Extension of the term of the —	
stituency ...	61, 62	until 1st March 1941 ...	25
Qualifications for Electors—		Powers of the — in respect of	
— in Anglo Indian Constituency ...	44	Legislative measures ...	15
— in Co-operation Constituency ...	51, 52	Proclamation <i>re</i> — ...	2
— in European Constituency ...	43	Proclamation <i>re</i> bringing the—	
Qualifications of Electors—		and the Legislative Council into	
— in General Constituency —		integral relationship with one	
Mohamadan Constituency —		another ...	2
Anglo-Indian Constituency — Eu-		Term of the — ...	9
ropean Constituency — Indian		Representative Assembly Sitings—	
Christian Constituency ...	39	No right of vote to Officers of Govern-	
Qualifications for Electors—		ment deputed to attend the — ...	8
— in "Industry" Constituencies ...	43	Republication of the Electoral roll—	
— in Labour Constituencies ...	51	Procedure as to mode of — ...	59
— in Planting Constituencies ...	49 & 50	Reserved Seats for Depressed Classes—	
— in Special Depressed Class Consti-		Special procedure in filling up — ...	65, 66
tutions ...	45	Resolutions—	
— in Territorial Constituencies ...	40, 41	Privilege of members to move — on	
— in Trade and Commerce Consti-		matter of public interest ...	20
tutions ...	46 & 47	Proclamation <i>re</i> : increasing the	
— in University Constituency ...	52	number of — which may be sent	
— in Women's Constituencies ...	46	up for discussion in the Assembly	
Questions—		Proclamation <i>re</i> : right of the	
Privilege of members to ask — on		Representative Assembly to consider	
any matter of public interest ...	20	the State Budget and pass — there-	
Proclamation <i>re</i> : Increasing the num-		on ...	2
ber of — which may be sent up for		Resolutions on Annual Financial Statements—	
discussion in the Representative		Communication of the — passed by	
Assembly ...	2	the Assembly to the Legislative	
Quorum—		Council ...	13
— for meetings of the two Chambers	12	— passed by the Assembly not to	
		have reference to particular grant ...	16
<b>R</b>			
Recognition of associations—		Result of Election—	
See "Constituent Association"		Preparation of a return on — in all	
Recording of Votes—		constituencies ...	79, 80
Manner of — after receipt of ballot		Procedure <i>re</i> declaration of — ...	78
paper by elector (in personal voting)	69, 70	Procedure <i>re</i> report of — ...	78, 79
Procedure <i>re</i> : — by each elector (in		Returned candidate—	
personal voting) ...	69	Definition of — ...	85
Recrimination—		Returning Officers—	
— by returned candidate in Election		Definition of "—" ...	61
disputes ...	90, 91	Returning Officers and Presiding Officers—	
Register of claims and objections—		Power of — to overlook printing or	
Procedure as to maintenance of a —	57	clerical errors in electoral rolls ...	81
Registration Officer—		Revising authorities—	
— Definition of "—" for purposes		Appointment of — for any territorial	
of Election Rules ...	53	and other constituencies ...	57, 58
Registration Officer—		Right of electors—	
See "Claims and objections"		See "Vote"	
Removal of disqualification—		Rule making Power—	
— by Government in certain cases...	96	Items in respect of which Government	
		have the — ...	21, 22
		— of the Government ...	8
		Proclamation <i>re</i> : — of the Govern-	
		ment ...	4

	PAGE		PAGE
Rules of Procedure—	20	Staff and Household of His Highness the Maharaja—	
—	...	Expenditure on — Expenditure on Excluded Head.	17
Ruling Family of Mysore—	16	Standing Orders—	
Excluded Subject	...	Each Chamber to make — for conduct of its business	20
8		State Budget—	
Schedule—		Proclamation <i>re</i> Right of the Representative Assembly to consider the — and pass resolutions thereon	2
Form of Oath of Allegiance—	23	Statement by presiding officer—	
Interpretation of —	35	— to accompany ballot boxes, etc.	71
Schedule of authenticated Expenditure—		Strength of the Assembly—	
Dewan to authenticate the —	18, 19	Proclamation <i>re</i> raising the —	2
Seat—		Strength of the Council—	
Interpretation of —	35	Proclamation <i>re</i> increasing the —	3
Seats—		Subject of His Highness the Maharaja—	
Allocation of —	36	Explanation, <i>re</i> —	38
Seats for Special Interests—		Subsequent amendments of Electoral Roll—	
Allocation of reserved —	37	Procedure as to mode of effecting—	59, 60
Number of —	36	Supplementary Statements of Expenditure—	
Secrecy of Voting—		Procedure for dealing with — in the Council	19
Arrangements for—	68	T	
Sessions of the Chambers—		Tenure of Office—	
Date and place of — to be determined by Government	10	See "Ministers" See "Dewan"	1
Shanbhog or Patel—		Term of the Chambers—	
— not to be deemed to be in the Civil or Military Service for purposes of membership of the Assembly	39	Power of Government to extend the — by a period not exceeding one year	9
Short title—	35	Term of Houses—	
Simultaneous elections—		Proclamation, <i>re</i> extending the — to four years	2
ForcEDURE <i>re</i> — for more than one constituency	69	Territorial Constituencies—	
Sinking Fund Charges—		Additional qualifications for Women Electors in —	41
— Expenditure on Excluded Head	18	Composition, extent and number of seats to be filled in	37
Sittings of the Assembly—		Proclamation, <i>re</i> providing for enlarged representation for — in the Legislative Council	3
Proclamation <i>re</i> : Augmenting the duration of the —	3	Territorial constituencies—	
Special Constituencies—		Provision against plural voting in—	39
Power of Government to reduce the period of Domicile for electors and candidates in —	38	Qualifications for electors in —	40, 41
Qualifications for Electors and Candidates in —	49, 52	Interpretation of —	55
Special Constituency—		Special qualifications for Depressed classes for inclusion in any —	41
Interpretation of —	85	Trade and Commerce—	
Special Interests—		Definition of —	48
Proclamation <i>re</i> Providing for Enlarged representation for — in the Legislative Council	3	Number of seats allotted for — constituency	23
Proclamation <i>re</i> Returning representatives of — to both Houses through Specially formed Constituencies	3	Trade and Commerce Constituency—	
See "Seats for —"		No. of seats allotted for —	106
Special Powers—		<i>Vide</i> Part VIII of First Schedule	106
— of Government to remove difficulties in elections	96	Seat for — how filled	46
— of Government to interpret rules	96	See "Plural Voting"	...
Special qualifications—		Voting by nominees of firms, etc., in the —	47, 48
— of electors residing in the C. and M. Station, Bangalore	38	Transitional—	
Special seats for Depressed Classes—		Empowering Government to remove difficulties which may arise as a result of transition	22, 23
Number of —	36		
Special seats for Depressed Classes—			
— to be filled by persons chosen by Depressed Class Associations	37		

	PAGE		PAGE
Treaties—		Voters—	
See "Matters governed by Treaties."	...	See "Property Qualification for Voters".	
Trial of Election petitions—		—"Educational Qualifications for Voters".	
Appointment of a Commissioner for	...	—"Women Voters".	
—	87, 88	Voters for the Assembly—	
U		Proclamation <i>re</i> : Reducing the property and educational qualifications for—	
University—		See "Women Voters" ...	3
Number of seats allotted for --- constituency	...	Votes—	
...	37	Appointment of day, time and place for counting of ---	...
University constituency—		...	75
Seat for --- how filled	...	Procedure at counting of ---	75, 76
...	52	Procedure in the case of equality of ---	73
V		Rules <i>re</i> Counting of ---	75, 80
Vacancies—		Who may be present <i>re</i> at counting of ---	75
Casual --- how filled	...	Voting—	
...	61	Arrangements for --- of Officials on duty at polling stations (in Personal Voting)	...
Vacancy		...	70, 71
--- in the Council of Ministers not a disqualification for transaction of business	...	--- in the Chambers	...
...	8	...	11
Vacancy in membership—		Procedure <i>re</i> : postal ---	...
Power of the Chambers to transact business notwithstanding any --- therein	...	...	73
...	11	Provision against --- by persons undergoing imprisonment, etc.	39
Vacation of seat--		Provision against plural --- in territorial constituencies	...
--- by a person elected by more than one constituency	...	...	39
...	95	See "Flural ---".	
--- by a person elected to both Chambers	...	See "Removal of disqualification" ...	
...	95, 96	W	
Validity of election—		Withdrawal of candidature—	
Decision of doubts and disputes as to ---	...	Procedure <i>re</i> ---	...
...	84, 93	...	64
Vice-Presidents of the Assembly—		Women--	
Ministers to <i>ex-officio</i> be ---	...	Number of seats allotted for --- constituency	...
...	10	...	37
Vice-Presidents of the Council—		Women electors—	
Salaries of the ---	...	Additional qualifications for --- in territorial constituencies	...
...	11	...	41
Vote—		Women's Constituencies—	
Right of electors in each Constituency to --- in that Constituency	...	No. of seats for ---	...
...	37, 38	...	106
Vote at polling station—		<i>Vide</i> Part VII of First Schedule	...
Persons who may --- defined	...	...	106
...	68	Seats for --- how filled	...
Vote by ballot—		...	46
--- how exercised	...		
...	66		

Government of His Highness the Maharaja of Mysore.

THE LEGISLATIVE COUNCIL  
MANUAL



BANGALORE :

PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS

1940





## TABLE OF CONTENTS.

---

	<b>PAGE</b>
1. Proclamation of His Highness the Maharaja ...	1
2. The Government of Mysore Act, 1940 ...	7
3. The Legislative Council Rules, 1940 ...	26





# Proclamation

OF

HIS HIGHNESS MAHARAJA

**SRI KRISHNARAJENDRA WADIYAR BAHADUR IV OF MYSORE**

THIS TENTH DAY OF ASVIJA BAHULA OF THE PRAMATHI  
SAMVATSARA, BEING THE YEAR ONE THOUSAND  
EIGHT HUNDRED AND SIXTY-TWO OF  
THE SALIVAHANA ERA,

CORRESPONDING TO

THE SIXTH DAY OF NOVEMBER, ONE THOUSAND NINE  
HUNDRED AND THIRTY-NINE, IN THE THIRTY-  
EIGHTH YEAR OF MY RULE.

**Whereas** THE WELFARE AND ADVANCEMENT OF MY  
PEOPLE HAVE BEEN MY CONSTANT AIM AND ENDEAVOUR,  
AND

**Whereas** THE FUNDAMENTAL IDENTITY OF INTERESTS  
BETWEEN MY PEOPLE AND MY GOVERNMENT HAS FOUND  
SATISFACTORY AND PROGRESSIVE FULFILMENT IN THE  
MEASURES ADOPTED BY ME FROM TIME TO TIME, AND

**Whereas** IT IS NOW MY DESIRE TO TAKE FURTHER STEPS  
TO INCREASE THE ASSOCIATION OF THE REPRESENTATIVES  
OF MY PEOPLE WITH MY GOVERNMENT IN THE  
ADMINISTRATION OF THE STATE IN PURSUANCE OF MY  
CHERISHED AND DECLARED POLICY,

**I hereby ordain as follows:**

**T**HE Representative Assembly which was established  
fifty-eight years ago by command of MY beloved  
Father, HIS HIGHNESS SRI CHAMARAJENDRA  
WADIYAR BAHADUR of revered memory, and which  
was placed on a statutory basis with enlarged functions  
by ME under Act XVIII of 1923, and the Legislative

Council which was established by ME under Act I of 1907 and whose powers were enhanced by ME under Act XIX of 1923 have hitherto been functioning under separate Acts. They will now be brought into integral relationship with one another, and will henceforth function under a consolidated law relating to the constitution of Mysore. Privileges of freedom of speech and immunity from arrest under certain conditions will be conferred on the members of both Houses, and their term which is now three years will be extended to four years.

2. The powers and scope of the Representative Assembly will be enlarged, while its character as a body for consultation and reference will still be maintained. Its strength which is at present fixed at a maximum of 275 will be raised to 310 ordinarily, with a view to providing better representation for minority communities and for economic and other special interests.

3. The privilege already enjoyed by the Assembly of being consulted with regard to the general principles of proposed measures of legislation will be widened so as to provide that, in future, the Representative Assembly will invariably be consulted in regard to any legislative measure before it is introduced into the Legislative Council, and that it will have the right of considering the general principles underlying any Bill or any of its provisions and of proposing amendments thereto. The opinion expressed on any legislative measure by the Assembly will ordinarily be accepted by MY Government when supported by a prescribed majority, although in exceptional cases where it may be necessary in the public interest or for the ensuring of safety and good government to proceed with a Bill in the Legislative Council notwithstanding the opinion of the Assembly, MY Government will do so, after issuing a statement giving reasons therefor.

4. Subject to the existing exceptions, the Assembly will have the right to consider the State Budget and pass resolutions not only on the general principles and policy underlying the Budget, but also on any of the major heads of expenditure, without reference, however, to any particular grants or appropriations. The existing restriction regarding discussion on expenditure pertaining to MY Military Forces will be relaxed. The number of resolutions on matters of public interest, questions and representations which may be sent up will be increased,

and the duration of the sittings of the Assembly will also be augmented, so as to allow larger opportunities for the introduction and disposal of non-official business.

5. In the case of legislative, financial and administrative measures under contemplation, MY Government will, as far as possible, consult the assembly and ascertain its views on such measures before making a final decision.

6. The strength of the Legislative Council will be further increased, and its composition revised so as to increase the elected element therein, and ensure a statutory elected majority. Enlarged representation will be provided for the territorial constituencies as well as for the special interests and minorities, and the ordinary strength of the Council will be raised from 50, as at present, to 68, 44 places being filled by election. The Council will have a non-official President, who will be elected by the House after the first term, and a non-official elected Deputy President from the commencement, thus making the House a more effective instrument for voicing the wishes of MY people.

7. In respect of the State Budget, the Legislative Council has already been given the power to deal with demands for grants except in respect of excluded subjects and subject to MY Government's power to restore a provision, if they consider such restoration necessary for the carrying on of a department or for discharging Government's responsibility, and, in cases of emergency, to authorise such expenditure as may be necessary for the safety and tranquillity of the State. In future, such action will be taken only after a formal certification by MY Dewan.

8. Along with the grant of enlarged powers and privileges to the Representative Assembly and the Legislative Council, it is MY further desire that the electorate for these bodies should be further widened in some respects. As in the case of the representatives of the urban and rural constituencies, the representatives of minority communities will also be returned by direct election through the general constituencies wherever possible, and those of the special interests ordinarily by election through specially formed constituencies. The property qualification for voters for the Representative Assembly in rural areas, and the educational qualification for voters for the Representative Assembly will be substantially reduced.

In the case of women, the educational qualification will be further reduced for both the Representative Assembly and the Legislative Council. The operation of certain existing disqualifications of voters to both Houses will be relaxed.

9. The elected representatives of the people will henceforward be given a place in MY Executive Council, so that the Legislature may be able more largely to influence the nature of the advice and assistance which MY Council tenders to ME Accordingly, MY Executive Council will in future consist of MY Dewan and not less than four Ministers, of whom it is MY desire that not less than two should be non-officials selected from among the elected members of the Representative Assembly and the Legislative Council, such Ministers being eligible to hold any portfolio of the administration.

10. MY Government will have power to make rules in regard to all matters of detail not provided for in this Proclamation or in the Constitution Act, and to add to, amend, vary or rescind such rules, whenever necessary or expedient, but not so as to curtail in any manner the powers and privileges hereby granted.

11. MY Government will take immediate steps to give effect to this Proclamation, and will adopt such measures as may become necessary from time to time to carry out MY intentions. I have every confidence that MY people will utilise these larger opportunities for public service and usefulness to the State with the same sense of responsibility as in the past, and in a spirit of mutual toleration and goodwill. Under the Divine blessing and guidance, may the measures now inaugurated serve to promote the abiding happiness of all classes of MY beloved subjects!



KRISHNARAJA WADIYAR.

# THE GOVERNMENT OF MYSORE ACT, 1940.

## ARRANGEMENT OF SECTIONS.

### CHAPTER I.

#### INTRODUCTORY.

##### SECTION.

1. Short title.
2. Extent.
3. Interpretation.

### CHAPTER II.

#### THE EXECUTIVE.

4. Council of ministers.
5. Appointment of the Dewan.
6. Appointment of ministers.
7. Tenure of office of ministers.
8. Conduct of business of the Government of His Highness the Maharaja.

### CHAPTER III.

#### THE REPRESENTATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL.

##### GENERAL.

9. Constitution of the Representative Assembly and the Legislative Council.
10. Composition of the Representative Assembly.
11. Composition of the Legislative Council.
12. Term of the Chambers.
13. Sessions of the two Chambers and dissolution.
14. Right of the Dewan to address the Chambers.
15. Officers of the Representative Assembly.
16. Officers of the Legislative Council.
17. Voting in Chambers, quorum and power of Chambers to act notwithstanding vacancies.

##### PROVISIONS AS TO MEMBERS OF THE CHAMBERS.

18. Oath of members.
19. Vacation of seats.
20. Disqualifications for membership.
21. Penalty for sitting or voting when not qualified or when disqualified.
22. Privileges of members.
23. Allowances of members.



## LEGISLATIVE PROCEDURE.

24. Powers of the Legislative Council.
25. Prior consultation of the Representative Assembly on Bills.
26. Powers of the Representative Assembly.
27. Non-official Bills.
28. His Highness the Maharaja's assent to Bills.
29. Excluded subjects.
30. Power to legislate on excluded subjects.
31. Emergency legislation.

## PROCEDURE IN FINANCIAL MATTERS.

32. Annual financial statement.
33. Procedure in the Chambers with respect to estimates.
34. Authentication of schedule of authorised expenditure.
35. Supplementary statements of expenditure.
36. Special provisions as to financial proposals.
37. Resolutions, questions and representations

## PROCEDURE GENERALLY.

38. Rules of procedure.
39. Immunity of officers of the Chambers from the jurisdiction of courts.

## CHAPTER IV.

## THE SERVICES.

40. Appointment of a Public Service Commissioner or Public Service Commission.
41. Functions of the Commissioner or the Commission.

## CHAPTER V.

## MISCELLANEOUS.

42. Power of the Government to make provision with respect to franchise, etc.

## CHAPTER VI.

## COMMENCEMENT, REPEALS, ETC.

43. Commencement.
44. Power of the Government to remove difficulties.
45. Continuation of existing laws.
46. Repeals.

## CHAPTER VII.

## SAVINGS.

47. Preservation of the prerogative of His Highness the Maharaja.

## SCHEDULE.

Form of Oath of Allegiance.

---

# THE GOVERNMENT OF MYSORE ACT, 1940.

[ACT No. XVIII OF 1940.]

(PROMULGATED BY HIS HIGHNESS THE MAHARAJA  
ON THE THIRTIETH DAY OF APRIL, 1940.)

WHEREAS His Highness the Maharaja has been pleased, under a Proclamation issued on the sixth day of November, 1939, to ordain that the Representative Assembly and the Legislative Council shall function under a consolidated law relating to the constitution of Mysore, and

WHEREAS it is expedient to consolidate and amend the laws relating to the Government of Mysore,

His Highness the Maharaja is pleased to enact as follows:—

## CHAPTER I.

### INTRODUCTORY.

1. This Act may be cited as the Government of Mysore Act, 1940. Short title.

2. This Act extends to the whole of Mysore. Extent.

3. In this Act, unless the context otherwise requires, the expressions "Chamber" or "Chambers" shall mean the Representative Assembly or the Legislative Council or both, as the case may be. Interpretation.

## CHAPTER II.

### THE EXECUTIVE.

4.—(1) There shall be a council of ministers consisting of the Dewan and such number of ministers, not being less than four, as His Highness the Maharaja may determine to aid and advise His Highness the Maharaja in the exercise of the executive authority of the State. Council of ministers.

(2) The council of ministers shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the members thereof.

Appointment  
of the Dewan.

5.—(1) The Dewan shall be appointed by His Highness the Maharaja, and shall hold office during the pleasure of His Highness the Maharaja.

(2) The Dewan shall preside at meetings of the council of ministers.

Appointment  
of ministers.

6.—(1) The ministers shall be appointed by His Highness the Maharaja and shall be sworn as members of the council of ministers.

(2) Two at least of the ministers shall be chosen from among the elected members of the Representative Assembly or the Legislative Council.

Tenure of  
office of  
ministers.

7.—(1) The ministers shall hold office during the pleasure of His Highness the Maharaja.

(2) A minister chosen from either Chamber shall vacate office if he ceases to be a member of such Chamber :

Provided that, when such minister vacates office owing to the dissolution of a Chamber, His Highness the Maharaja may, notwithstanding anything contained in sub-section (2) of section 6, direct that such minister do continue in office, or appoint such other person as His Highness the Maharaja may deem fit to be minister, until a minister is appointed in accordance with the provisions of sub-section (2) of section 6.

8.—(1) All executive action shall be expressed to be taken in the name of the Government of His Highness the Maharaja of Mysore.

(2) Orders and other instruments made and executed in the name of the Government of His Highness the Maharaja of Mysore shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of any order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Government.

(3) His Highness the Maharaja may make rules for the more convenient transaction of the business of the Government, and for the allocation of the said business among the Dewan and the ministers.

Conduct of  
business  
of the  
Government  
of His  
Highness the  
Maharaja.

## CHAPTER III.

THE REPRESENTATIVE ASSEMBLY AND THE  
LEGISLATIVE COUNCIL.

## GENERAL.

9. There shall be a Representative Assembly and a Legislative Council for Mysore.

Constitution of the Representative Assembly and the Legislative Council.

10. The Representative Assembly shall consist ordinarily of three hundred and ten members, of whom twelve shall be nominated by the Government and the remainder elected in accordance with rules made under this Act :

Composition of the Representative Assembly.

Provided that—

(a) the Government may increase the strength of the Representative Assembly up to a maximum of three hundred and twenty-five in order to provide for the representation of any new constituencies that may be formed in future ; and

(b) such officers of the Government as may from time to time be deputed for the purpose may attend the sittings of the Representative Assembly and take part in its proceedings, but shall not have the right to vote.

11.—(1) The Legislative Council shall consist of sixty-eight members, of whom twenty-four shall be nominated by the Government and the remainder elected in accordance with rules made under this Act.

Composition of the Legislative Council.

(2) Every minister who has not been chosen from the Legislative Council in accordance with sub-section (2) of section 6 shall, by virtue of his appointment, be an additional member of the Legislative Council.

12.—(1) Every Representative Assembly and every Legislative Council, unless sooner dissolved, shall continue for four years from the date appointed for their first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Representative Assembly or the Legislative Council :

Term of the Chambers.

Provided that the said term may, by notification in the official Gazette, be extended by the Government by a period not exceeding one year.

(2) After the dissolution of a Chamber, the Government shall appoint a date, not later than six months from the date of dissolution, for the next session of such Chamber.

**13.**—(1) Each Chamber shall be summoned to meet at least twice every year.

(2) Subject to the provisions of this section the Government may from time to time—

(a) summon the Chambers or either Chamber to meet at such time and place as it thinks fit ; and

(b) dissolve the Chambers or either Chamber.

**14.** The Dewan may address either Chamber or both Chambers assembled together, and for that purpose require the attendance of the members.

**15.** (1) The Dewan shall *ex-officio* be the President of the Representative Assembly, and the ministers shall *ex-officio* be Vice-Presidents.

(2) The Dewan shall preside at all meetings of the Representative Assembly and, in his absence, the senior Vice-President present shall act as President.

**16.**—(1) There shall be a President of the Legislative Council, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by His Highness the Maharaja, and shall thereafter be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

(2) There shall be a Deputy President of the Legislative Council, who shall preside at meetings of the Legislative Council in the absence of the President, and who shall be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

(3) The appointed President shall hold office until the date of the election of a President under this section, but he may resign his office by writing under his hand addressed to the Dewan, or may be removed from office by order of His Highness the Maharaja, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected President or Deputy President shall vacate his office if he ceases to be a member of the Legislative Council, may at any time resign his office by writing

Sections of  
two  
Chambers  
and  
dissolution.

Right of the  
Dewan to  
address the  
Chambers.

Officers of the  
Representa-  
tive  
Assembly.

Officers of the  
Legislative  
Council.

under his hand addressed to the Dewan, and may be removed from his office by a resolution of the Legislative Council passed by a majority of not less than two-thirds of the total number of members of the Legislative Council and approved by His Highness the Maharaja; but no resolution for the purpose of this sub-section shall be moved unless it is supported by not less than fifteen members of the Legislative Council and at least fifteen days' notice has been given of the intention to move the resolution :

Provided that, whenever the Legislative Council is dissolved, the President shall not vacate his office until the election of a new President at the first meeting of the Legislative Council after the dissolution.

(5) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Legislative Council as His Highness the Maharaja may appoint for the purpose, and during any absence of the President from any sitting of the Legislative Council the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Council, or, if no such person is present, such other person as may be determined by the Legislative Council, shall act as President.

(6) There shall be paid to the President and the Deputy President of the Legislative Council such salaries as may be determined, in the case of an appointed President by His Highness the Maharaja, and in the case of an elected President and Deputy President by a resolution of the Legislative Council and approved by His Highness the Maharaja.

17.—(1) Save as in this Act otherwise expressly provided, all questions at any sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or person acting as such.

Voting in  
Chambers,  
quorum and  
power of  
Chambers  
to act  
notwith-  
standing  
vacancies.

The President or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) Either Chamber shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Chambers shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of the Representative Assembly less than eighty members of the Representative Assembly are present, and if at any time during a meeting of the Legislative Council less than one-half of the total number of members of the Legislative Council are present, it shall be the duty of the President or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least the required number of members are present.

#### PROVISIONS AS TO MEMBERS OF THE CHAMBERS.

Oath of members.

**18.**—Every member of either Chamber shall, before taking his seat, make and subscribe before the Dewan, or some person appointed by him, an oath of allegiance to His Highness the Maharaja in the form set out in the schedule to this Act, and rules made under this Act may provide for penalties for failure to take the oath owing to negligence or any other cause.

Vacation of seats.

**19.**—(1) Subject to the provisions of this Act, no person shall be a member of both Chambers, and rules made under this Act shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) If a member of either Chamber—

(a) becomes subject to any of the disqualifications mentioned in sub-section (1) of section 20; or

(b) by writing under his hand addressed to the Dewan resigns his seat,

his seat shall thereupon become vacant.

**20.**—(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

Disqualifications for membership.

(a) if he holds any office in the civil or military service of His Highness the Maharaja, other than an office declared by rules made under this Act not to disqualify its holder;

(b) if he is of unsound mind;

(c) if he is an undischarged insolvent;

(d) if, whether before or after the passing of this Act, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to

have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by any Act or by rules made under this Act to be an offence or practice entailing disqualification for membership of either Chamber, unless such period has elapsed as may be specified in that behalf by the provisions of that Act or rule ;

- (e) if, whether before or after the passing of this Act, he has been convicted of any other offence and sentenced to imprisonment for not less than six months by a court in Mysore or elsewhere, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release ;
- (f) if he has been dismissed from the civil or military service of His Highness the Maharaja, unless five years have elapsed from the date of dismissal or the Government has removed the disqualification ;
- (g) if, having been a legal practitioner, he has been debarred or is under suspension from practising as such by order of a competent court, the disqualification in the latter case being operative during the period of such suspension or the term of the Chamber, whichever is longer ;
- (h) if, having stood as a candidate for election for either Chamber or having acted as an election agent of any person who has so stood, he has failed to lodge a return of election expenses within the time and in the manner required by any Act or rule made under this Act, unless five years have elapsed from the date by which the return ought to have been lodged, or the Government has removed the disqualification :

Provided that a disqualification under paragraph (h) of this sub-section shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Government may in any particular case allow,



(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction, or a conviction and a sentence, becomes disqualified by virtue of paragraph (d) or paragraph (e) of sub-section (1) of this section is at the date of the disqualification a member of either Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this sub-section he shall not sit or vote.

(4) The disqualification mentioned in clause (a) of sub-section (1) of this section shall not be applicable to ministers and to such officers as may be nominated to the Legislative Council by the Government.

**21.** If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of sub-section (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees which may be recovered as an arrear of land revenue.

**22.—**(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of each Chamber, there shall be freedom of speech in the two Chambers, and no member of either Chamber shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Chamber or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either Chamber of any report, paper, votes or proceedings.

(2) No member of either Chamber shall be liable to arrest or detention in prison under a civil process during the continuance of any meeting of the Chamber of which he is a member.

(3) A person released from detention under sub-section (2) of this section shall, subject to the provisions

Penalty for sitting or voting when not qualified or when disqualified.

Privileges of members.

of the said sub-section, be liable to re-arrest and to the further detention to which he would have been liable if he had not been released under the provisions of the said sub-section.

**23.** Members of either Chamber shall be entitled to receive such allowances as may, from time to time, be determined by the Government and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of the passing of this Act applicable in the case of members of the Representative Assembly or the Legislative Council constituted under the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, respectively.

Allowances of members.

#### LEGISLATIVE PROCEDURE.

**24.** Subject to the provisions of this Act, the Legislative Council may make laws for the whole or any part of Mysore, and for subjects of His Highness the Maharaja wherever they may be.

Powers of the Legislative Council.

**25.** No Bill shall be introduced in the Legislative Council unless the Bill shall have been first placed before the Representative Assembly with a statement of the principles of the Bill.

Prior consultation of Representative Assembly on Bills.

**26.—(1)** The Representative Assembly shall have the right to discuss the principles of a Bill and its general provisions, but the details of the Bill shall not be discussed further than is necessary to explain its principles, nor shall any amendment be moved other than an amendment of principle.

Powers of the Representative Assembly.

(2) When the principles of a Bill or its general provisions are opposed by a majority of not less than two-thirds of the total number of members of the Representative Assembly, the Bill shall not be introduced in the Legislative Council; if any amendment of principle is carried by a majority of not less than two-thirds of the total number of members of the Representative Assembly, the Bill shall not be introduced in the Legislative Council without embodying therein such amendment:

Provided that the Government may introduce any such Bill in the Legislative Council with or without such modifications, if the Government considers it necessary to do so in the public interest, after appending to the Bill a statement giving reasons for such introduction,

Non-official  
Bills.

**27.** The provisions of the last two preceding sections shall have the same effect in relation to non-official Bills as they have in respect of Government Bills.

Provided that—

- (a) no non-official Bill shall be placed before the Representative Assembly without the previous sanction of the Dewan; and
- (b) no such Bill shall be introduced in the Legislative Council, if its principles are opposed by a majority of the members present and voting in the Representative Assembly; if any amendment of principle is carried by a majority of the members present and voting in the Representative Assembly, the Bill shall not be introduced in the Legislative Council without embodying therein such amendment.

His Highness  
the  
Maharaja's  
assent to  
Bills.

**28.**—(1) When a Bill has been passed by the Legislative Council, it shall be submitted through the Dewan to His Highness the Maharaja for assent with a statement of the opinion expressed by the Representative Assembly on the principles of the Bill or its general provisions.

(2) No such Bill shall become law until it has received the assent of His Highness the Maharaja.

Excluded  
subjects.

**29.** Notwithstanding anything contained in this Act, it shall not be lawful for either Chamber to consider any Bill, amendment or motion or resolution or representation, nor shall questions be put therein, relating to or affecting—

- (a) the Ruling Family of Mysore ;
- (b) the relations of His Highness the Maharaja with His Majesty the King Emperor or the Crown Representative ;
- (c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja ;
- (d) the provisions of this Act ;
- (e) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja.

Power to  
legislate on  
excluded  
subjects.

**30.** In respect of matters excluded from the jurisdiction of the Chambers by the last preceding section, the Government may frame any measure required for the

purpose, and every such measure shall have the force of law on receiving the assent of His Highness the Maharaja.

**31.**—(1) If at any time the Government is satisfied that circumstances exist which render it necessary to take immediate action in matters other than those falling under section 29, the Government may frame any measure required for the purpose.

Emergency  
legislation.

(2) Every such measure shall have the force of law on receiving the assent of His Highness the Maharaja for such period not exceeding six months as may be specified therein,—

- (a) but may by a similar measure be extended for a further period not exceeding six months; and
- (b) may be withdrawn at any time by His Highness the Maharaja.

#### PROCEDURE IN FINANCIAL MATTERS.

**32.**—(1) In respect of every financial year, a statement of the estimated receipts and expenditure of the State for that year, hereinafter referred to as “the annual financial statement,” shall be laid by the Government before the Representative Assembly and the Legislative Council.

Annual  
financial  
statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Act as expenditure on excluded heads; and
- (b) the sums required to meet other expenditure proposed to be made from the revenues of the State.

(3) The following expenditure shall be expenditure on excluded heads :—

- (i) the Palace, including the staff and household of His Highness the Maharaja, and the Palace troops;
- (ii) the pensions of public servants;
- (iii) expenditure relating to or affecting—
  - (a) the relations of His Highness the Maharaja with His Majesty the King Emperor or the Crown Representative;

- (b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja ;
- (iv) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans ;
- (v) expenditure of which the amount is specified by or under any law.

(4) Any question whether any proposed expenditure falls within a class of expenditure on excluded heads shall be decided by the Dewan.

Procedure in the Chambers with respect to estimates.

**33.—**(1) So much of the estimates of expenditure as relates to expenditure on excluded heads shall not be open to discussion in either Chamber.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Government.

(3) Any member of the Representative Assembly may move a resolution in respect of the annual financial statement, provided that such resolution shall have reference only to the general principles and policy underlying the statement, or any of the major heads of expenditure included therein, and shall not have reference to particular grants or particular provisions.

(4) The resolutions of the Representative Assembly on the annual financial statement shall be communicated by the Government to the Legislative Council.

(5) So much of the said estimates as relates to expenditure other than on excluded heads shall be submitted to the Legislative Council in the form of demands for grants, and the Legislative Council shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

Authentic-  
tion of  
schedule of  
authorised  
expenditure.

**34.—**(1) The Dewan shall authenticate by his signature a schedule specifying—

- (a) the grants made by the Legislative Council under the last preceding section ;
- (b) the several sums required to meet the expenditure on excluded heads, but not exceeding, in the case of any sum, the sum shown in

the statement previously laid before the Legislative Council :

Provided that, if the Legislative Council has not assented to any demand for a grant or has assented subject to a reduction of the amount specified therein, the Dewan may, if in his opinion the refusal or reduction would affect the carrying on of any department or the due discharge of the Government's responsibility, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary.

(2) The schedule so authenticated shall be laid before the Legislative Council, but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the State shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

**35.** If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorised for that year, a supplementary statement showing the estimated amount of that expenditure shall be laid by the Government before the Legislative Council, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Supple-  
mentary  
statements of  
expenditure.

**36.—(1)** No proposal—

- (a) for imposing or increasing any tax ; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Government ;

Special  
provisions as  
to financial  
proposals.

shall be made in either Chamber except on the recommendation of the Government.

(2) A proposal shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

Resolutions,  
questions and  
representa-  
tions.

**37.**—(1) Subject to such conditions and restrictions as to subject and other matters as may be imposed by rules made under this Act, any member of either Chamber may, at a meeting of the Chamber of which he is a member—

- (i) ask questions ; and
- (ii) move resolutions ;

on any matter of public interest or importance relating to the administration of the State.

(2) Any member of the Representative Assembly may, at a meeting of the Representative Assembly, submit a representation for the consideration of the Government on any matter of public interest or importance relating to the administration of the State.

#### PROCEDURE GENERALLY.

Rules of  
procedure.

**38.**—(1) Provision may be made by rules made under this Act for regulating the course of business and the preservation of order in either Chamber.

(2) Each Chamber may make, from time to time, standing orders for regulating its procedure and the conduct of its business in so far as these matters are not provided for by rules made under this Act :

Provided that the first standing orders shall be made by the Government, but may, with the consent of the Government, be altered by the Chamber to which they relate.

(3) If and in so far as any rule made under this Act is inconsistent with any standing order made by a Chamber, the rule made under this Act shall prevail.

Immunity of  
officers of the  
Chambers  
from the  
jurisdiction of  
courts.

**39.** No officer or other member of either Chamber in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in either Chamber shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

### CHAPTER IV.

#### THE SERVICES.

Appointment  
of a Public  
Service Com-  
missioner or  
Public  
Service  
Commission

**40.** The Government may appoint a Public Service Commissioner, or a Public Service Commission consisting

of a Chairman and such number of members as the Government may determine.

41.—(1) The Government may consult the Public Service Commissioner or the Commission, as the case may be, on—

Functions  
of the  
Commissioner  
or the  
Commission.

- (a) matters relating to methods of recruitment to any of the services ;
- (b) the principles to be followed in making appointments in the services and in making promotions and transfers from one service to another ;
- (c) the suitability of candidates for such appointments, promotions or transfers ;
- (d) disciplinary matters affecting a person in any service, including memorials or petitions relating to such matters ;
- (e) any claim by, or in respect of, a person who is serving or has served His Highness the Maharaja in any service that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the State ;
- (f) any claim for the award of a pension in respect of injuries sustained by a person while serving His Highness the Maharaja in any service and any question as to the amount of any such award.

(2) It shall be the duty of the Commissioner or of the Commission to advise the Government on any matter so referred to them, and, in exercising their functions, the Commissioner or the Commission shall observe the rules prescribed by the Government in that behalf.

## CHAPTER V.

### MISCELLANEOUS.

42.—(1) The Government shall have power, from time to time, to make provision by rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

Power of the  
Government  
to make  
provision with  
respect to  
franchise,  
etc.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) of this section, such



No. 5029  
C. B. 147-39-2.

GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE.  
GENERAL AND REVENUE SECRETARIAT.

*Dated Bangalore, the 6th May 1940.*

**NOTIFICATION.**

**WHEREAS** by section forty-three of the Government of Mysore Act, 1940 (hereafter referred to as "the new Act"), it is provided that the provisions of that Act shall come into force on such date as the Government of His Highness the Maharaja may appoint, but the Government is empowered to fix an earlier or later date for the coming into operation, either generally or for particular purposes, of any particular provisions of the Act:

**AND WHEREAS** by section forty-four of the new Act, the Government is empowered, for the purpose of facilitating the transition from the provisions of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923 (hereafter referred to as "the old Acts"), to the provisions of the new Act, to direct that the new Act and any provisions of the old Acts shall, during such limited period as may be prescribed, have effect subject to such adaptations and modifications as may be specified, and to make temporary provisions for the purpose of removing any difficulties which may arise in relation to such transition:

**NOW, THEREFORE**, the Government of His Highness the Maharaja, in the exercise of the said powers and of all other powers enabling them in that behalf, are pleased to direct as follows:—

\* 1. The provisions of the new Act, other than those of Chapter II thereof, shall come into operation on the first day of March, Nineteen Hundred and Forty-one.

---

\* Para 1 substituted by Notification No. 296—C B. 147-39-7, dated 24th July 1940.

2. The provisions of Chapter II of the new Act shall come into force on such later date as the Government of His Highness the Maharaja may hereafter by notification in the official Gazette appoint.

3. The provisions of section forty-two of the new Act shall come into operation on the date of the publication of this Notification, and any rules made under the new Act with respect to the two Chambers shall come into operation on the date the rules in question are published in the official Gazette.

\*4. The term of the Representative Assembly and the Legislative Council constituted under the old Acts in 1937 shall be extended until the first day of March, Nineteen Hundred and Forty-one, and on that day, the Representative Assembly and the Legislative Council shall be dissolved.

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

---

\* Para 4 substituted by Notification No. 296—C. B. 147-39-7, dated 24th July 1940.

# THE LEGISLATIVE COUNCIL RULES, 1940.

## CONTENTS.

---

### CHAPTER I.

#### PRELIMINARY.

##### RULE.—

1. Short title.
2. Interpretation.

### CHAPTER II.

#### COMPOSITION OF THE COUNCIL.

3. Allocation of seats.
4. General seats.
5. Muhammadan, Indian Christian and European seats.
6. Seats for special interests.
7. Territorial constituencies.
8. Depressed class constituencies.

### CHAPTER III.

#### GENERAL PROVISIONS AS TO ELECTORS.

9. The right to vote.
10. Preparation and revision of electoral rolls.
11. General qualifications for electors.
12. Domicile for electors and candidates in special constituencies.
13. Disqualifications for electors.
14. Qualifications of electors in Muhammadan constituencies, etc.
15. Qualifications of electors in general constituencies.
16. Provision against voting by persons undergoing imprisonment, etc.
17. Provision against plural voting in territorial constituencies

### CHAPTER IV.

#### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN TERRITORIAL CONSTITUENCIES.

18. Qualifications dependent upon taxation, property, etc.
19. Additional qualification for women.

- 20. Special qualifications for depressed classes.
- 21. Provisions as to joint property, etc.
- 22. Qualifications for candidates.

## CHAPTER V.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN SPECIAL CONSTITUENCIES.

#### PART I.—EUROPEAN SEAT.

- 23. Constituency.
- 24. Qualifications for electors.
- 25. Qualifications for candidates.

#### PART II.—WOMEN'S SEATS.

- 26. Constituencies.
- 27. Qualifications for electors.
- 28. Qualifications for candidates.

#### PART III.—TRADE AND COMMERCE SEAT

- 29. Constituency.
- 30. Qualifications for electors.
- 31. Nominees of associations, firms, etc.
- 32. Qualifications for candidates.
- 33. Definition of trade and commerce.

#### PART IV.—PLANTING SEATS.

- 34. Constituencies.
- 35. Qualifications for electors.
- 36. Qualifications for candidates.

#### PART V.—LABOUR SEATS:

- 37. Constituencies.
- 38. Qualifications for electors.
- 39. Qualifications for candidates.

#### PART VI.—UNIVERSITY SEAT.

- 40. Constituency.
- 41. Qualifications for electors.
- 42. Qualifications for candidates.

## PART VII.—MINING SEAT.

43. Constituency and election.

## CHAPTER VI.

PREPARATION, REVISION AND PUBLICATION OF  
ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

44. Electoral roll.  
 45. General conditions for inclusion in the electoral roll.  
 46. Form of electoral roll.  
 47. Registration Officer.  
 48. Contents of the electoral roll.  
 49. Application for inclusion in the electoral roll for the trade and commerce constituency.  
 50. Procedure for the preparation of the electoral rolls for labour constituencies.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

51. Publication of the electoral roll.  
 52. Claims and objections.  
 53. Register of claims and objections.  
 54. Appointment of Revising Authority.  
 55. Enquiry into claims and objections.  
 56. Decisions of the Revising Authority.  
 57. Amendments on Revising Authority's own motion.  
 58. Amendments on Registration Officer's own motion.  
 59. Re-publication of the roll.

## PART III.—MISCELLANEOUS.

60. Subsequent amendment of electoral roll.  
 61. Custody and preservation of electoral rolls, etc.  
 62. Electoral rolls, etc., to be available for public inspection.  
 63. Duration of electoral rolls.

## CHAPTER VII.

## CONDUCT OF ELECTIONS.

## PART I—GENERAL PROCEDURE AT ELECTIONS.

64. Constitution and reconstitution of the Council.  
 65. Notification of election.

66. Casual vacancies.
67. Returning Officers.
68. Qualification for candidature.
69. Presentation of notice of candidature.
70. Latest hour for presentation of notice of candidature
71. Supply of notices of candidature.
72. Declaration regarding the appointment of election agent.
73. Deposit by candidates.
74. Procedure upon receipt of notice of candidature.
75. Scrutiny of notices of candidature.
76. Disposal of objections and rejections of notice of candidature.
77. Completion of scrutiny.
78. Withdrawal of candidature.
79. Notification of withdrawal.
80. Publication of the list of candidates.
81. Procedure after the publication of the list of candidates.
82. Special procedure in constituencies in which seats are reserved for the depressed classes.
83. Disqualification or death of candidates before commencement of poll.

#### PART II—PERSONAL VOTING.

84. Votes to be given by ballot.
85. Selection of polling stations, booths and polling areas.
86. Appointment of presiding officers, polling officers, etc.
87. Hours of polling.
88. Duties of presiding officer.
89. Removal for misconduct at polling station.
90. Who may vote at a polling station.
91. Close of polling.
92. Arrangements for secrecy of voting.
93. Supply of election materials and ballot boxes.
94. Sealing of ballot box before commencement of poll.
95. Form of ballot paper.
96. Number of votes to be recorded by each elector.
97. Simultaneous elections for more than one constituency.
98. Procedure before ballot paper is delivered to elector.
99. Manner of recording votes after receipt of ballot paper.
100. Assistance to illiterate or infirm electors.
101. Spoilt ballot papers.
102. Identity of electors.
103. Voting of officials on duty at the polling stations.
104. Procedure on closing of poll.
105. Statement by presiding officer.
106. Despatch of ballot boxes.
107. Postponement of poll : adjournment of poll.

#### PART III—POSTAL VOTING.

108. Special rules for voting in the university constituency, etc.
109. Issue of ballot and declaration papers

- 110. Form of ballot paper and declaration paper.
- 111. Procedure before issue of ballot paper.
- 112. Forms to accompany ballot paper.
- 113. Voting.
- 114. Return of ballot paper and declaration paper.
- 115. Assistance to incapacitated electors.
- 116. Lost or spoilt ballot papers.
- 117. Election not to be invalid for failure to receive ballot paper when such paper has been issued.

#### PART IV—COUNTING OF VOTES.

- 118. Appointment of day, time and place for counting of votes.
- 119. Who may be present at the counting.
- 120. Procedure at counting.
- 121. Distribution of ballot papers for counting.
- 122. Inspection of ballot papers by candidates, etc.
- 123. Counting to be continuous as far as practicable.
- 124. Grounds for rejection of ballot papers.
- 125. Declaration of result.
- 126. Procedure in case of equality of votes.
- 127. Report of the result of election.
- 128. Verification of statement in personal vote constituencies.
- 129. Statement by Returning Officer in postal vote constituencies.
- 130. Return of the result of election.

#### PART V—RETURN AND FORFEITURE OF DEPOSITS.

- 131. Return of deposit in the event of withdrawal, rejection or death.
- 132. Forfeiture of deposit.
- 133. Return of deposit of successful and unsuccessful candidates.

#### PART VI—DISPOSAL OF BALLOT PAPERS.

- 134. Custody of election papers.
- 135. Production and inspection of election papers.
- 136. Destruction of election papers.

#### PART VII—GENERAL.

- 137. Power of returning officers and presiding officers to overlook printing or clerical errors in electoral rolls.
- 138. No suit to lie in a court of law for acts done under this Chapter.

## CHAPTER VIII.

## CORRUPT PRACTICES AND ELECTION PETITIONS.

## PART I.—ELECTION AGENTS AND EXPENSES.

139. Appointment of election agent.
140. Disqualifications for being an agent in connection with an election.
141. Revocation of appointment of an agent.
142. Agent's duty to maintain accounts.
143. Accounts of agent.
144. Return of election expenses.
145. Signature by a candidate or an election agent who is unable to write his name in certain cases.
146. Notice that return of election expenses has been lodged, and inspection and copy of such return.
147. Maintenance of records regarding elections and election expenses.
148. Power to fix maximum scales of expenditure and to regulate employment for pay.

## PART II.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.

149. Definitions.
150. The election petition.
151. Presentation of the petition.
152. Time limit for the presentation of the petition.
153. Contents of the petition.
154. Against whom petition may be presented.
155. Deposit of security.
156. Petition when to be dismissed.
157. Appointment of Commissioner for the trial of election petitions.
158. Attendance of Government Advocate.
159. Procedure on appointment of Commissioner.
160. Inquiry by Commissioner.
161. Place of inquiry.
162. Withdrawal of petition.
163. Abatement or substitution on death of petitioner.
164. Abatement or substitution on death of respondent.
165. Recrimination when seat claimed.
166. Grounds for declaring election void.
167. Report of the Commissioner.
168. Finding as to corrupt practices and persons guilty thereof.
169. Appeal to the High Court.
170. Issue of orders by the Government.



## PART III.—DISQUALIFICATIONS.

- 171. Offences and practices which entail disqualification for voting or membership.
- 172. Disqualification for certain corrupt practices.
- 173. Persons to be disqualified in the case of firms, etc.
- 174. Failure to lodge return of election expenses.
- 175. Disqualification for being an election agent.
- 176. Power of Government to remove disqualification.

PART IV.—CUSTODY AND PRESERVATION OF  
ELECTION PETITIONS, ETC.

- 177. Election petitions, etc., to be kept for four years.

## CHAPTER IX.

## GENERAL.

- 178. Vacation of seat by a person elected by more than one constituency.
- 179. Vacation of seat by a person elected to both Chambers.
- 180. Penalty for failure to take the oath of allegiance.

## CHAPTER X.

## SPECIAL PROVISIONS.

- 181. Power of the Government to remove difficulties.
- 182. Power of the Government to interpret the rules.

**SCHEDULES.****FIRST SCHEDULE.****TABLE OF CONSTITUENCIES.**

- PART I.**—General Constituencies.  
**PART II.**—Depressed Class Constituencies.  
**PART III.**—Muhammadan Constituencies.  
**PART IV.**—Indian Christian Constituency.  
**PART V.**—European Constituency.  
**PART VI.**—Women's Constituencies.  
**PART VII.**—Trade and Commerce Constituency.  
**PART VIII.**—Planting Constituencies.  
**PART IX.**—Labour Constituencies.

**SECOND SCHEDULE.****TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.**

- PART I.**—General Constituencies.  
**PART II.**—Muhammadan Constituencies.  
**PART III.**—Indian Christian Constituency.  
**PART IV.**—European Constituency.  
**PART V.**—Women's Constituencies.  
**PART VI.**—Trade and Commerce Constituency.  
**PART VII.**—Planting Constituencies.  
**PART VIII.**—Labour Constituencies.  
**PART IX.**—University Constituency.  
**PART X.**—Mining Constituency.

**THIRD SCHEDULE.****LIST OF SYMBOLS.****FOURTH SCHEDULE.****RETURN OF ELECTION EXPENSES.****FIFTH SCHEDULE.****CORRUPT PRACTICES.**

## FORMS.

- I.—Electoral roll for territorial constituencies.
  - II.—Electoral roll for special constituencies.
  - III.—Notice of candidature.
  - IV.—List of candidates for election.
  - V.—Ballot paper.
  - VI.—Certificate entitling a person to vote at the Polling Station where he is appointed for duty.
  - VII.—Ballot paper account.
  - VIII.—Declaration paper.
  - IX.—Ballot paper.
  - X.—Envelope.
  - XI.—Letter of intimation.
  - XII.—Ballot paper account.
  - XIII.—Return of the result of election.
  - XIV.—Returning of Election expenses.
-

## THE LEGISLATIVE COUNCIL RULES, 1940.

### NOTIFICATION.

No. 5030—C. B. 147-39-3, dated 6th May 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules :—

### CHAPTER I.

#### PRELIMINARY.

1. These rules may be called "The Legislative Council Rules, 1940." Short title.

2. In these rules, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say,— Interpretation, etc.

- (a) "the Act" means the Government of Mysore Act, 1940;
- (b) "Assembly" means the Representative Assembly;
- (c) "Council" means the Legislative Council;
- (d) "factory" means a factory within the meaning of the Mysore Factories Act, 1936;
- (e) "form" means a form appended to these rules;
- (f) "schedule" means one of the schedules to these rules;
- (g) "seat", "election," and "constituency" mean respectively a seat in the Council and an election or a constituency for the purpose of filling such a seat;
- (h) "territorial constituency" means one of the territorial constituencies mentioned in Parts I to IV of the first schedule to these rules;
- (i) "special constituency" means a constituency not being a territorial constituency;

- (j) "a European" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is not a native of India ;
- (k) "an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is a native of India ;
- (l) "an Indian Christian" means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian ;
- (m) "the depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adiravidas, Lambanis (Banajaras), Voddas, Korachas, Koramas, Hill tribes and Animists.

## CHAPTER II.

### COMPOSITION OF THE COUNCIL

**3.**—(1) There shall be sixty-eight seats in the Council, of which twenty-four seats shall be filled by persons nominated by the Government, and the remaining forty-four seats shall be filled by persons chosen in accordance with the provisions of these rules.

(2) The allocation of these forty-four seats shall be as shown in the table hereunder—

TABLE OF SEATS.

	<i>Number of seats.</i>	
General seats	...	28
Muhammadan seats	...	5
Indian Christian seat	...	1
European seat	...	1
Seats for special interests	...	9

General seats.

**4.** Of the general seats, four seats shall be filled by representatives of the depressed classes.

Muhammadan, Indian Christian and European seats.

**5.** The Muhammadan seats, the Indian Christian seat and the European seat shall be filled respectively by persons chosen to represent the Muhammadan community, the Indian Christian community and the European community.

Seats for Special interests.

**6.** The seats reserved for the special interests shall be filled by persons chosen to represent the following

interests, the number of representatives of each interest being as shown against that interest—

<i>Name of Interest.</i>			<i>Number of seats.</i>
Women	...	...	2
Trade and commerce	...	...	1
University	...	...	1
Mining	...	...	1
European planting	...	...	1
Indian planting	...	...	1
Labour	...	...	2

7.—(1) The persons to fill the general seats, the Muhammadan seats and the Indian Christian seat shall be chosen in territorial constituencies. Territorial  
consti-  
tuencies.

(2) The territorial constituencies shall be those specified in the first column of the tables in Parts I to IV of the first schedule, the extent thereof shall be as specified in the second column of those tables, and the total number of seats to be filled in each of them shall be as specified in the third column of those tables.

8.—(1) The persons to fill the seats reserved for representatives of the depressed classes shall be chosen in the territorial constituencies specified in the first column of the table in Part II of the first schedule. Depressed  
class consti-  
tuencies.

(2) In the second column of the said table is specified the extent of each constituency, and the number of seats to be filled in each of them shall be as specified in the third column.

(3) At the first and every sixth subsequent general election, one seat shall be filled in each of the following constituencies, that is to say, Mysore, Bangalore, Tumkur and Shimoga.

(4) At the second and every sixth subsequent general election, one seat shall be filled in each of the following constituencies, that is to say, Mandya, Kolar, Chitaldrug and Kadur.

(5) At the third and every sixth subsequent general election, one seat shall be filled in each of the following constituencies, that is to say, Mysore, Bangalore, Tumkur and Hassan.

(6) At the fourth and every sixth subsequent general election, one seat shall be filled in each of the

following constituencies, that is to say, Mandya, Kolar, Chitaldrug and Shimoga.

(7) At the fifth and every sixth subsequent general election, one seat shall be filled in each of the following constituencies, that is to say, Mysore, Bangalore, Tumkur and Kadur.

(8) At the sixth and every sixth subsequent general election, one seat shall be filled in each of the following constituencies, that is to say, Mandya, Kolar, Chitaldrug and Hassan.

(9) Casual vacancies in any of the said seats shall be filled in the constituency in which the seat was filled at the last preceding general election.

### CHAPTER III.

#### GENERAL PROVISIONS AS TO ELECTORS.

**9.** There shall be an electoral roll for every constituency and no person who is not, and, except as expressly provided by these rules, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

**10.** The electoral roll for every constituency shall be made up, and from time to time in whole or in part revised, by reference to such date as may be prescribed by the Government for election.

**11.** Save as otherwise expressly provided by these rules, no person shall be included in the electoral roll for, or vote at any election in, any constituency unless he has attained the age of twenty-one years and is a subject of His Highness the Maharaja by birth or domicile, and has resided in the Mysore State for a period of not less than one year prior to the preparation of the electoral roll :

Provided that, in the case of a person possessing the qualifications specified in clauses (d), (e) or (f) of rule 18, residence in the Civil and Military Station, Bangalore, shall qualify for inclusion in the electoral roll.

*Explanation.*—<sup>3</sup> Subject of His Highness the Maharaja by domicile” for the purposes of this rule shall mean a person who has resided in the Mysore State for a period of not less than ten years.

The right to vote.

Preparation and revision of electoral rolls.

General qualifications for electors.

12. The Government may in the case of electors or candidates in any special constituency reduce, by notification in the official Gazette, the period of domicile specified in the last preceding rule to not less than three years.

Domicile for electors and candidates in special constituencies.

13. No person shall be included in the electoral roll for, or vote at any election in, any constituency—

Disqualifications for electors.

- (a) if he is of unsound mind ;
- (b) if he is an undischarged insolvent ;
- (c) if, whether before or after the passing of the Act, he has been convicted of any offence and sentenced to imprisonment for not less than six months by a court in Mysore or elsewhere, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release ;
- (d) if he has been dismissed from the civil or military service of His Highness the Maharaja, unless five years have elapsed from the date of dismissal or the Government has removed the disqualification ;
- (e) if he is for the time being disqualified from voting under the provisions of these rules or of any Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off the electoral roll for any constituency in which it may be included.

\*13-A. In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as " Rule 13-A " of the Legislative Council Rules, 1940.

13-A. (1) The fact that a person or body has, in relation to any constituency more than one qualification to be included, or to nominate persons to be included, in the electoral roll therefor, shall not increase his or its rights as respects inclusion, or, as the case may be, the nominations of persons for inclusion, in that roll.

(2) No person shall be entitled to be included twice in the electoral roll of any particular constituency, and



the fact that a person is included twice in the electoral roll for a constituency shall not increase his rights as respects voting therein.

Qualifications of electors in Muhammadan constituencies, etc.

**14.** No person shall be included in the electoral roll for, or vote at any election in, a Muhammadan constituency, a European constituency or an Indian Christian constituency unless he is a Muhammadan, a European or an Indian Christian, as the case may be.

Qualifications of electors in general constituencies.

**15.** No person who is or is entitled to be included in the electoral roll for any Muhammadan constituency, European constituency or Indian Christian constituency shall be included in the electoral roll for, or vote at any election in, a general constituency.

Provision against voting by persons undergoing imprisonment, etc.

**16.** No person shall vote at any election in any constituency if he is for the time being undergoing a sentence of transportation, penal servitude, or imprisonment.

Provision against plural voting in territorial constituencies.

**17.** No person shall vote at a general election in more than one territorial constituency, or more than once in the same constituency and if a person votes in contravention of this rule all his votes shall be void.

## CHAPTER IV.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN TERRITORIAL CONSTITUENCIES.

Qualifications dependent upon taxation, property, etc.

**18.** Subject to the provisions of Chapter III and to any over-riding provisions of this Chapter, a person shall be qualified to be included in the electoral roll for a territorial constituency if he—

- (a) is assessed to income-tax and resides in the constituency; or
- (b) is assessed to a sum of not less than five rupees in the constituency on account of—
  - (i) taxes imposed under the Mysore Village Panchayet Act; or
  - (ii) taxes imposed under the Mysore Mines Act; or
  - (iii) taxes, other than toll and octroi, imposed under the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act; or
  - (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

- (c) is assessed to such amount of municipal tax or land revenue in a city municipality as would qualify him to be included in the electoral roll for municipal elections in the constituency ; or
- (d) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than twenty-five rupees per annum payable to the Government ; or
- (e) is a *kadim* tenant paying an annual rent of not less than twenty-five rupees on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Mysore Land Revenue Code\* have been applied ; or
- (f) is the owner of one or more entire *inam* villages with a total *beriz* of one hundred and twenty-five rupees per annum in the constituency ; or
- (g) is a graduate of a University and ordinarily resides in the constituency ; or
- \**(g-a)* has passed—
- (i) the Pandit final examination, or
  - (ii) the Vidwat Uttama examination conducted by the Board of Sanskrit Studies in Mysore, or
  - (iii) the Moulvi final examination, or
  - (iv) the Vidwat examination conducted by the Maharaja's Sanskrit College, Mysore, or
  - (v) the examination for the diploma of Licentiate in Ayurvedic Medicine and Surgery or the diploma of Licentiate in Unani Medicine and Surgery, and
- ordinarily resides in the constituency ; or
- (h) is the holder of a title conferred by His Highness the Maharaja, His Excellency the Viceroy or His Majesty the King-Emperor and resides in the constituency ; or
- (i) is a retired or pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency.

Additional  
qualification  
for women.

19. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she has passed the Secondary School Leaving Certificate examination or the Champu Nataka examination conducted by the Board of Sanskrit Studies in Mysore, or the Upper Secondary or the Vernacular Teachers' Certificate examination and ordinarily resides in the constituency.

Special  
qualifications  
for depressed  
classes.

20. Subject as aforesaid, a person who is a member of the depressed classes shall also be qualified to be included in the electoral roll for any territorial constituency if he—

(a) is assessed to a sum of not less than three rupees in the constituency on account of—

- (i) taxes imposed under the Mysore Village Panchayet Act; or
- (ii) taxes imposed under the Mysore Mines Act; or
- (iii) taxes, other than toll and octroi, imposed under the Mysore City Municipalities Act, the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act; or
- (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

(b) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than four rupees per annum payable to the Government.

Provisions as  
to joint pro-  
perty, etc.

21. For the purposes of the said provisions, where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, or partnership, the family or partnership shall be adopted as the unit for deciding whether any qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, or the member authorised by a majority of the family, and in the case of a partnership the member or partner authorised in that behalf by the partnership.

*Explanation.*—“Partnership” includes a company, firm, association, body of two or more guardians or trustees or the joint *pattadars* or other body possessing joint rights.

22. A person shall not be qualified to be chosen in a territorial constituency to fill a seat in the Council unless he has attained the age of thirty years, and is entitled to vote in the choice of a member to fill that seat, and —

Qualifications  
for candi-  
dates.

- (a) is assessed to an income-tax of not less than fifty rupees ; or
- (b) is assessed to a sum of not less than ten rupees in the constituency on account of—
  - (i) taxes imposed under the Mysore Village Panchayet Act ; or
  - (ii) taxes imposed under the Mysore Mines Act ; or
  - (iii) taxes, other than toll and octroi, imposed under the Mysore City Municipalities Act, the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act ; or
  - (iv) taxes imposed by the Town Boards constituted by the Government from time to time ; or
- (c) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than fifty rupees per annum payable to the Government ; or
- (d) is a *kadim* tenant paying an annual rent of fifty rupees per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Mysore Land Revenue Code have been applied ; or
- (e) is the owner of one or more entire *inam* villages with a total *beriz* of one hundred and twenty-five rupees per annum ; or
- (f) is a graduate of any University of not less than seven years' standing, and has been residing in the constituency for at least three years before the date of election ; or
- \* (g) has passed—
  - (i) the Pandit final examination, or
  - (ii) the Vidwat Uttama examination conducted by the Board of Sanskrit Studies in Mysore, or
  - (iii) the Moulvi final examination, or

- (iv) the Vidwat final examination conducted by the Maharaja's Sanskrit College, Mysore, or
- (v) the examination for the diploma of Licentiate in Ayurvedic Medicine and Surgery or the diploma of Licentiate in Unani Medicine and Surgery, seven years before, and has been residing in the constituency for at least three years before the date of election.

**\* 22-A.** (1) A person who is a member of the Depressed Classes, shall be qualified to be chosen in a territorial constituency to fill a seat in the Council if he has attained the age of thirty years and is entitled to vote in the choice of a member to fill that seat, and—

(a) is assessed to a sum of not less than five rupees in the constituency on account of—

- (i) taxes imposed under the Mysore Village Panchayet Act; or
- (ii) taxes imposed under the Mines Act; or
- (iii) taxes other than toll and octroi, imposed under the Mysore City Municipalities Act, The Mysore Town Municipalities Act, or The Mysore Minor Municipalities Act; or
- (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

(b) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than twenty-five rupees per annum, payable to the Government.

## CHAPTER V.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN SPECIAL CONSTITUENCIES.

#### PART I.—EUROPEAN SEAT.

Constituency.

**23.—(1)** The seat to be filled by a representative of the European community shall be filled by an election in

the constituency specified in the first column of the table in Part V of the first schedule.

(2) In the second column of that table is specified, the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

**24.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the European constituency if he is a qualified member of the constituent body and is residing in the Mysore State excluding the Civil and Military Station, Bangalore.

Qualifications  
for electors.

**25.** A person shall not be qualified to be chosen to fill the European seat unless—

Qualifications  
for  
candidates.

- (a) he has attained the age of thirty years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

## PART II.—WOMEN'S SEATS.

**26.** The seats to be filled by representatives of women shall be filled by elections in the constituencies specified in the first column of the table in Part VI of the first schedule, the extent thereof shall be as specified in the second column of that table, and the number of seats to be filled by each of them shall be as specified in the third column of the said table.

Constituencies.

**27.** A person shall not be qualified to be included in the electoral roll for the said constituencies unless she is a woman, but, subject to the provisions of Chapter III, the qualifications for inclusion in the said electoral roll shall be those which are by rules 18, 19 or 20 specified as the qualifications for inclusion in the electoral roll for territorial constituencies.

Qualifications  
for electors.

**28.** No woman shall be qualified to be chosen to fill a woman's seat unless she—

Qualifications  
for candi-  
dates.

- (a) has attained the age of thirty years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

## PART III.—TRADE AND COMMERCE SEAT.

**29.—(1)** The seat to be filled by a representative of trade and commerce shall be filled by an election in the

Constituency.

constituency specified in the first column of the table in Part VII of the first schedule.

(2) In the second column of that table is specified, the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

Qualifications  
for electors.

**30.**—(1) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the trade and commerce constituency if he is himself a qualified member of the constituent body, or is the nominee in that behalf of an association affiliated to that body and situated within the State excluding the Civil and Military Station, Bangalore, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is a qualified member of the constituent body.

(2) For the purposes of this rule, a member of the constituent body shall be deemed to be a qualified member thereof if, and only if, he or it—

- (a) is not the representative of any industrial establishment owned by the Government; and
- (b) has been a subscribing member shown as such in the list of members, for a period of not less than one year prior to the preparation of the electoral roll, and has paid all subscriptions accrued due before the end of the previous financial year; and
- (c) is engaged in trade and commerce and has a place of business in the State excluding the Civil and Military Station, Bangalore; and
- (d) in the case of an individual, firm or Hindu joint family was, in any one of the five financial years immediately preceding the date of election, assessed to income-tax on income derived from trade and commerce:

Provided that the provisions of this sub-rule shall not be applicable to any association affiliated to the constituent body.

(3) For the purposes of this rule—

- (a) if in any financial year the partners in a firm have been separately assessed to income-tax on their shares of the income of the firm

derived from trade and commerce, the firm shall be deemed to have been assessed to income-tax; and

- (b) a firm shall be deemed to retain its identity notwithstanding any change in the partners therein.

**31.**—(1) An association, firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the association, firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election.

Nominees of associations, firms, etc.

(2) No person shall be nominated as aforesaid by an association, firm or Hindu joint family, unless he is a member thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

**32.** A person shall not be qualified to be chosen to fill the trade and commerce seat unless--

Qualifications for candidates.

- (a) he has attained the age of thirty years ; and  
(b) is entitled to vote in the choice of a member to fill that seat.

**33.** For purposes of this Part of the rules, the expression "trade and commerce" includes industries, banking, insurance and transport.

Definition of trade and commerce.

#### PART IV.—PLANTING SEATS.

**34.** The seats to be filled by representatives of European planting and Indian planting shall be filled by elections in the constituencies mentioned in the first column of the table in Part VIII of the first schedule, and the extent of those constituencies and the number of seats to be filled in them respectively shall be as specified in the second and third columns of that table.

Constituencies.



Qualifications  
for electors.

**35.—\*(1)** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll—

(a) for the European Planting Constituency, if he is an European, and

- (i) is the proprietor of an estate of not less than fifty acres assessed to coffee assessment; or
- †(ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore; or
- (iii) is the superintendent or manager of any such estate owned by a corporation which is under European control; or
- (iv) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof;

(b) for the Indian planting constituency, if he is an Indian, and

- (i) is the proprietor of an estate of not less than fifty acres assessed to coffee assessment; or
- †(ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore; or
- (iii) is the superintendent or manager of any such estate owned by a corporation which is under Indian control; or
- (iv) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof:

Provided that, where any such estate is owned by a corporation or a partnership, not more than one person shall be qualified to be included in the electoral roll."

Qualifications  
for candi-  
dates.

**36.** A person shall not be qualified to fill a planting seat unless he—

- (a) has attained the age of thirty years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

\*Notification No. Rl. 3096—L. C. 19-39-6, dated Bangalore, the 21st June 1940.

†Notification No. Rl. 170—L. C. 19-39-7, dated Bangalore, the 30th July 1940.

## PART V.—LABOUR SEATS.

**37.**—(1) The seats to be filled by representatives of labour shall be filled by elections in the constituencies specified in the first column of the table in Part IX of the first schedule. Constituencies.

(2) One seat shall be filled in each of those constituencies.

(3) The electoral roll for each constituency shall be based, in the manner hereafter provided, on employment in qualifying industrial establishments, that is to say, factories or mines situated in the areas mentioned in relation to the constituency in the second column of the said table.

**38.**—(1) A person shall not be qualified to be included in the electoral roll for a labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity. Qualifications for electors.

*Explanation.*—A person employed in a factory as clerk, typist, office superintendent, manager, proof reader, cashier, accountant, auditor, salesman, time-keeper, jobber, recruiting maistry, or in any capacity of an allied nature shall be deemed to be employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity.

(2) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for a labour constituency if on not less than one hundred and eighty days (whether successive or not) in each of the three years prior to the preparation of the electoral roll he has worked in a qualifying factory for remuneration at a rate of not less than twenty-five rupees per month if he is a man, or twenty rupees per month if she is a woman, but not exceeding in either case one hundred and fifty rupees per month.

**39.** A person shall not be qualified to be chosen to fill a labour seat unless he— Qualifications for candidates.

(a) has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill that seat,

## PART VI.—UNIVERSITY SEAT.

Constituency.

**40.** The seat to be filled by a representative of the University shall be filled by an election in a constituency to be called the University Constituency.

Qualifications for electors.

**41.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the said constituency, if he—

(a) is a member of the Senate of the Mysore University; or

(b) has been for at least seven years a graduate and was registered as such in the University Register.

Qualifications for candidates.

**42.** A person shall not be chosen to fill the said seat unless he—

(a) has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill it.

## PART VII.—MINING SEAT.

Constituency and election.

**43.** The seat to be filled by a representative of mining shall be filled by an election by members of the Kolar Gold Field Mining Board.

## CHAPTER VI.

## PREPARATION, REVISION AND PUBLICATION OF ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

Electoral roll.

**44.—(1)** An electoral roll shall be prepared for every constituency in English or Kannada, whichever is more convenient, in which shall be entered the names of all persons appearing to be entitled to be included in the electoral roll for that constituency:

Provided that the rolls for the European, mining, European planting, trade and commerce and university constituencies shall be in English.

(2) The date of election by reference to which the roll is to be made up or revised, in whole or in part, under the provisions of rule 10 shall be notified in the official Gazette.

General conditions for inclusion in the electoral roll.

**45.** Every person shall be entitled to have his name included in the electoral roll for a constituency if he is qualified under the provisions of these rules to have his name included in such roll.

46. The electoral roll for all territorial constituencies shall be prepared by the Registration Officer in Form I, and the electoral roll for all other constituencies shall be prepared by the Registration Officer in Form II.

Form of  
electoral roll.

47. The expression "Registration Officer" shall mean for purposes of these rules, the person designated as such in the second column of the tables in the second schedule in respect of the constituency specified against him in the first column of the said table, and includes any person whom the Registration Officer may for the time being, subject to the control of the Government, depute to perform any of his duties.

Registration  
Officer.

48.—(1) The electoral roll shall contain—

- (a) the name of the constituency ;
- (b) the name of each elector ;
- (c) the name of the father of each elector, or if the elector is a woman the husband's name, or other identifying particulars ;
- (d) the postal address of each elector ;
- (e) the occupation of each elector ; and
- (f) the qualification of each elector :

Contents of  
the electoral  
roll.

Provided that, where the qualification prescribed is liability to pay any tax or land revenue, the amount payable shall not be specified.

(2) When an association, firm, corporation, or Hindu joint family is represented by its nominees in the electoral roll for the trade and commerce constituency, the name of the association, firm, corporation, or Hindu joint family shall be entered in column 2 of the appropriate form of the electoral roll and shall be followed by the name or names of the nominee or nominees.

(3) In the electoral roll for a constituency in which a seat is reserved for members of the depressed classes, the letters "DC" shall be prefixed to the name of every elector who is a member of those classes.

49.—(1) On the commencement of the preparation of the electoral roll for the trade and commerce constituency, the Registration Officer shall publish in the official Gazette a notice inviting applications from qualified members of the constituent body for inclusion in the electoral roll for the constituency.

Application  
for inclusion  
in the  
electoral roll  
for the  
trade and  
commerce  
constituency.

(2) Every application under this rule shall be made in such form and with such documents and shall be

submitted within such time as may be specified in the notice referred to in the last preceding sub-rule.

(3) An association, firm, Hindu joint family or corporation entitled to nominate persons for inclusion in the electoral roll shall submit by an application made under the last preceding sub-rule the names of the nominees of such association, firm, corporation or Hindu joint family nominated by it in accordance with the provisions of rule 31.

(4) When any question arises as to whether an individual, firm or Hindu joint family was assessed to income-tax in any year on income derived from trade and commerce, a statement by the income-tax officer or his successor in office that such individual, firm or Hindu joint family was or was not so assessed on income derived from business shall be conclusive evidence of the fact.

50. The Registration Officer for every labour constituency shall call upon the manager of each qualifying factory or mine to prepare and submit to him within such time and in such form as may be specified by him in this behalf, a list of persons qualified under the provisions of rule 38 to be included in the electoral roll for the constituency.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

51. On or before a date to be notified by the Government in the official Gazette in respect of each constituency, the electoral roll for that constituency shall be published by such authority as the Government may appoint and in such manner as may be directed by the Government.

52.—(1) Any person whose name is not entered in the roll, or is entered in an incorrect place or manner or with incorrect particulars, or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other person in the roll, may prefer a claim or objection to the Registration Officer.

( ) All such claims and objections shall be made in writing and not later than three o'clock in the afternoon on the twenty-first day from the date of publication of the electoral roll as notified in the official Gazette under the provisions of rule 51, and no claim or objection received after that time shall be entertained by the Registration Officer :

Provided that the Government may, by notification in the official Gazette, specify a shorter period within

Procedure for the preparation of the electoral rolls for labour constituencies.

Publication of the electoral roll.

Claims and objections.

which claims and objections shall be preferred in respect of the electoral roll of any constituency.

(3) A claim or objection shall be accompanied by any documents on which the claimant or objector relies.

**\*52(A)** "Notwithstanding anything contained in sub-rule (2) of rule 52, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection, in writing, to the Registration Officer not later than 3 o'clock in the afternoon of the 3rd October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

*Explanation.*—A person shall be qualified to be included in the electoral roll if he has acquired before the 3rd October 1940 the qualifications specified in these rules for such inclusion.

**53.** The Registration Officer shall maintain a register of all claims and objections preferred to him, and shall forward all such claims and objections to the Revising Authority for decision.

Register of  
claims and  
objections.

**54.**—(1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general or special approval of the Government, appoint a Revising Authority for the whole or part of any territorial constituency, women's constituency, European planting constituency, Indian planting constituency and labour constituency situated respectively within his jurisdiction, or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority for the whole or part of a constituency, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

Appointment  
of Revising  
Authority.

(2) The Registration Officer of every special constituency, other than a women's constituency, European planting constituency, Indian planting constituency,

and labour constituency shall, with the general or special approval of the Government, appoint a Revising Authority or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

Enquiry into claims and objections.

55.—(1) The Revising Authority shall hold a summary enquiry into the claims or objections preferred, and shall record his decision in writing.

(2) For the purposes of the Revising Authority's enquiry, the roll, as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

Decisions of the Revising Authority.

56.—(1) The Revising Authority shall report to the Registration Officer his decisions on all claims and objections disposed of by him, and the Registration Officer shall amend the roll in accordance with such decisions.

(2) The decision of the Revising Authority shall be final.

Amendments on Revising Authority's own motion.

57. The Revising Authority may of his own motion \* direct the inclusion of the name of any person whose qualification entitles him to be registered and order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person—

- (a) whose qualification as entered in the roll is insufficient to entitle him to be registered; or
- (b) who is incapacitated from voting by reason of any disqualification or disability imposed by or under the provisions of the Act or the rules made thereunder; or
- (c) who is proved to him to be dead; or
- (d) who has been entered in more than one place on the roll of the same constituency, from such other place or places :

Provided that—

- (i) before passing an order under clause (a) or
- (b) the Revising Authority shall, if this can

- conveniently be done, give an opportunity to any person concerned to be heard ; and
- (ii) before passing an order under clause (d), the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same constituency, informing him that he may select, within such time as may be specified in the notice, the entry to be retained.

**58.** The Registration Officer may of his own motion, at any time prior to the re-publication of the roll, exercise any or all of the powers conferred on the Revising Authority by the provisions of rule 57.

Amendments on Registration Officer's own motion.

**59.—(1)** The roll with the amendments, if any, shall be republished in the manner specified in rule 51 on or before a date notified by the Government in that behalf.

Re-publication of the roll.

(2) Two copies of the roll as re-published shall be certified by the Registration Officer and deposited with the Secretary, Legislative Council.

(3) Such number of copies of the roll as re-published as the Registration Officer deems to be sufficient shall be kept by him for sale.

### PART III.—MISCELLANEOUS.

**60.—(1)** Notwithstanding anything hereinbefore contained, any person may apply for the amendment of any electoral roll for the time being in force by presenting an application in that behalf to the Registration Officer. The Registration Officer shall forward the application to the Government, and if, after considering the application, the Government directs by notification in the official Gazette the preparation of a list of amendments in respect of an electoral roll, the Registration Officer shall prepare a list of amendments of such roll, and thereupon all the provisions of these rules shall apply to such list in like manner and to the same extent as they apply in the case of the preparation of the electoral roll :

Subsequent amendment of electoral roll.

Provided that—

- (i) where any such application is made for the correction of any existing entry in the electoral roll and the Registration Officer is satisfied after personally hearing the applicant that the



- entry relates to him and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly; and
- (ii) where any such application is made for the inclusion of the applicant's name in the electoral roll and the Registration Officer is satisfied after such enquiries as he deems necessary that the applicant is entitled to have his name entered in the electoral roll, he may amend the roll or cause it to be amended accordingly. Such an application shall be accompanied by a fee of ten rupees in cash, which shall in no circumstances be refunded.

(2) When in pursuance of the provisions of the last proceeding sub-rule any list of amendments has been re-published, or any name has been entered, or any correction has been made in respect of any existing entry in the roll, the electoral roll concerned shall be deemed to have been amended accordingly.

Custody and preservation of electoral rolls, etc.

**61.** The following papers namely.—

- (i) the preliminary electoral rolls published under the provisions of rule 51;
- (ii) claims and objections having reference to the preliminary rolls, the registers recording such claims and objections and the orders of the Revising Authority thereon; and
- (iii) the electoral rolls re-published under the provisions of rule 59;

shall be preserved in the record room of the Registration Officer until after the next revision of the electoral rolls and shall then be destroyed or sold as waste paper.

Electoral rolls, etc., to be available for public inspection.

**62.** Any member of the public shall have a right to inspect any of the papers specified in the last preceding rule on payment of a fee of two rupees and to obtain certified and attested copies thereof on payment of the same fees as are prescribed for copies of revenue records.

Duration of electoral rolls.

**63.** The electoral roll for a constituency shall come into force from the date of its re-publication under rule 59, and shall continue in force for a period of four years or for such period as may be prescribed by the Government by

notification in the official Gazette; and after the expiration of such period a fresh roll shall be prepared in accordance with the provisions of these rules.

## CHAPTER VII.

### CONDUCT OF ELECTIONS.

#### PART I.--GENERAL PROCEDURE AT ELECTIONS.

**64.** A general election shall be held for the purpose of constituting the Council under the Act and thereafter, a general election shall be held, as often as may be necessary, for the constitution of a new Council before the expiration of the term, or on the dissolution, of the previous Council.

Constitution and reconstitution of the Council.

**65.** For the purposes mentioned in the last preceding rule, the Government shall, by notification in the official Gazette, call upon all constituencies to elect members in accordance with these rules within such time as may be specified in that notification and shall appoint for each constituency—

Notification of election.

- (a) a date on or before which notices of candidature are to be presented;
- (b) a further date for the scrutiny of notices of candidature.
- (c) a further date, not later than the date next succeeding the date fixed for the scrutiny of notices of candidature, on or before which candidatures may be withdrawn; and
- (d) a further date or dates on which a poll shall, if necessary, be taken.

**66.** When the seat of a member becomes vacant by reason of his death or resignation or by virtue of any provision in the Act or in any of these rules, the Government shall, by notification in the official Gazette, call upon the constituency concerned to elect a member for the purpose of filling the seat within such time as may be specified in that notification, and these rules shall apply, as far as may be, to the procedure for the election of a member to fill that seat.

Casual vacancies.

**67.** The Returning Officers for the constituencies mentioned in the first column of the tables in the second schedule shall be the persons respectively specified in the corresponding entries in the third column thereof.

Returning Officers.

Qualification  
for candida-  
ture.

**68.** Any person may stand as a candidate for election to fill a seat in any constituency, if he is qualified to be chosen to fill that seat under the provisions of the Act or any of these rules :

Provided that not more than one nominee of an association, firm, Hindu joint family or corporation shall stand as a candidate for the trade and commerce constituency :

Provided further that no person who is not a member of the depressed classes shall stand as a candidate for a seat reserved for the depressed classes.

Presentation  
of notice of  
candidature.

**69.** On or before the date specified in clause (a) of rule 65 for the presentation of notices of candidature, each candidate shall, 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 authorised by the Government in this behalf, a notice of candidature completed in the manner prescribed in Form III.

Latest hour  
for presenta-  
tion of notice  
of candida-  
ture.

**70.** Any notice of candidature which is not received before three o'clock in the afternoon on the date appointed under clause (a) of rule 65 for the presentation of notices of candidature shall be rejected.

Supply of  
notices of  
candidature.

**71.** Printed copies of notices of candidature shall, on application, be supplied to any elector in the constituency by the office of the Returning Officer thereof.

Declaration  
regarding the  
appointment  
of election  
agent.

**72.** Every notice of candidature delivered under rule 69 shall be accompanied by a declaration in writing as shown in Form III subscribed by the candidate that the candidate has appointed, or does thereby appoint, as his election agent for the election either himself or some other person who is not disqualified under the provisions of any of these rules from being a member of the Assembly or the Council or from voting at elections and who shall be named in the declaration; and no notice of candidature shall be deemed to be valid unless such declaration is delivered along with the notice of candidature.

Deposit by  
candidates.

**73.—(1)** At the time of delivery of a notice of candidature, each candidate shall enclose with the notice of candidature, a Government treasury receipt (challan) showing that a deposit of two hundred and fifty rupees has been made by him or on his behalf in the treasury :

Provided that the sum to be deposited by a candidate in a special constituency for women or in a labour

constituency, or by a candidate who is a member of the depressed classes shall be twenty-five rupees.

(2) Savings bank deposit or State loan bonds may also be accepted by the Returning Officer from a candidate in lieu of the treasury receipt referred to in sub-rule (1) if the candidate authorises the Deputy Commissioner to treat the savings bank deposit as a deposit for the purposes of sub-rule (1) in accordance with the Savings Bank Rules, or endorses the bonds in favour of the Comptroller, as the case may be.

(3) No notice of candidature shall be deemed to be valid unless the deposit has been made.

**74.** On the presentation of a notice of candidature, the Returning Officer, or other person authorised under rule 69, shall inform the candidate of the date, time and place appointed for the scrutiny of notices of candidature and shall enter in the notice of candidature its serial number, shall sign thereon a certificate stating the date on which and the hour at which the notice of candidature 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 copy of the notice of candidature.

Procedure upon receipt of notice of candidature.

**75.** At the time of the scrutiny of notices of candidature, the candidates and their election agents, but no other person, may attend at the office of the Returning Officer, or at such other place as he may appoint, and the Returning Officer, or other person authorised under rule 69, shall give them all reasonable facilities for examining the notices of candidature of all candidates which have been delivered within the time and in the manner specified in rule 69.

Scrutiny of notices of candidature.

**76.—(1)** On the date appointed by the Government, under clause (b) of rule 65 for the scrutiny of notices of candidature, the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any notice of candidature on any of the following grounds—

Disposal of objections and rejection of notice of candidature.

- (a) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of these rules ;

- (b) that there has been any failure to comply with any of the provisions of rules 69, 72, or 73 ;
- (c) that the candidate is not identical with the person whose number or name on the electoral roll is given in the notice of candidature as the number or name of such candidate ; and
- (d) that the signature of the candidate is not genuine or has been obtained by fraud.

(2) Nothing contained in clauses (b), (c) or (d) of sub-rule (1) shall be deemed to authorise the rejection of any notice of candidature on the ground of any irregularity, if the candidate has delivered another notice of candidature in respect of which no irregularity has been committed.

Completion of scrutiny.

**77.**—(1) The Returning Officer, or other person authorised under rule 69, shall endorse on each notice of candidature his decision accepting or rejecting the same, and, if the notice of candidature is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

Withdrawal of candidature.

**78.**—(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer, or the person authorised under rule 69, before three o'clock in the afternoon on the date specified in clause (c) of rule 65 :

Provided that, if this day is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the notice shall be considered as having been received in due time, if it is presented before three o'clock on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a fresh notice of candidature for the same election.

Notification of withdrawal.

**79.** The Returning Officer, or the person authorised under rule 69, shall, on receiving a notice of withdrawal under the last preceding rule, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in his office.

**80.** After the expiry of the period within which candidatures may be withdrawn under rule 78, the Returning Officer, or the person authorised under rule 69, shall, after assigning to each candidate, if he considers it necessary to do so, any one of the symbols from the list specified in the third schedule, prepare a list in Form IV showing the names of the candidates whose notices of candidature are valid and who have not withdrawn, with the symbols, if any, assigned to them and with distinguishing particulars as to occupation, etc., if there are two or more candidates bearing the same name, and cause it to be affixed in some conspicuous place in his office.

Publication of the list of candidates.

**81.**—(1) If the number of candidates who have not withdrawn their candidature in the manner and within the time specified in rule 78 is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected.

Procedure after the publication of the list of candidates.

(2) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected, and the Government shall, by notification in the official Gazette, call upon the constituency to elect a member or members, as the case may be, to fill the remaining seat or seats within such time as may be specified in the notification :

Provided that, where a constituency having already been called upon under this sub-rule has failed to elect a member or the requisite number of members, as the case may be, to fill the seat or seats, the Government shall not be bound again to call upon the constituency to elect a member or members until such time as it may deem fit.

(3) If the number of such candidates exceeds the number of seats to be filled, the Returning Officer shall forthwith publish in the official Gazette and in such other manner as the Government may direct the names of the candidates as given in the notices of candidature in alphabetical order together with the symbol, if any, assigned to each candidate, and a poll shall be taken.

**82.** In a constituency in which a seat or seats are reserved for members of the depressed classes—

Special procedure in constituencies in which seats are reserved for the depressed classes.

(a) if the number of candidates qualified to be chosen to fill the reserved seat or seats is equal to the number of those seats, all such

candidates shall be declared by the Returning Officer to be duly elected :

- (b) if the number of such candidates is less than the number of the reserved seats, the procedure prescribed in sub-rule (2) of the last preceding rule shall be followed :
- (c) if the number of such candidates exceeds the number of the reserved seats, all such candidates shall be deemed to stand for election for both the seats reserved for members of the depressed classes and for the seats which are not so reserved; and the names of such candidates shall be published along with the names of the candidates for the non-reserved seats in the manner prescribed in sub-rule (3) of the last preceding rule, but it shall not be mentioned therein that such candidates are standing for election for the reserved seats or for both the reserved and non-reserved seats.

Disqualification or death of candidates before commencement of poll.

**83.** If a person whose candidature has been notified under sub-rule (3) of rule 81 becomes subject to any of the disqualifications specified in Section 20 of the Act or dies before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the candidate's disqualification or death, cancel his name in the list of candidates and in the ballot papers if there is sufficient time to do so before the date fixed for polling :

Provided that a failure to make such cancellation shall not affect the election proceedings.

## PART II—PERSONAL VOTING.

Votes to be given by ballot.

**84.** In constituencies other than those mentioned in rule 108, votes shall be given by ballot and in person and in the manner provided therefor in these rules, save as otherwise provided in rule 103. No votes shall be given by proxy.

Selection of polling stations, booths and polling areas.

**85.** The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general approval of the Government, select for the whole or so much of any territorial constituency, labour constituency and

special constituency for women as lies within his jurisdiction as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area, to be known as polling area, for each polling station or booth as the case may be.

**86.**—(1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, as the case may be, shall appoint a presiding officer, for each polling station and may, if necessary, appoint such other persons (hereafter referred to as polling officers) as he thinks necessary to assist the presiding officer, and may nominate not more than four non-officials to be associated with the presiding officer for assisting him in conducting the poll:

Appointment of presiding officers, polling officers, etc.

Provided that, if a polling officer is absent from a polling station, the presiding officer may appoint any person who is present at the polling station to be a polling officer during the absence of the former officer, and inform accordingly the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

(2) The same polling stations and presiding officers may be appointed in respect of elections held simultaneously.

(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(4) If the presiding officer owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

**87.** The Government shall fix the hour at which the poll shall commence and the hour at which it shall close on the date or dates appointed for the poll under clause (d) of rule 65. The hours so fixed shall be published by notification in the official Gazette and in such other manner as the Government may direct.

Hours of polling.

**88.** (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted

Duties of presiding officer.



at one time and shall exclude all other persons except—

- (a) the polling officers and the non-officials associated with him ;
- (b) the candidates ;
- (c) the police or other public servants on duty ; and
- (d) such other persons as the presiding officer may from time to time admit for the purpose of identifying the electors.

Removal for misconduct at polling station.

**89.** If any person misconducts himself at the polling station or fails to obey the lawful orders of the presiding officer, or the polling officer performing the duties of the presiding officer, he may immediately, by order of the presiding officer, or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer, or such polling officer, to remove him ; and the person so removed shall not, except with the permission of the presiding officer, or such polling officer, be allowed again to enter the polling station during the day :

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Who may vote at a polling station.

**90.** Subject to the provisions of rule 103, no elector shall be admitted to vote except at the polling station fixed under rule 85 for the polling area under which his name appears on the electoral roll.

Close of polling.

**91.** The poll shall be closed at the hour fixed in that behalf :

Provided that, if there are any electors waiting at the polling station to record their votes, the presiding officer shall cause a list to be prepared in his presence of such electors, which shall be signed by him, and shall allow such electors to record their votes on the same day if he considers that the polling can be completed within a reasonable time or on the following day during such hours as he may fix in that behalf.

Arrangements for secrecy of voting.

**92.** Each polling station or booth, as the case may be, shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in the box. As far as

possible, separate compartments and separate entrances and exits shall be provided for women electors.

**93.** Each polling station shall be provided with materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot papers as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

Supply of election materials and ballot boxes.

**94.** Every ballot box shall be so constructed that the ballot papers shall be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer shall, immediately before the commencement of the poll, lock the ballot box and place a seal upon it in such manner as to prevent its being opened without breaking such seal. He shall thereupon place the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it.

Sealing of ballot box before commencement of poll.

**95.** The ballot paper shall be in form V. It shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Form of ballot paper.

**96.** At elections in constituencies in which more than one seat has to be filled, an elector shall have as many votes as there are seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

Number of votes to be recorded by each elector.

**97.** Where elections for more than one constituency, whether territorial or special, are held simultaneously at a polling station, an elector entitled to vote for the constituencies shall be given a ballot paper for each constituency.

Simultaneous elections for more than one constituency.

**98.** Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the electoral roll, shall be verified, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Procedure before ballot paper is delivered to elector.

Manner of recording votes after receipt of ballot paper.

**99.** The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station and there mark his ballot paper in accordance with the instructions contained therein, fold it up so as to conceal his vote, and put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted.

Assistance to illiterate or infirm electors.

**100.**—(1) If an elector, owing to illiteracy or infirmity, is unable to make a mark on the ballot paper, the presiding officer or the polling officer shall mark the vote on the ballot paper according to the directions of the elector. The elector shall then himself or with the assistance of such officer put the ballot paper folded up into the ballot box.

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the presiding officer or the polling officer, as the case may be, of the reason why it was so dealt with.

Spoilt ballot papers.

**101.** An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Identity of electors.

**102.** The presiding officer or the polling officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. The presiding officer is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the table, and that the persons who have recorded their votes leave the place immediately.

Voting of officials on duty at polling stations.

**103.**—(1) A presiding officer, polling officer, or other person who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency in which he is registered as an elector to be entitled to vote at the election for the constituency, be allowed to record his vote at that polling station. The said certificate shall be in form VI.

(2) If the polling station at which the person is on duty is in the same constituency as the one in which he is entitled to vote, then the presiding officer shall, on production of the said certificate, issue a ballot paper to the person concerned in the same manner as to any other elector. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number on the electoral roll for the constituency in which that polling station is situated and the provisions of rule 99 shall apply. The certificate referred to in sub-rule (1) shall be filed by the presiding officer.

(3) If the polling station at which the person is on duty is not in the constituency in which he is entitled to vote, the person concerned shall mark his vote on the Returning Officer's certificate and shall hand over the certificate to the presiding officer. Such certificate shall be placed in an envelope and sealed by the presiding officer, who shall record on the envelope a description of its contents and transmit it to the Returning Officer who has granted the same, and such Returning Officer shall cause such votes to be included among other votes given for the candidate or candidates designated by the elector.

**104.** The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates, who may be present, make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals on—

Procedure on  
closing of poll.

- (i) each ballot box in use at such station unopened, but with the key (which should also be sealed in the same manner as the ballot box) attached ;
- (ii) the unused ballot papers ;
- (iii) the spoilt ballot papers ;
- (iv) the marked copy of the electoral roll ;
- (v) the counterfoils of the ballot papers.

**105.** The packets shall be accompanied by a statement in a separate cover in form VII made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers and ballot papers dealt with under rule 103.

Statement by  
presiding  
officer.

Despatch of  
ballot boxes.

**106.** Subject to any directions given in that behalf by the Returning Officer or the Government, the packets and statements referred to in the last two preceding rules shall be forwarded by the presiding officer to the Returning Officer, or where the Returning Officer is the Sub-Division Officer, Deputy Commissioner or Secretary, Legislative Council, to the nearest Amildar. The Amildar shall forward the packets to the Returning Officer. Each packet shall be numbered and shall bear a note on it as to its contents and the name of the polling station. Where no vote has been recorded in any constituency, the presiding officer shall submit a nil report together with the statement in form VII and the empty box.

Postponement  
of poll: ad-  
jourment of  
poll.

**107.**—(1) Notwithstanding anything contained in this Part, the Returning Officer may, for sufficient cause and with the previous consent of the Government, postpone the date or extend the period fixed for polling.

(2) In emergencies such as disturbance of the public peace or the intervention of floods, the presiding officer may, with the previous approval of the Returning Officer, close the poll and announce an adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government.

(3) The subsequent date to which polling is postponed or adjourned shall be notified in the constituency in such manner as the Returning Officer thinks fit.

### PART III—POSTAL VOTING.

Special rules  
for voting in  
the univer-  
sity consti-  
tuency, etc.

**108.** In the case of an election in the university constituency, the trade and commerce constituency, European constituency, European and Indian planting constituencies, rules 84 to 107 inclusive shall not be applicable, and the following rules 108 to 117 inclusive shall be substituted therefor and shall apply. No elector of these constituencies shall be allowed to vote in any other way than is provided in these rules.

Issue of ballot  
and declara-  
tion papers.

**109.** On or before such date as may be fixed in this behalf by the Government by notification in the official Gazette, the Returning Officer shall send by post a declaration paper and a ballot paper, hereafter referred to collectively as voting papers, to each elector to the address entered against his name in the electoral roll:

Provided that, in the case of the trade and commerce constituency where an association, firm, Hindu joint family

or corporation is represented in the electoral roll by its nominee or nominees, the Returning Officer shall send only one set of voting papers to such association, firm, Hindu joint family or corporation to the address of its office as given in the electoral roll, instead of to the nominee or nominees therefor.

**110.** The declaration paper shall be in form VIII and the ballot paper in form IX. To each elector shall be issued the voting papers whose serial numbers correspond to the number which the elector bears on the electoral roll. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper.

Form of  
ballot paper  
and declara-  
tion paper.

**111.** Before the voting papers are issued to an elector, the Returning Officer shall—

Procedure  
before issue of  
ballot paper.

(a) have the name of the elector entered on the declaration paper; and

(b) place his initials against the name of the elector in the electoral roll or in the copy of it used for the purpose of election:

Provided that, in the case of the trade and commerce constituency where an association, firm, Hindu joint family or corporation is represented in the electoral roll by its nominee or nominees, the name of such association, firm, Hindu joint family or corporation together with the name or names of its nominee or nominees shall be entered on the declaration paper.

**112.** With the voting papers, the Returning Officer shall enclose an envelope addressed to himself in form X, a cover with the number of the ballot paper entered on its face and a letter in form XI. The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelope.

Forms to  
accompany  
ballot paper.

**113.** Each elector, upon receipt of his voting papers shall, if he desires to vote in the election, first sign the declaration in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar, to whom he is personally known or to whose satisfaction he has been identified, and who shall attest his signature, and thereafter record his vote on the ballot paper:

Voting.

Provided that, in the case where the voting papers are sent under Rule 109, to an association, firm, Hindu joint family or corporation, the declaration shall be signed

and the vote shall be recorded by one nominee only of such association, firm, Hindu joint family or corporation.

Return of  
ballot paper  
and declara-  
tion paper.

**114.** After recording his vote, the electors shall enclose his ballot paper in the cover, fasten up the cover and enclose it with the declaration paper in the envelope, which he shall send by post to the Returning Officer so as to reach him not later than five o'clock in the afternoon of the date appointed for the poll under rule 65. Envelopes received after that hour shall be rejected :

Provided that the voter may, at his option, instead of sending the envelope to the Returning Officer by post, deposit it in a ballot box which shall be provided for the purpose at the office of the Returning Officer, up to the hour of five o'clock in the afternoon of the aforesaid date.

Assistance to  
incapacitated  
electors.

**115.** If an elector is incapacitated by blindness or other physical cause from voting in the manner prescribed in rule 113, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his declaration under rule 113 ; and such officer shall certify in the declaration paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration paper and to mark the ballot paper for him and that the said papers were so signed and marked by him in the presence of the voter.

Lost or spoilt  
ballot papers.

**116.** An elector who has not received his voting papers, or who has lost them, or whose voting papers before their despatch back to the Returning Officer have been inadvertently dealt with in such manner that they cannot be conveniently used as such, may, on making a declaration to that effect, obtain from the Returning Officer new voting papers. In every case where new voting papers are issued under this rule, a distinctive mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, lost or spoilt, as the case may be :

Provided that duplicate voting papers issued under this rule to an association, firm, Hindu joint family or corporation shall either be sent to the address of such association, firm, Hindu joint family or corporation as given in the electoral roll or shall be delivered to a representative on his personally applying for the same and

producing written authority in that behalf from such association, firm, Hindu joint family or corporation.

**117.** No election shall be invalid by reason that voting papers duly sent to an elector under these rules have not been received by him.

Election not to be invalid for failure to receive ballot paper when such paper has been issued.

#### PART IV—COUNTING OF VOTES.

**118.** The counting of votes shall commence on such day and at such time and place as the Returning Officer may appoint.

Appointment of day, time and place for counting of votes.

**119.** 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. No other person shall be allowed to be present except such persons as the Returning Officer may appoint to assist him in counting votes; and no person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Who may be present at the counting.

**120.** The Returning Officer shall proceed as follows—

Procedure at counting.

(1) If the constituency is one in which the voting is personal—

the ballot box or boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 103, as the case may be, shall be opened one after another, and the Returning Officer shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement. Such statement shall not be shown to any candidate or agent.

(2) If the constituency is one for which postal voting is prescribed—

(a) the envelopes received from or deposited by electors under the proviso to rule 114 shall be opened one after another and the covers and declaration papers taken out therefrom.

(b) If an envelope should contain no declaration paper outside the cover, the cover enclosed in



such envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the cover.

- (c) If an envelope contains a declaration paper, the Returning Officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected cover in a separate bundle.
- (d) If more than one declaration paper or more than one cover is enclosed in one and the same envelope, all the declaration papers and covers contained in the envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the back of each declaration paper and keep the declaration papers so rejected and the covers contained in the envelope in the same bundle of rejected papers.
- (e) He shall file the other declaration papers and the covers containing the corresponding ballot papers in a separate heap. These covers shall then be opened, the ballot papers enclosed therein taken out, and counted and the total thereof recorded by the Returning Officer in a statement.

**121.** The Returning Officer shall then mix together all the ballot papers so counted and totalled up, and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

**122.** When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers which in his opinion are liable to be rejected. He shall endorse on every ballot paper which is wholly or partially rejected the word "rejected." If any candidate or agent present, questions the correctness of the rejection, he shall also record, on the ballot paper, the grounds for the rejection.

Distribution  
of ballot  
papers for  
counting.

Inspection of  
ballot papers  
by candidates,  
etc.

No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

**123.** The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under a seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

Counting to be continuous as far as practicable.

**124.**—(1) A ballot paper shall be rejected if—

(a) in the case of all constituencies both personal vote and postal vote—

Grounds for rejection of ballot papers.

- (i) it bears any mark by which the elector can be identified;
- (ii) the number of votes recorded thereon exceeds the number of seats to be filled;
- (iii) no vote is recorded thereon;
- (iv) it is void for uncertainty;

(b) in the case of postal vote constituencies—

- (i) the envelope enclosing the elector's declaration paper and the cover containing his ballot paper has neither been sent by post so as to reach the Returning Officer not later than the day and the latest hour appointed for the poll nor deposited in the ballot-box provided in the office of the Returning Officer on the day and during the hours appointed for the poll;
- (ii) the envelope contains no declaration paper outside the cover;
- (iii) more than one declaration paper or cover containing the ballot paper have been enclosed in one and the same envelope;
- (iv) the declaration paper is not the one sent out by the Returning Officer to the elector, or the declaration or attestation is not in order:

Provided that, in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(2) Except on the abovementioned grounds, a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

**125.** 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—

(a) if a seat is reserved for a member of the depressed classes, the Returning officer shall first declare elected to the reserved seat the candidate belonging to the depressed classes to whom the largest number of valid votes have been given; and

(b) thereafter the candidate or the candidates, as the case may be, other than the candidate declared to be elected under proviso (a) who have secured the largest number of votes whether such candidates are members of the depressed classes or not.

**126.** 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.

**127.**—(1) The Returning Officer shall, without delay, report the result of the election to the Secretary, Legislative Council, and to the Government.

(2) As soon as may be after the election of members, the names of members elected for the constituencies concerned shall be notified in the official Gazette by Government.

**128.** The following procedure shall apply to constituencies other than those for which postal voting is allowed—

The Returning Officer shall not open the sealed packets of the marked copy of the electoral

Declaration of result.

Procedure in case of equality of votes.

Report of the result of election

Verification of statement in personal vote constituencies.

roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 105 by comparing it with the number of counted ballot papers, the rejected ballot papers, the spoilt ballot papers, the ballot papers dealt with under rule 103, and the unused ballot papers in his possession, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

**129.** The following procedure shall apply in the case of postal vote constituencies—

Statement by Returning Officer in postal vote constituencies.

Upon the completion of the counting, the Returning Officer shall seal up in separate packets :—

- (1) the counted ballot papers ;
- (2) the rejected declaration papers and connected covers ;
- (3) the ballot papers rejected at the count ;
- (4) the rejected envelopes and the connected declaration papers, if any ; and
- (5) the marked copy of the electoral roll.

He shall also prepare and sign a statement in form XII, and shall record on each packet a description of its contents and the date of the election to which it refers.

**130.**—(1) In the case of all constituencies—both personal and postal vote—the Returning Officer shall then prepare and certify a return in form XIII setting forth—

Return result of election.

- (a) the names of the candidates for whom valid votes have been given ;
- (b) the number of valid votes given for each candidate ;
- (c) the names of the candidates elected ;
- (d) the number of votes declared invalid, and

shall permit any candidate or any representative duly authorised under rule 119 to take a copy or an extract from such return.

(2) The Returning Officer shall forward a copy of the return made under the above sub-rule to the Government, as soon as possible, after reporting the result of the election as required by rule 127.

## PART V—RETURN AND FORFEITURE OF DEPOSITS.

Return of deposit in the event of withdrawal, rejection or death.

**131.** If a candidate by whom, or on whose behalf, the deposit referred to in rule 73 has been made withdraws his candidature in the manner and within the time specified in rule 78, or if the notice of candidature of any such candidate is rejected, the deposit shall be returned to the person by whom it was made; and, if any candidate becomes subject to any of the disqualifications specified in section 20 of the Act or dies before the commencement of the poll, any such deposit, if made by him, shall be returned to him or to his legal representative, as the case may be, or, if not made by the candidate, shall be returned to the person by whom it was made.

Forfeiture of deposit.

**132.** The deposit made by or on behalf of a candidate shall be forfeited to the Government—

- (a) if the candidate withdraws his candidature after the time specified in rule 78; or
- (b) if the candidate is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled; or
- (c) if having been elected by more than one constituency, he fails to intimate the choice of the constituency which he desires to serve in the manner specified in these rules.
- (d) if having been elected, he fails to take the oath of allegiance to His Highness the Maharaja at the next meeting of the Council or within such time as the Government may direct.

*Explanation*:—For the purposes of this rule the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

Return of deposit of successful and unsuccessful candidates.

**133.** The deposit made by or on behalf of a candidate whether such candidate is elected or not, shall, if it is not forfeited under the last preceding rule, be returned to the candidate or the person who has made the deposit on his behalf, as the case may be:

Provided that where the candidate is elected such return shall be made only after he has taken his

seat in the Council and taken the prescribed oath of allegiance to His Highness the Maharaja;

Provided further that if a candidate has stood for 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 forfeited to the Government.

## PART VI—DISPOSAL OF BALLOT PAPERS.

**134.** All the packets relating to the elections shall remain in the custody of the Returning Officer.

Custody of election papers.

**135.** The packets of ballot papers whether counted or rejected, and of the counterfoils thereof, or of the declaration papers, as the case may be, shall not be opened and their contents shall not be inspected or produced except under the order of a competent court or of a Commissioner appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Government may impose and to the payment of a fee of two rupees.

Production and inspection of election papers.

**136.—(1)** The packets aforesaid shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary made by the Government, or by a competent court or by a Commissioner appointed to hold an inquiry in respect of an election.

Destruction of election papers.

**(2)** The notices of candidature and the withdrawals from candidature shall be kept in the office of the Returning Officer concerned, and shall be destroyed after four years, unless otherwise ordered by the Government.

## PART VII—GENERAL.

**137.** If a question arises for the decision of the Returning Officer or the Presiding Officer under these rules whether an entry in an electoral roll relates to a particular person, the Returning Officer or the Presiding Officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Power of Returning Officers and presiding officers to overlook printing or clerical errors in electoral rolls.

No suit to lie in a court of law for acts done under this chapter.

**138.** Save as otherwise provided in the Act or in these rules, no act done or proceedings taken under, or with reference to, the rules contained in this Chapter shall be called in question by means of suit or otherwise in a court of law.

## CHAPTER VIII.

### CORRUPT PRACTICES AND ELECTION PETITIONS.

#### PART I.—ELECTION AGENTS AND EXPENSES.

Appointment of election agents.

**139.** Every person standing as a candidate at an election to fill a seat or seats in the Assembly or the Council shall, at the time and in the manner prescribed by the provisions of these rules, appoint either himself or some one other person to be his election agent.

Disqualifications for being an agent in connection with an election.

**140.** No person who is for the time being disqualified under the provisions of the Act or of any of these rules from being a member of the Assembly or the Council or from voting at elections, shall, so long as the disqualification exists, be employed by or on behalf of a candidate as an agent in connection with any election held under the Act or rule made thereunder.

Revocation of appointment of an agent.

**141.** (1) Any revocation of the appointment of an election agent, whether he be the candidate himself or not, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of rule 144, the candidate shall appoint forthwith either himself or some other person to be his election agent, and shall give notice, in writing, of the appointment to the Returning Officer.

Agent's duty to maintain accounts.

**142.** Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter therein such particulars of expenditure in connection with the election as are specified in these rules.

Accounts of agent.

**143.** The books of account to be kept by an election agent under the last preceding rule shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate

or in his interests 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.

**144.**—(1) Within thirty-five days from the date of the publication of the result of the election in the official Gazette, there shall be lodged with the Returning Officer in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election agent.

Return of election expenses

(2) Every such return shall be in Form XIV and contain the particulars specified in the fourth schedule, and shall be accompanied by declarations in the forms contained in paragraph 3 of the said schedule by the candidate and his election agent made on oath before a magistrate.

(3) Every such return shall also bear court-fee stamps of the value of two rupees without which the Returning Officer shall not accept the return.

**145.** For the purpose of rule 141 a candidate, who is unable to write his name, shall be deemed to have signed a revocation of the appointment of an election agent, and for the purpose of rule 144 a candidate or an election agent, who is unable to write his name, shall be deemed to have signed a return of election expenses, if he has placed a mark on the document in the presence of the Returning Officer and if the Returning Officer, on being satisfied as to his identity, has attested the mark as being the mark of the candidate or the election agent.

Signature by a candidate or an election agent who is unable to write his name in certain cases.

**146.** When any return and the declarations made in respect thereof have all 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 official 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 the same fees as are prescribed for grant of copies of revenue records, to obtain attested copies thereof or of any part thereof.

Notice that return of election expenses has been lodged, and inspection and copy of such return.

**147.**—(1) The Government shall cause to be prepared in such manner as it may direct a record showing—

Maintenance of records regarding elections and election expenses.

- (a) the names of all candidates at every election to fill a seat or seats either in the Assembly or in the Council;



- (b) the names of the election agents of each such candidate;
- (c) the date of each election;
- (d) the name of each constituency in which an election has been held; and
- (e) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished by the Returning Officers concerned.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees, and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for five years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

**148.**—(1) The Government may, from time to time by notification in the official Gazette—

- (a) fix maximum scales of expenditure (including the personal expenses of candidates) which shall apply to any election held under the Act or the rules thereunder;
- (b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election.

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

## PART II.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.

**149.** In this Part of this Chapter and in the fifth schedule, except where it is otherwise expressly provided or the context otherwise requires—

- (a) “agent” includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have

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

Definitions.

acted as an agent in connection with the election with the knowledge or consent of the candidate ;

- (b) "candidate" means a person who has stood or claims to have stood as a candidate at any election, and a candidate who, with the election in prospect, has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out ;
- (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 ;
- (d) "returned candidate" means a candidate whose name has been published under these rules as duly elected ;
- (e) "corrupt practice" means one of the practices specified in Parts I, II and III of the fifth schedule.

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

**151.—(1)** An election petition against any returned candidate may be presented to the Government— Presentation of the petition.

- (a) by any candidate or elector on any ground ;
- (b) by an officer empowered in that behalf by the Government 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.

*Explanation.*—In this rule, the expression "elector", in relation to a trade and commerce, industry or co-operation constituency, includes all the persons included in the electoral roll as the nominees of any body, notwithstanding that only one of them is entitled to vote.

(2) A petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself has been duly

elected, but such a declaration shall only be claimed on one or other of the following grounds—

- (a) that in fact the petitioner received a majority of the valid votes; or
- (b) that, but for votes obtained for the returned candidate by corrupt practices, the petitioner would have obtained a majority of the valid votes.

Time limit for the presentation of the petition.

**152.**—(1) An election petition against any returned candidate may be presented to the Government as provided in the last preceding rule—

- (a) by any candidate or elector within fourteen days from the date of the publication of the notice in the official Gazette under rule 146 that the return of election expenses of the returned candidate and the declarations made in respect thereof have been lodged with the Returning Officer; or
- (b) within thirty days from that date by an officer referred to in clause (b) of sub-rule (1) of rule 151.

(2) An election petition shall be deemed to have been presented to the Government when it is delivered to any officer appointed by it 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, 1917, or has been notified by the 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.

Contents of the petition.

**153.**—(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 laid down in the Code of Civil Procedure, 1911, for the verification of pleadings.

(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.

**154.** When the petitioner in addition to calling in question the election of a returned candidate, claims a declaration that he himself has been duly elected, he shall join as respondents to his petition all other candidates who stood at the election.

Against whom petition may be presented.

**155.** 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 151, enclose with the petition a Government treasury receipt (challan) showing that a deposit of one hundred rupees has been made by him in the treasury as security for the costs of the petition.

Deposit of security.

**156.** If the provisions of rule 152, rule 153 or rule 176 are not complied with, the Government may dismiss the petition.

Petition when to be dismissed.

**157.—(1)** Unless the Government dismisses a petition under the provisions of the last preceding rule, it shall appoint as Commissioner for the trial of the petition a person who is or has been, or is eligible to be appointed, a District Judge.

Appointment of Commissioner for the trial of election petitions.

(2) All applications and proceedings in connection with the petition shall be dealt with by, and carried on by or before, the Commissioner.

(3) Where in respect of an election in a constituency more petitions than one are presented, the Government shall refer all those petitions to the same Commissioner, who may at his discretion inquire into the petitions either separately or in one or more groups, as he thinks fit.

(4) If during the course of the inquiry the Commissioner is unable to continue to attend thereat, the Government shall appoint another person as Commissioner and the inquiry shall re-commence before the Commissioner so appointed:

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

Attendance of  
Government  
Advocate.

**158.** When at an inquiry into an election petition the Commissioner so orders, the Government Advocate, or some person appointed by the Government in that behalf, shall attend and shall take such part therein as the Commissioner may direct.

Procedure on  
appointment  
of Commis-  
sioner.

**159.** The Commissioner shall, as soon as may be after he is appointed, cause a copy of the petition to be served on each respondent and to be published in the official 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 151.

Inquiry by  
Commis-  
sioner.

**160.**—(1) Subject to the provisions of these rules, every election petition shall be inquired into by the Commissioner, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1911, to the trial of suits :

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

(2) The Commissioner may, upon such terms as to costs and otherwise as he may direct at any time, allow the particulars included in the list mentioned in sub-rule (2) of rule 152 to be amended or order such further or better particulars in regard to any matter referred to therein to be furnished as may in his opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

(3) Notwithstanding the provisions of rule 156, the Commissioner may inquire into the compliance of the petition with the provisions of rule 152, rule 153 or rule 155.

**161.** The inquiry shall be held at such place as the Government may appoint : Place of inquiry.

Provided that the Commissioner may in his discretion sit at any other place in the State for any part of the inquiry.

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

(2) If there are more petitioners 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 Commissioner, 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 official Gazette.

(4) No application for withdrawal shall be granted if, in the opinion of the Government or of the Commissioner, 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 Commissioner may think fit ;

(b) notice of the withdrawal shall be published in the official Gazette by the Government or by the Commissioner, 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 155 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

(6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (c) of sub-rule (5), the Commissioner shall report the fact to the Government.

Abatement or substitution on death of petitioner.

**163.**—(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 151, the proceedings may be continued by any other officer empowered in this behalf by the Government under the said clause.

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

(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 155 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

Abatement or substitution on death of respondent.

**164.** 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 Commissioner shall cause notice of such event to be published in the official 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 Commissioner may think fit.

Recrimination when seat claimed.

**165.**—(1) Where at any 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 the 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 rule

159, given notice of his intention to the Commissioner and made the deposit and procured the execution of the bond referred to in rules 155 and 159, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 153 in the case of an election petition and shall be signed and verified in like manner.

**166.**—(1) Subject to the provisions of this rule, if in the opinion of the Commissioner—

Grounds  
for declaring  
election void.

- (a) the election of a returned candidate has been procured or induced, or the results of the election has been materially affected, by any corrupt practice ; or
- (b) any corrupt practice specified in Part I of the fifth schedule has been committed in the interests of a returned candidate ; or
- (c) the result of the election has been materially affected by the improper acceptance or rejection of any notice of candidature, or by reason of the fact that any person who was a candidate was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the Act or of the rules thereunder relating to the election, or by any mistake in the use of any prescribed form ; or
- (d) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in Part I of the fifth schedule, but further reports that the candidate has satisfied him that—

- (a) no corrupt practice was committed at the 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 the candidate or his election agent ;

- (b) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election ;
- (c) the corrupt practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election ; and
- (d) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

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

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

Report of the  
Commissioner.

**167.**—(1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any person who has lodged a petition and claimed a seat, has been duly elected, and in so reporting shall have regard to the provisions of the last preceding rule.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom costs shall be paid, and any such recommendation may include a recommendation for the payment of costs to the Government Advocate or a person appointed under rule 158 for attending the trial in pursuance of the order of the Commissioner.

(3) The report shall be signed by the Commissioner who shall forthwith forward his report to the Government.

Finding as to  
corrupt  
practices and  
persons  
guilty  
thereof.

**168.** Where any charge is made in an election petition of any corrupt practice, the Commissioner shall record in his 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 that 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 that practice with any such recommendations as the Commissioner may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules 171 to 174 :

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.

**169.**—(1) An appeal shall lie to the High Court from the report of the Commissioner on a point of law only, provided that such appeal is preferred within fifteen days from the date of such report exclusive of the time required for obtaining a copy of the report.

Appeals from report of Commissioner.

(2) The High Court upon the hearing of any such case shall decide the questions of law raised thereby, and shall deliver its judgment therein containing the grounds on which such decision is founded and shall send to the Government a copy of such judgment under the seal of the Court and the signature of the Registrar.

(3) The High Court shall frame such rules as it may deem fit for regulating the procedure to be adopted for the filing and the hearing of such appeal.

**170.**—(1) The Government shall, on the receipt of the judgment of the High Court, issue orders in accordance with such judgment.

Issue of orders by the Government.

(2) In cases where an appeal to the High Court does not lie or is not preferred, the Government shall issue orders in accordance with the report of the Commissioner.

(3) The orders of the Government shall be published in the official Gazette and shall be final.

### PART III—DISQUALIFICATIONS.

**171.** If any person is, after an inquiry under Part II of this Chapter, reported as guilty of any such corrupt practice as is specified in Part I or Part II of the fifth schedule he shall, for a period of six years from the date of the conviction or report, be disqualified for voting at any election to, or for membership of, the Assembly or the Council.

Offences and practices which entail disqualification for voting or membership.

Disqualifica-  
tion for  
certain  
corrupt  
practices.

**172.** If, in relation to any election to the Assembly or the Council, any person is, after such an inquiry as aforesaid, reported as guilty of any such corrupt practice as is specified in Part III of the fifth schedule he shall be disqualified for voting at any such election or for membership of the Assembly or the Council for a period of four years from the date of the report.

Persons to be  
disqualified  
in the case of  
firms, etc.

**173.** Where under either of the two last preceding rules a person is, in connection with an election in a trade and commerce, industry, or co-operation constituency disqualified for voting for any period, then if that person was at the date of election either,

- (a) included in the electoral roll for the constituency as the nominee of an association, firm, Hindu joint family, corporation or co-operative society entitled to nominate persons for inclusion therein; or
- (b) a member of any such association, firm, Hindu joint family or a director, managing agent or manager of any such corporation or society or a person authorised to sign in the name of any such firm, Hindu joint family, corporation or society in the ordinary course of its business, the association, firm, family, corporation or society shall, for the like period, be disqualified from nominating persons for inclusion in the electoral roll for any trade and commerce, industry or co-operation constituency.

Failure to  
lodge return  
of election  
expenses.

**174.** If default is made in making the return of the election expenses of any person who has been a candidate at an election to the Assembly or the Council, or if such a return is found, either by the Commissioner holding an inquiry into the election or by any court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which a return was required to be lodged.

Disqualifica-  
tion for  
being an  
election  
agent.

**175.** Any person who is for the time being disqualified under the foregoing provisions of this Part of this Chapter for being a member of either chamber, or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

**176.** Any disqualification under rules 171 to 174 inclusive arising in connection with an election to either Chamber may be removed by the Government if such disqualification is in respect of voting.

Power of Government to remove disqualification.

#### PART IV.—CUSTODY AND PRESERVATION OF ELECTION PETITIONS, ETC.

**177.** Election petitions with the proceedings and reports of the Commissioner thereon shall be kept by the Government and shall be destroyed after four years unless otherwise ordered by the Government.

Election petitions, etc., to be kept for four years.

### CHAPTER IX.

#### GENERAL.

**178.**—(1) If any person is elected to the Assembly or the Council by more than one constituency he shall, by notice in writing signed by him and delivered to the Secretary to the Assembly or the Council, as the case may be, within seven days from the date of the publication in the official Gazette of the declarations containing the names of that person as having been elected, or where such publication has been made on different dates within seven days from the later of such dates, as the case may be, choose for which of the constituencies he shall serve and his choice shall be conclusive.

Vacation of seat by a person elected by more than one constituency.

(2) When any such choice has been made, the Government shall call upon the constituency or constituencies not chosen by such person to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Government shall call upon the constituencies concerned to elect other persons.

**179.**—(1) Any person who is chosen a member of the Assembly and the Council and who has not taken his seat in either Chamber may, by notice in writing signed by him and delivered to the Secretaries of both the Chambers, within seven days from the date of the publication in the official Gazette of the declarations that he has been so chosen, or if such publications have been made on different dates within seven days from the later of such dates,

Vacation of seat by a person elected to both Chambers.

intimate in which of the Chambers he wishes to serve, and any choice so intimated shall be conclusive. In default of such intimation, the seat of such person in the Assembly shall become vacant.

(2) If a person who is already a member of the Assembly and has taken his seat in such Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

(3) If a person who is already a member of the Council and has taken his seat in such Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

Penalty for failure to take the oath of allegiance.

**180.** If any person having been elected or nominated to the Assembly or the Council fails to take the oath of allegiance to His Highness the Maharaja within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another member within such time as may be specified in the notification or shall nominate another person, as the case may be.

## CHAPTER X.

### SPECIAL PROVISIONS.

Power of the Government to remove difficulties.

**181.** If any difficulty arises as to the preparation, revision or publication of any electoral roll or of any list of amendments to any such roll, or to the holding of any election under the provisions of these rules, the Government may, by order do anything not inconsistent with these rules or with any provision of the Act, which appears to it to be necessary for the proper preparation, revision, or publication of the roll or for the proper holding of the election.

Power of the Government to interpret the rules.

**182.** If any question arises as to the interpretation of these rules otherwise than in connection with an election enquiry held under the provisions of these rules the question shall be referred for the decision of the Government, and its decision shall be final.

## SCHEDULES.

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

## PART I.—GENERAL CONSTITUENCIES.

*(Rule 7).*

Name of Constituency	Extent of Constituency	Number of seats
<i>(i) Urban.</i>		
Bangalore City ..	Bangalore City Municipality and Binneypet.	1
Mysore City ...	Mysore City Municipality ...	1
<i>(ii) Rural.</i>		
Bangalore ...	Bangalore district excluding Bangalore City and Binneypet.	3
Kolar ...	Kolar district ...	3
Tumkur ...	Tumkur district ...	3
Mysore ...	Mysore district excluding Mysore City.	3
Mandya ...	Mandya district ...	2
Hassan ...	Hassan district ...	2
Shimoga ...	Shimoga district ...	2
Kadur ...	Kadur district ...	2
Chitaldrug ...	Chitaldrug district ...	2

## PART II.—DEPRESSED CLASS CONSTITUENCIES.

*(Rule 8).*

Name of Constituency	Extent of Constituency	Number of seats
<i>First Election.</i>		
Mysore ...	Mysore district ..	1
Bangalore ...	Bangalore district ...	1
Tumkur ...	Tumkur district ...	1
Shimoga ...	Shimoga district ...	1

PART II.—Depressed Class Constituencies—*concid.*

Name of Constituency	Extent of Constituency	Number of seats
<i>Second Election.</i>		
Mandya ...	Mandya district ...	1
Kolar ...	Kolar district ...	1
Chitaldrug ...	Chitaldrug district ...	1
Kadur ...	Kadur district ...	1
<i>Third Election.</i>		
Mysore ..	Mysore district ...	1
Bangalore .	Bangalore district ...	1
Tumkur ...	Tumkur district ...	1
Hassan ...	Hassan district ...	1
<i>Fourth Election.</i>		
Mandya ...	Mandya district ...	1
Kolar ...	Kolar district ...	1
Chitaldrug ...	Chitaldrug district ...	1
Shimoga ...	Shimoga district ...	1
<i>Fifth Election.</i>		
Mysore ..	Mysore district ...	1
Bangalore ...	Bangalore district ...	1
Tumkur ...	Tumkur district ...	1
Kadur ...	Kadur district ...	1
<i>Sixth Election.</i>		
Mandya ...	Mandya district ...	1
Kolar ...	Kolar district ...	1
Chitaldrug ...	Chitaldrug district ...	1
Hassan ...	Hassan district ...	1

## PART III.—MUHAMMADAN CONSTITUENCIES.

(Rule 7).

Name of Constituency	Extent of Constituency	Number of seats
Bangalore ...	Bangalore district including Bangalore City.	1
Kadur <i>cum</i> Shimoga.	Kadur and Shimoga districts ...	1
Chitaldrug <i>cum</i> Tumkur.	Chitaldrug and Tumkur districts ...	1
Mysore <i>cum</i> Mandya <i>cum</i> Hassan.	Mysore district including Mysore City, Mandya and Hassan districts ...	1
Kolar ...	Kolar district including Kolar Gold Field ...	1

## PART IV.—INDIAN CHRISTIAN CONSTITUENCY.

(Rule 7).

Name of Constituency	Extent of Constituency	Number of seats
Indian Christian	The whole of Mysore ...	1

## PART V.—EUROPEAN CONSTITUENCY.

(Rule 23).

Name of Constituency	Extent of Constituency	Number of seats
European ...	European Association, Bangalore district circle and Mysore planting districts circle ...	1



## PART VI.—WOMEN'S CONSTITUENCIES.

(Rule 26).

Name of Constituency	Extent of Constituency	Number of seats
Bangalore ...	Bangalore City Municipality and Binneypet.	1
Mysore ...	Mysore City Municipality ...	1

## PART VII.—TRADE AND COMMERCE CONSTITUENCY.

(Rule 29).

Name of Constituency	Extent of Constituency	Number of seats
Trade and Commerce.	The Mysore Chamber of Commerce ...	1

## PART VIII.—PLANTING CONSTITUENCIES.

(Rule 34).

Name of Constituency	Extent of Constituency	Number of seats
European ...	Mysore, Hassan, Kadur and Shimoga districts.	1
Indian ...	Mysore, Hassan, Kadur and Shimoga districts.	1

## PART IX.—LABOUR CONSTITUENCIES.

(Rule 37).

Name of Constituency	Extent of Constituency	Number of seats
Bangalore <i>cum</i> Kolar Gold Field.	Factories situated in the City of Bangalore and Kolar Gold Field and employing not less than one hundred workers and the gold mines in Kolar Gold Field.	1
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati.	Factories situated in the City of Mysore and Mandya and Bhadravati (including the area comprised by the New Town Board, Bhadravati Town) and employing not less than one hundred workers.	1

## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

## PART I.—GENERAL CONSTITUENCIES. \*

(Rules 47 and 67).

Name of Constituency	Registration Officer	Returning Officer
<i>(i) Urban.</i>		
Bangalore City ...	Municipal Commissioner Bangalore City.	Municipal Commissioner, Bangalore City.
Mysore City ...	President, Municipal Council, Mysore City.	President, Municipal Council, Mysore City.
<i>(ii) Rural.</i>		
Bangalore ...	Deputy Commissioner, Bangalore district.	Deputy Commissioner, Bangalore district.
Kolar ...	Deputy Commissioner, Kolar district.	Deputy Commissioner, Kolar district.
Tumkur ...	Deputy Commissioner, Tumkur district.	Deputy Commissioner, Tumkur district.
Mysore ...	Deputy Commissioner, Mysore district.	Deputy Commissioner, Mysore district.
Mandya ...	Deputy Commissioner, Mandya district.	Deputy Commissioner, Mandya district.
Hassan ...	Deputy Commissioner, Hassan district.	Deputy Commissioner, Hassan district.
Shimoga ...	Deputy Commissioner, Shimoga district.	Deputy Commissioner, Shimoga district.
Kadur ...	Deputy Commissioner, Kadur district.	Deputy Commissioner, Kadur district.
Chitaldrug ...	Deputy Commissioner, Chitaldrug district.	Deputy Commissioner, Chitaldrug district.

\* Includes the Depressed Class Constituencies also.

## PART II.—MUHAMMADAN CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore ...	Deputy Commissioner, Bangalore district.	Deputy Commissioner, Bangalore District.
Kadur <i>cum</i> Shimoga.	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Deputy Commissioner, Shimoga District.
Chitaldrug <i>cum</i> Tumkur.		Deputy Commissioner, Tumkur District.
Mysore <i>cum</i> Mandya <i>cum</i> Hassan.		Deputy Commissioner, Mysore District.
Kolar ...		Deputy Commissioner, Kolar district.

## PART III.—INDIAN CHRISTIAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Indian Christian	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Legislative Council.

## PART IV.—EUROPEAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
European	Secretary, European Association, Bangalore district circle.	Secretary, European Association, Bangalore district circle.

## PART V.—WOMEN'S CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore ...	Municipal Commissioner, Bangalore City.	Municipal Commissioner, Bangalore City.
Mysore ...	President, Municipal Council, Mysore City.	President, Municipal Council, Mysore City.

## PART VI.—TRADE AND COMMERCE CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Trade and Commerce	Secretary, Legislative Council.	Secretary, Legislative Council.

## PART VII.—PLANTING CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
European ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Legislative Council
Indian ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Legislative Council.

## PART VIII.—LABOUR CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore <i>cum</i> Kolar Gold Field.	Secretary, Legislative Council.	Secretary, Legislative Council.
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati.	Secretary, Legislative Council.	Secretary, Legislative Council.

## PART IX.—UNIVERSITY CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
University ...	Registrar, Mysore University.	Registrar, Mysore University

## PART X.—MINING CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Mining ...	Secretary, Kolar Gold Field Mining Board.	Secretary, Kolar Gold Field Min Board.

## THIRD SCHEDULE.

## LIST OF SYMBOLS.

*(Rule 80.)*

## LEGISLATIVE COUNCIL.

1. Lion	10. Tiger	18. Spade
2. Elephant	11. Cow	19. Bicycle
3. Horse	12. Plough and	20. Axe
4. Bird	pair of bullocks	21. Flag
5. Sun	13. Ship	22. Umbrella
6. House	14. Camel	23. Bell
7. Scales	15. Sword	24. Ganapathy
8. Tree	16. Trisula	25. Hand
9. Cart	17. Charaka	

## FOURTH SCHEDULE.

## RETURN OF ELECTION EXPENSES.

(Rule 144)

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), clerk or messenger;

(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 persons so travelling;

(e) the cost whether paid or incurred of:—

- (i) printing,
- (ii) advertising,
- (iii) stationery,
- (iv) postage,

---

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 five rupees 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.

- (v) telegrams, and
- (vi) rooms hired either for public meetings or as committee rooms;

(f) any other miscellaneous expenses whether paid or incurred.

3. The form of the declarations referred to in Rule 165 shall be as follows:—

*Form of Declaration by Election Agent.*

I, .....being 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 setforth, 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 setforth, 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.



## FIFTH SCHEDULE.

## (Rule 159)

## CORRUPT PRACTICES.

## PART I.

Bribery. 1. Bribery, that is to say, any 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 gratification 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 at an election; or
- (b) an elector to vote or refrain from voting at an election,

or as a reward to—

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

For the purposes of this paragraph the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and it 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 purpose of, any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence. 2. Undue influence, that is to say, 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:

Provided that—

- (a) without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—
  - (i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or

- (ii) induces or attempts to induce a candidate or elector 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 that candidate or elector within the meaning of this paragraph; and

- (b) 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 paragraph.

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 for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Personation.

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

Removal of voting paper.

5. The publication by a candidate or his agent, or by any other person with the connivance of a 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, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

Publication of false statements.

6. The incurring or authorizing 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 issued by the Government under rule 169.

## PART II.

1. Any act specified in Part I of this schedule, when done by a person who is not a candidate or his agent

Acts under Part I.

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 fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Bribery.

3. The receipt of, or agreement to receive, any gratification whether as a motive or reward—

- (a) by a person for standing or not standing as, or for withdrawing 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.

For the purposes of this paragraph the term "gratification" has the same meaning as it has for the purposes of paragraph 1 of Part I of this schedule.

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.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

### PART III.

Incurring expense without authority.

1. The incurring or authorization by any person other than a candidate or his agent of expenses 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 the candidate, unless he is authorized, in writing, so to do by the candidate.

2. 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. **Hiring of liquor shops.**

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof. **Issue of circulars, etc., without printer's and publisher's name printed thereon.**

## FORMS.

## I. ELECTORAL ROLL FOR TERRITORIAL CONSTITUENCIES.

(Rule 46.)

## LEGISLATIVE COUNCIL.

Name of Constituency.....

Serial Number	Name of elector together with the father's name or other identifying particulars	Address	Occupation	How qualified
1	2	3	4	5

## II. ELECTORAL ROLL FOR SPECIAL CONSTITUENCIES.

(Rule 46.)

## LEGISLATIVE COUNCIL.

*Name of Constituency*.....

Serial Number	Name of elector with identifying particulars	Names of nominees of firms, Hindu joint-families, associations, or corporations	Postal address of elector	How qualified
1	2	3	4	5

\*\* This column will appear only in the electoral roll for the trade and commerce constituency.

## III. NOTICE OF CANDIDATURE.

(Rule 69.)

## LEGISLATIVE COUNCIL.

1. Name of the constituency in which the candidate desires to stand for election.	
2. <u>Father's</u> Husband's Name.	
3. Age and date of birth	
4. Address	
5. Sex	
6. * Denomination	
7. † Number of candidate on the electoral roll.	

I hereby declare that I am qualified to stand for election and that I have appointed.....to be my election agent.

Date.....

Signature of candidate.

This notice of candidature will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on or before.....19 .

(Please see the certificates on the back.)

NOTE.—\* State whether Muhammadan, Indian Christian, European, Anglo-Indian or belonging to general community. This column need not be filled in the case of special constituencies.

† When the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division, a description of the sub-division in which the name of the person concerned is entered must also be given.

*(Back of notice of candidature.)*

**CERTIFICATE OF DELIVERY.**

Serial No.....

This notice of candidature was delivered to me at my office at . . .  
.....on the.....19 .

.....

Returning Officer or other authorised person.

**CERTIFICATE OF SCRUTINY.**

I have scrutinized the eligibility of the candidate and find that he  
is qualified to stand for election.

.....

Returning Officer or other authorised person.

Date.....



## IV. LIST OF CANDIDATES FOR ELECTION.

(Rule 80.)

## LEGISLATIVE COUNCIL.

*Name of Constituency* . . . . .

Serial Number	Name of candidate	Address of candidate	Symbol assigned to candidate, if any.
1	A		
2	B		
3	C		
4	D		
	etc., etc.		

\* *Note.*—The poll will be taken on.....day of.....  
19.....between .....and.....

.....

Returning Officer or

Date.....

other authorised person.

\* In the case of a constituency for which postal ballot is prescribed, the note shall run as follows:—

“ Ballot papers should reach the Returning Officer or other person authorised in this behalf by post before .....on....., or be deposited or caused to be deposited at the office of the Returning Officer or other person authorised in this behalf between.....and.....on.....”

## V. BALLOT PAPER.

(Rule 95.)

## LEGISLATIVE COUNCIL.

Counterfoil.	<i>Front.</i>	Outerfoil.
<b>SERIAL No.</b> .....	Name and symbol of candidate	Cross
Name of Constituency .....		
Name or number of polling Station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		

*Note.*—Please see instructions on the back.

*Back of outerfoil.*

- (1) \* You have one vote.  
 † You have.....votes.
- (2) \* The vote is to be shown by a cross mark: ×  
 † Each vote is to be shown by a cross mark: ×
- (3) \* The mark is to be placed against only one candidate.  
 † You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

**SERIAL No.**

\* In the case of single-member constituencies.  
 † In the case of multi-member constituencies.

VI. CERTIFICATE ENTITLING A PERSON TO VOTE AT THE  
POLLING STATION WHERE HE IS APPOINTED FOR  
DUTY.

(Rule 103.)

LEGISLATIVE COUNCIL.

Mr. .... being duly registered as elector  
No ..... in ..... constituency of the Legislative  
Council and being duly appointed for duty at the polling station  
..... of ..... constituency is entitled to record  
his vote at polling station ..... of ..... constituency  
and at no other.

\* A list of the candidates for election in the constituency in which  
the said ..... is entitled to vote is given below.

Serial No.	Names of candidates	†Cross

Date.....

.....

Returning Officer or  
other authorised person.

.....constituency.

\* This portion is to be struck out if the polling station at which the person appointed  
for duty is in the same constituency as the one in which he is entitled to vote.

† The person to whom this certificate is given will mark his vote in this column.

VII. BALLOT PAPER ACCOUNT.

(Rule 105.)

LEGISLATIVE COUNCIL.

Name of Constituency.....

Name or number of Polling Station.....

Total number of electors for the polling station as shown in the electoral roll.	
2 Total number of ballot papers entrusted to the presiding officer.	
3 Number of ballot papers used.	
4 Number of ballot papers used for the votes of persons appointed for duty at the polling station under rule 103.	
5 Spoilt ballot papers (Rule 101).	
6 Balance that should be in the box.	
7 Number of unused ballot papers.	

.....  
Presiding Officer

Dated.....

- Column 1.—Give total number of the names on the electoral roll for your polling station.
- Column 2.—Give total number of ballot papers received by you.
- Column 3.—Count the counterfoils of the issued ballot papers and enter that number.
- Column 4.—Total of the counterfoils of ballot papers used by the persons appointed for duty at the polling station.
- Column 5.—The total of the counterfoils marked cancelled, checked with the total number of spoilt ballot papers with the presiding officer.
- Column 6.—Deduct from number in column 3 the sum of the totals in columns 4 and 5.
- Column 7.—Count unused ballot papers and enter the total.

## VIII. DECLARATION PAPER.

(Rule 110.)

## LEGISLATIVE COUNCIL.

Name of Constituency.....

## Serial Number—

\* Elector's name and number on the Electoral Roll.....

## ELECTOR'S DECLARATION.

(†) I,.....declare that I am an elector for this constituency and have signed no other ballot paper at this election for this constituency.

.....  
Signature of elector.Address.....  
.....

Signed in my presence by the elector who is personally known to me  
who has been identified to my satisfaction

Date.....

.....  
Signature and  
Official Designation.

---

\* NOTE.—The names of the nominees of an association, firm, corporation, or Hindu joint family should be entered here along with the name or number of the association, etc.

(†) Name in full and designation to be entered here.

IX. BALLOT PAPER.

(Rule 110.)

LEGISLATIVE COUNCIL.

Front.

Name of Constituency.....

Names of candidates and symbols, if any.	Mark showing the elector's choice.

(Please see instructions on the back).

*Back of the Ballot Paper.*

- (1) The number of votes which you may give is one.
- (2) Place a cross mark thus X against the name of the candidate for whom you wish to vote.

**SERIAL No.**.....

X. ENVELOPE.

(Rule 112.)

LEGISLATIVE COUNCIL.

*Face of Envelope.*

Legislative Council election.

Constituency..... ..

Poll on..... ..

To

The Returning Officer,

.....Constituency

Address..... ..

..... ..

..... ..

## XI. LETTER OF INTIMATION.

*(Rule 112.)*

## LEGISLATIVE COUNCIL.

*Name of Constituency.....*

SIR,

The persons whose names are printed on the ballot paper sent herewith have signified their intention to stand as candidates for election to the Legislative Council. Should you desire to vote at this election, I have to request that you will—

- (a) first sign the declaration paper in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar ;
- (b) then mark your vote in the column provided for the purpose in the ballot paper ;
- (c) enclose the ballot paper by itself in the cover, and
- (d) put the cover and the declaration paper in the envelope addressed to me, and return it to me by post so as to reach me not later than 5 P.M. on the... ..day of..... 19....., or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose in... ..between..... and.....on .....

.....  
 Returning Officer or  
 other authorised person.



## XII. BALLOT PAPER ACCOUNT.

(Rule 129.)

## LEGISLATIVE COUNCIL.

*Name of Constituency*.....

1. Total number of electors on roll.	
2. Number of ballot papers issued originally.	
3. Number issued in place of ballot papers reported as not received, spoilt or lost.	
4. Number of ballot papers received.	
5. Number of ballot papers rejected.	
6. Number of ballot papers counted.	
7. Number of declaration papers filed separately.	
8. Remarks.	

Date.....

.....  
 Returning Officer or  
 other authorised person.

XIII. RETURN OF THE RESULT OF ELECTION.

(Rule 130.)

LEGISLATIVE COUNCIL.

Name of Constituency.....

Name of candidate	Number of valid votes recorded in favour of the candidate
1. A	
2. B	
3. C	
4. D etc., etc.	

Total Number of valid ballot papers.....

Number of ballot papers declared invalid in whole or part .....

.....

I do hereby declare that

(1) Mr.....

Address.....

(2) Mr.....

Address.....

(3) Mr.....

Address.....

(4) Mr.....

Address.....

<sup>has</sup>  
~~have~~ been duly elected.

.....

Dated the.....day of.....19.....

Returning Officer.

## XIV. RETURN OF ELECTION EXPENSES.

*(Rule 144.)*

## LEGISLATIVE COUNCIL.

Name of Constituency .....

1. *Receipts.*—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person, etc., and the amount received shall be shown separately :—

Date of receipt	Name and description of payer	Amount or value
	Total	...

2. *Expenses.*—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of, or in connection with, or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware:—

*N. B.*—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lumpsums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

**PART A.**—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
<b>Total ...</b>					

**PART B.**—*In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration on agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.*

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
Total ...						

**PART C.**—*In this Part shall be shown all other expenditure (including traveling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
<b>Total ...</b>					

PART D.—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
Total ...					

**PART E.**—*In this Part the cost of printing shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total ...					



PART F.—In this Part the cost of advertising shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total ...					

PART G.—*In this Part the cost of stationery shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total ...					

**PART H.**—*In this Part the cost of postage and telegrams may be shown in lumpsums*

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid

Total ...

**PART I.**—*In this Part the cost of rooms hired for public meetings, or as committee rooms, or as an office, shall be shown.*

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
Total					

**PART J.**—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
	Total	

# INDEX.

	PAGE		PAGE
<b>A</b>			
Act—		Ballot and Declaration Papers—	
Interpretation of the “ — ” ...	35	Procedure <i>re</i> issue of — to electors in (postal voting) ...	68—69
Acts or proceedings <i>re</i> conduct of elections—		Ballot Paper—	
— protected from legal action ...	78	Cancellation of spoilt — Procedure <i>re</i> (in Personal voting) ...	66
Agent —		— Form of — (in Personal voting) ...	65
Definition of — ...	80, 81	— Forms to accompany — in Postal voting ...	69
Agreements—		— Non-receipt of — not to invalidate an election by Postal voting ...	71
Excluded Subject ...	16	— Procedure before issue of — in Postal voting ...	69
Expenditure pertaining to —		— Procedure before the delivery of — to elector (in Personal voting) ...	65
Expenditure on Excluded Head ...	18	Ballot Paper and Declaration Paper—	
Allowances of Members—		Form of — in Postal voting ...	69
— ...	15	— Procedure <i>re</i> return of — in Postal voting ...	
Amendment of Electoral rolls —		Ballot Papers—	
— How effected ...	54	Distribution of — for counting ...	72
(i) On Decisions of revising authority ...	54	— Grounds for rejection of — ...	73—74
(ii) On the initiative of revising authority ...	54, 55	— Inspection of — by candidates, etc. ...	72
(iii) On the initiative of Registration Officer ...	55	— Procedure in the case of lost or spoilt — in Postal voting ...	70
Amendments—		Procedure <i>re</i> disposal of — ...	71
Bills not to be introduced in Legislative Council without embodying such — ...	15	Bills—	
Representative Assembly not to move other than — of principle of Bills. See “General Principles of Bills” ...	15	See “Legislative Measures”	
Anglo-Indian—		His Highness the Maharaja’s assent to — ...	16
Interpretation of — ...	36	Power of Government to introduce in the Legislative Council — the general principles of which are not approved by the Representative Assembly ...	15
Annual Financial Statement—		Right of the Representative Assembly to discuss the general principles of — before they are introduced in the Legislative Council ...	15
Government to place before both the Chambers the — of the State ...	17	— See “Amendments”	
Annual Financial Statements—		Booths—	
See “Resolution on Annual Financial Statement” ...	18	See “Polling Stations — and Polling areas”	
— ...	18	Business of Government—	
Details of the — ...	17	Conduct of — of His Highness the Maharaja ...	8
Appointment of presiding officers, polling officers, etc.		<b>C</b>	
Procedure <i>re</i> — ...	63	Candidate—	
Appropriations of Revenues—		Definition of — ...	81
No — for any purpose to be made except on the recommendation of Government ...	18	—s for a territorial constituency ...	43—44
Association of non-officials—		Casting Vote—	
— in conducting the poll: Procedure <i>re</i> — ...	63	President to exercise a — in the case of equality of votes ...	11
<b>B</b>		Certification—	
Ballot—		Proclamation <i>re</i> — by the Dewan for restoration of grants ...	3
See “Vote to be given by —” ...	29	Chamber—	
Ballot Box(es)—		Disqualifications for membership of either — ...	12—14
Arrangements for sealing of — before Commencement of poll ...	65		
Ballot Box (es)—			
Procedure <i>re</i> despatch of — ...	68		

	PAGE		PAGE
Chamber— <i>concl'd.</i>		Composition of —	36, 37
Every member of the — to make an oath of allegiance to His Highness the Maharaja	12	Constitution and reconstitution of the — Procedure <i>re</i> —	57
No person to be a member of either —	12	Strength of —	36
Power of either — to transact business notwithstanding any vacancy in the membership therein	11	Council of Ministers—	
See "Excluded Subjects"		Dewan to preside at meetings of the —	8
Dissolution of the —	10	— to consist of the Dewan and not less than four ministers	7
Chambers—		Vacancy in the — not a disqualification for transaction of business	8
Freedom of speech in the —	14	Counting of Votes—	
Interpretation of —	7	— to be continuous	73
Members not liable for proceedings for any speech or vote in the —	14	Crown Representative—	
Quorum for meetings of the two —	12	Expenditure pertaining to the relations of His Highness the Maharaja with the —; Expenditure on Excluded Head	17
Right of the Dewan to address either Chamber or both— <i>re</i> assembled together	10	Relations of His Highness the Maharaja with — Excluded Subject...	16
See "Annual Financial Statement"		Custody and preservation of electoral rolls—	
Sessions of the —	10	Procedure as to —	56
Term of a —	9	D	
Validity of the Proceedings in the —	11	Death of candidates—	
Voting in the —	11	Procedure in respect of — before Commencement of poll	62
Civil and Military Station—		Declaration papers—	
Residence in — special qualification for inclusion in the electoral roll	38	See "Issue of ballot and —"	
Claims and objections—		Deposit—	
See "Register of —"		Procedure <i>re</i> forfeiture of —	76
— to be preferred to the Registration Officer	52-53	Procedure <i>re</i> return of — in cases of withdrawal, rejection or death	76
Close of polling—		Procedure <i>re</i> return of — of successful and unsuccessful candidates	76-77
Procedure <i>re</i> —	64	Deposit by candidates—	
Closing of poll—		Procedure <i>re</i> —	58-59
Procedure on —	67	Deposit of Security—	
Commencement of the Act—		— for the costs of Election petition	33
—	22	Depressed class candidates—	
Commissioner—		Reduction of qualification in the case of —	44
Appeals from report of —	89	Depressed Class constituencies—	
Appointment of a — for the trial of election petitions	83	No. of seats allotted for — <i>vide</i> Part II of First Schedule	93-94
Inquiry by —	84	Depressed classes—	
Procedure on appointment of —	84	See "General constituencies"	
Report of the — at the conclusion of the inquiry	88	Interpretation of —	36
Composition of the Council—		Number of "General seats" allotted for —	36
Proclamation <i>re</i> revising the —	3	Special Qualifications for — for inclusion in any territorial constituency	42
Conduct of elections—		Deputy President —	
Rules <i>re</i> —	57, 62	Proclamation <i>re</i> Legislative Council to have a non-official elected	3
Constituency—		Deputy President of the Council—	
Interpretation of —	35	— and his duties	10
Conventions—		Vacation of office by or removal from office of —	10, 11
Excluded Subject	16	Dewan—	
Conventions—		Appointment of the —	8
Expenditure pertaining to — Expenditure on Excluded Head	18	Tenure of office of —	8
Corrupt Practice—		Right of the — to address either Chamber or both Chambers assembled together	10
Definition of —	81	— to authenticate the Schedule of authorised expenditure	15, 19
Disqualification for —	88-89		
Disqualification for — of persons found guilty	90		
Findings as to — and persons guilty thereof	88-89		
Corrupt practices and election petitions—			
Rules <i>re</i> —	78-91		
Council—			
Interpretation of —	35		

	PAGE		PAGE
Dewan— <i>conold.</i>		Power to fix maximum scales of — vested in Government	80
— to decide whether any expenditure falls within the class of expenditure on " Excluded Heads "	18	Power to regulate employment for pay in — vested in Government	80
— to preside at meetings of the Council of Ministers	8	Procedure <i>re</i> lodging of — with Returning officer	79
Direct Election—		Election materials and ballot boxes—	
See " Minority Communities "	3	Supply of —	65
Disqualification—		Election papers—	
Vacancy in the Council of Ministers not a — for transaction of business.	8	Procedure <i>re</i> custody of —	77
Disqualification for corrupt practices—		Procedure <i>re</i> Destruction of —	77
— in the case of firms, etc.	90	Procedure <i>re</i> production and inspection of —	77
— of persons found guilty	90	Election petition—	
Disqualification for Election Agent—		Abatement of — on death of petitioner	86
— for certain corrupt practices	90	Against whom an — may be presented.	83
Disqualification of Membership—		Contents of —	82, 83
See " Disqualification of voting "		Need for — to call in question any election	81
Disqualification of Voting—		Place of inquiry into —	85
Offences and practices which entail —	89	Presentation of — Procedure <i>re</i>	31, 82
Disqualification of Candidates—		See " Deposit of Security "	
Procedure in respect of — before commencement of poll	62	See " Government Counsel "	
Disqualifications—		Substitution of — on death of petitioner	86
— for Membership of either Chamber	12, 14	Time limit for presentation of —	82
Disqualification for electors		— when to be dismissed	83
— in any constituency	39	Withdrawal of —	85, 86
Disqualifications of Voters—		Custody and preservation of —	91
Proclamation <i>re</i> relaxing the operation of certain — to both Houses.	4	See " Trial of — "	
Domicile—		Election void—	
See " Special constituencies "	39	Grounds for declaring —	87, 88
Duration of electoral rolls—		Electoral right—	
— to be 4 years or longer as prescribed by Government	55, 57	Definition of —	81
Duties of presiding officers —		Electoral Roll—	
— defined	63, 64	Contents of —	51
		Every constituency to have an —	38
		Form of — for territorial constituencies and all other constituencies	51
		General conditions for inclusion in —	50
		— how prepared	50
		Electoral roll for Trade and Commerce Constituency—	
		Application for inclusion in the —	51
		Electoral rolls—	
		Power of Returning Officers and presiding officers to overlook printing or clerical errors in —	77
		Preparation and revision of —	38
		Electoral rolls for Labour constituencies—	
		Procedure for the preparation of —	50
		Electoral rolls to be available for public inspection—	
		Terms and conditions —	56
		Electorate —	
		Proclamation <i>re</i> widening the — for both the Houses	8
		Electors—	
		" Disqualifications for Electors "	39, 3
		Electors—	
		Domicile for — in special constituencies	89
		Electors—	
		General Qualifications for —	38
		Qualifications for — in territorial constituencies	40, 41

E

Educational Qualifications for Voters—	
Proclamation <i>re</i> reducing the — to the Representative Assembly	3, 4
Election—	
Interpretation of —	35
Election Agent—	
Appointment of —	78
Declaration <i>re</i> appointment of an —	58
Disqualifications for being an —	78
Duty of — to maintain accounts	78
Procedure <i>re</i> maintenance of accounts by —	78, 79
Revocation of appointment of —	78
Election disputes—	
Reprimand by returned candidate in —	86
Election expenses—	
Attesting of — by illiterate candidates or election agents	79
Failure to lodge return of — How dealt with	80
Maintenance of records <i>re</i> —	79, 80
Notice that return of — has been lodged and inspection and copy of such returns	79



	PAGE		PAGE
Electors—		Freedom of Speech—	
Qualification of—in General, Muham-		—in the Chambers	14
Madan, Anglo-Indian, European or		Proclamation <i>re</i> privilege of—to the	
Indian Christian constituencies	40	members of both Houses	2
Right of—to vote	38		
Electors—		G	
Special Qualifications for—resident		General Constituencies—	
in the C. & M. Station	38	Proclamation <i>re</i> returning represen-	
Emergency Legislation—		tatives of minority communities to	
Extension of the period of—	17	both the Houses by direct election	
Period for which— shall have the		through—	3
force of law	17	Qualifications of electors in—	40
Power of Government to frame—	17	Reservation of seats for Depressed	
Withdrawal of the—	17	Classes in the—	37
Enquiry into claims and objections—		General Principles of Bills—	
Procedure for summary—	54	Proclamation <i>re</i> Right of the Assem-	
Estimates—		bly to consider and propose amend-	
Procedure in the Chambers with		ments to—	2
respect to—	18	General Qualifications—	
European—		See "Electors"	
Interpretation of—	36	General Seats—	
European Constituency—		Candidates for— to be chosen in terri-	
No. of seats allotted for— <i>Vide</i> Part		torial constituencies	36
IV of First Schedule	38	Composition of—	36
Qualifications of electors in—	40	Number of—	36
Seat for—how filled	41, 45	Government—	
European Planting—		Election date to be prescribed by—	28
Number of seats allotted for—consti-		Nomination of certain persons to the	
tuency	37	Legislative Council by—	36
European Seat—		Period of domicile for electors and can-	
Candidate for—to represent the		didates in special constituencies may	
European Community	36	be reduced by—	39
Number of—s	35	Period of disqualification may be	
Excluded Heads—		reduced by—in any particular	
See Expenditure on Excluded Heads.	17, 18	case	39
Excluded Subjects—		Removal by—of disqualification due	
Power of Government to frame any		to dismissal	39
measures in respect of—	16, 17	Government Counsel—	
Executive Council—		Attendance of—at inquiry into elec-	
Proclamation <i>re</i> composition of the		tion dispute	84
	4	Government of Mysore Act—	
Existing Laws—		Excluded Subject	16
Continuation of the—	23	Government orders on appeals—	
Expenditure on Excluded Heads—		Issue of—	89
Details of—	17, 18		
Dewan to decide whether any expendi-		H	
ture falls within the class of—	18	Hours of Polling—	
—not open to discussion in either		Procedure <i>re</i> fixing of the—	61
Chamber	18		
Expenditure specified under any law—		I	
Expenditure on Excluded Head		Identity of electors—	
Extent—		Arrangements <i>re</i> —(in Personal	
—of the Act	7	voting)	66
F		Illiterate and infirm electors—	
Factory—		—Assistance to (in personal voting)	66
Interpretation of—	35	Illiterate candidates or election agents—	
Financial Proposals—		Attesting of election expenses by—	73
—in respect of which no proposals		Immunity from arrest—	
could be made by either Chamber		Proclamation <i>re</i> Privilege of—to	
except on the recommendation of		members of both Houses under	
Government	19	certain conditions	2
Form—		Immunity from the jurisdiction of Courts—	
Interpretation of—	35	See "Officers of the Chambers"	20
Franchise—		Incapacitated electors—	
Power of the Government to make		Assistance to—in Postal voting	70
rules with respect to—, etc.	21, 22		

	PAGE		PAGE
Indian Christian—		Proclamation <i>re</i> Government to ascertain the views of the Representative Assembly on—before making a final decision	3
Interpretation of—	36	Proclamation <i>re</i> Power of Government to introduce in the Legislative Council in exceptional cases—-not accepted by the Representative Assembly.	2
Indian Christian Constituency—		List of Candidates—	
Qualifications of electors in—	40	Procedure after the publication of—	61
Indian Christian Seats—		Procedure for publication of—	61
Candidates for—-to be chosen in territorial Constituencies—	37		
Candidates for—-to represent the Indian Christian Community	36	<b>M</b>	
Number of—	36	Maharaja, His Highness the—	
Indian Planting—		Devan appointed by—	8
Number of seats allotted for—constituency	37	Expenditure pertaining to the relations of— with His Majesty the King Emperor or the Crown Representative; Expenditure on Excluded Head	17
Infirm electors—		—may make rules for the transaction and allocation of Government business	8
See "Illiterate and—"		Minister vacating office owing to dissolution may be continued in office by order of—	8
Inspection of Return of Election Expenses—		Ministers appointed by—	8
See "Election Expenses"		Relations of— with His Majesty the King Emperor or Crown Representative; Excluded subject	16
Interest on Loans—		Matters governed by Treaties	16
Expenditure on Excluded Head	18	Expenditure on—Expenditure on Excluded Head	18
Interpretation—	35	Member—	
<b>J</b>		Every—of either Chamber to make an Oath of allegiance to His Highness the Maharaja	12
Joint family members—		No person to be a— of either Chamber.	12
Persons qualified to be voters in the case of—	42	Member of the Assembly—	
Joint property of Electors—		Elected—shall be chosen as a minister	8
Provisions as to—	42	Member of the Council—	
Joint property owners—		Elected—shall be chosen as a minister	8
Persons qualified to be voters in the case of—	42	Members—	
<b>K</b>		Allowances of—	15
King Emperor, His Majesty the—		—-not liable to any proceedings for speech or vote in the Chambers	14
Expenditure pertaining to the relations of His Highness the Maharaja with—-or the Crown Representative; Expenditure on Excluded Head	17	Privileges of—	14
Relations of His Highness the Maharaja with—-or Crown Representative; Excluded subject	16	Vacation of seats by—	12
<b>L</b>		Military Expenditure—	
Labour—		Proclamation <i>re</i> relaxing the restriction regarding discussion in the Representative Assembly on—	2
Number of seats allotted for—constituency	37	Mining—	
Labour Constituencies—		Number of seats allotted for—	37
Number of seats allotted for— <i>vide</i> Part IX of the First Schedule	96	Mining Constituency—	
Seats for—how filled	49	Seat for— how filled	50
Legislative Council—		Minister—	
Composition of the—	9	—may continue office, when he vacates it owing to dissolution	8
Extension of the term of the—until 1st March 1941	25	— not chosen from the Legislative Council to be an additional member of the Legislative Council	9
Proclamation <i>re</i> bringing the— and the Representative Assembly into integral relationship with one another	2	Ministers—	
Proclamation <i>re</i> increasing the strength of the— and revising its composition	3	Appointment of—	8
Term of the—	9	Choosing at least two of the— from among the elected members of the Representative Assembly or the Legislative Council	8
Legislative Measures—			
Powers of the Legislative Council in respect of—	15		
Proclamation <i>re</i> consulting the Representative Assembly on all— before introducing them in the Legislative Council	2		

	PAGE		PAGE
Ministers— <i>conuld.</i>		Officers of the Chambers—	
Swearing in of— as members of the		Immunity of— from the jurisdiction	
council of— ... ..	8	of Courts ... ..	20
Tenure of office of— ... ..	8	Officers of Government—	
— to <i>ex-officio</i> be the Vice-Presidents		No right of Vote to— deputed to	
of the Assembly ... ..	10	attend the Representative Assembly	
Vacation of office by— ... ..	8	Sittings ... ..	9
Minorities—			
Proclamation <i>re</i> providing for enlarged		P	
representation for— in the Legis-		Palace—	
lative Council ... ..	3	Expenditure on—	
Minority Communities—		Expenditure on Excluded Head ...	17
Proclamation <i>re</i> returning representa-		Palace Troops—	
tives of— to both the Houses by		Expenditure on—	
direct election through the general		Expenditure on Excluded Head ...	17
constituencies ... ..	3	Partnership—	
Misconduct at polling station—		Explanation of— ... ..	42
Removal for— Procedure <i>re</i> ... ..	64	Persons qualified to be voters in the	
Muhammadan Constituency—		case of— ... ..	42
Qualifications of electors in— ... ..	40	Penalty—	
Muhammadan Seats—		— for sitting or voting as a member	
Candidates for— to represent the		of either Chamber when not qualified	
Muhammadan Community ... ..	36	or disqualified to do so ... ..	14
Candidates for— to be chosen in		Pension of Public Servants—	
territorial constituencies ... ..	37	Expenditure on— Expenditure on	
Number of— ... ..	36	Excluded Head ... ..	17
N		Person elected by more than one consti-	
Nominees of Firms—		tuteucy—	
Voting by— in the Trade and Com-		Vacation of seat by— ... ..	31
merce constituency ... ..	47	Person elected to both chambers—	
Non-official Bills—		Vacation of seat by— ... ..	91-92
Disposal of— ... ..	16	Personal vote Constituencies—	
Non-official Elected Deputy President—		Definition of— ... ..	62
See "Deputy President" ... ..		Procedure for verification of state-	
Non-official President—		ment in— ... ..	74-75
See "President" ... ..		Personal voting—	
Notice of Candidature—		Rules <i>re</i> — ... ..	62-68
Completion of scrutiny of— ... ..	60	Persons undergoing imprisonment—	
Notice of candidature—		Provision against voting by, —, etc.	40
Disposal of objections and rejection		Planting Constituencies—	
of— ... ..	59, 60	<i>Vide</i> Part VIII of the First Schedule...	96
Latest hour for presentation of— ...	58	Seats for— how filled ... ..	47
Procedure <i>re</i> presentation of— ... ..	58	Plural Voting—	
Procedure upon receipt of— ... ..	59	Provision against— in territorial	
Scrutiny of— ... ..	59	Constituencies ... ..	40
Notice (s) of Candidature—		Postal Vote Constituencies—	
Supply of— ... ..	58	Procedure by Returning Officer on	
Notification—		Completion of Voting in— ... ..	70
— <i>re</i> the date from which the Provi-		Constituencies where— is applicable.	68
sions of the New Act will come into		Rules <i>re</i> — ... ..	66-71
operation ... ..	24, 25	Special rule <i>re</i> — ... ..	68
— <i>re</i> Extension of the Representative		Poll—	
Assembly and the Legislative Council		Procedure <i>re</i> adjournment of— ... ..	68
until 1st March 1911 ... ..	25	Procedure <i>re</i> postponement of— ... ..	68
Notification of elections—		Polling areas—	
Procedure <i>re</i> — ... ..	57	See "Polling stations, booths and	
Notification of withdrawal—		" "	
Action to be taken on— ... ..	60	Polling Officers—	
O		See "Appointment of presiding officers	
Oath—		and— "	
Every member of either Chamber to		Polling stations, booths and polling areas—	
make an— of allegiance to His		Procedure for selection of— ... ..	62
Highness the Maharaja ... ..	12	Prerogative of His Highness the	
Oath of Allegiance—		Maharaja—	
Form of— Schedule ... ..	23	Preservation of the ... ..	23
Penalty for failure to take— ... ..	92		

	PAGE
President—	
Proclamation <i>re</i> Legislative Council to have a non-official— ..	3
President of the Assembly—	
Dewan to be <i>Ex-officio</i> — ..	10
Senior Vice-President to act as— during Dewan's absence ..	10
President of the Council—	
First—to be appointed by His Highness the Maharaja, second and succeeding Presidents to be elected by the Legislative Council and approved by His Highness ..	10
Salary of the— ..	11
Term of office of the— ..	10
—to exercise a casting vote in the case of equality of votes ..	11
Vacation of office by or removal from office of— ..	10-11
Presiding officers	
See "Appointment of—and polling officers"	
Privileges of Members— ..	14
Proceedings in the Chambers—	
Validity of the— ..	11
Proclamation—	
—of His Highness the Maharaja ..	1-4
Property qualifications for voters—	
Proclamation <i>re</i> reducing the— for the Representative Assembly, in the rural areas ..	3
Protection from legal action—	
—for acts done or proceedings taken under rules <i>re</i> conduct of elections...	78
Publication of electoral rolls—	
Authority for and mode of— ..	52
Public servants—	
See "Pensions of public servants"	
Public Service Commission—	
See "Public Service Commissioner"	
Public Service Commissioner—	
Appointment of a or Public Service Commission ..	20-21
Functions of the— ..	21
<b>Q</b>	
Qualifications for Candidates—	
—for European seat ..	45
—for Labour seats ..	49
—for Planting seats ..	48
—for Trade and Commerce seat ..	47
—for University seat ..	50
—for Women's seats ..	45
Qualifications for Candidature—	
—to stand (for election) in any constituency ..	58
Qualifications for Electors—	
—in European Constituency ..	45
—in Labour Constituencies ..	49
—in Planting Constituencies ..	46
—in Territorial Constituencies ..	40, 41
—in Trade and Commerce Constituencies ..	46
—in University Constituency ..	50
—in Women's Constituencies ..	45

	PAGE
Qualifications for Electors—	
—in General Constituency —	—
— Mohamadan Constituency —	—
— European Constituency —	—
— Indian Christian Constituency ..	40
Questions—	
Privilege of members to ask — on any matter of public interest ..	20
Proclamation <i>re</i> Increasing the number of — which may be sent up for discussion in the Representative Assembly ..	2
Quorum—	
—for meetings of the two Chambers.	12
<b>R</b>	
Recognition of associations—	
See "Constituent Associations"	
Recording of Votes—	
Manner of — after receipt of ballot paper by elector (in personal voting)	66
Procedure <i>re</i> — by each elector (in personal voting) ..	66
Reconciliation—	
— by returned candidate in Election disputes ..	86-87
Register of claims and objections—	
Procedure as to maintenance of a —	53
Registration Officer—	
— Definition of "—" for purposes of Election Rules ..	51
Registration Officer—	
See "Claims and objections"	
Removal of disqualification—	
— by Government in certain cases ..	91
Representations—	
Privilege of members of the Representative Assembly to submit — on matter of public interest for the consideration of Government ..	20
— Proclamation <i>re</i> increasing the number of — which may be sent up for discussion in the Assembly...	2
Representative Assembly—	
Composition of the — ..	9
Dewan to be the <i>ex-officio</i> President of the — ..	10
Extension of the term of the — until 1st March 1911 ..	25
Powers of the — in respect of Legislative measures ..	15
Proclamation <i>re</i> — ..	2
Proclamation <i>re</i> bringing the— and the Legislative Council into integral relationship with one another ..	2
Term of the — ..	9
Representative Assembly Sitings—	
No right of vote to officers of Government deputed to attend the — ..	8
Republication of the Electoral roll—	
Procedure as to mode of — ..	55
Reserved Seats for Depressed Classes—	
Special procedure in filling up — ..	61-62
Resolutions—	
Privilege of members to move — on matters of public interest ..	20

	PAGE		PAGE
Resolutions— <i>concl'd.</i>		Sittings of the Assembly—	
Proclamation <i>re</i> increasing the number of — which may be sent up for discussion in the Assembly.	2	Proclamation <i>re</i> Augmenting the duration of the—	3
Proclamation <i>re</i> right of the Representative Assembly to consider the State Budget and pass — thereon	2	Special Constituencies—	
Resolutions on Annual Financial Statements—		Power of Government to reduce the period of Domicile for electors and candidates in —	39
Communication of the — passed by the Assembly to the Legislative Council	19	Qualifications for Electors and Candidates in —	44, 50
— passed by the Assembly not to have reference to particular grant	18	Special Constituency—	
Result of Election—		Interpretation of —	35
Preparation of a return on — in all constituencies	75	Special Interests—	
Procedure <i>re</i> declaration of —	74	Proclamation <i>re</i> Providing for enlarged representation for — in the Legislative Council	3
Procedure <i>re</i> report of —	74	Proclamation <i>re</i> Returning representatives of — to both Houses through Specially formed Constituencies	3
Returned candidate—		See "Seats for —"	
Definition of —	81	Special Powers—	
Returning Officers—		— of Government to remove difficulties in elections	92
Definition of "—"	57	— of Government to interpret rules	92
Returning Officers and Presiding Officers—		Special qualifications—	
Power of — to overlook printing or clerical errors in electoral rolls	77	— of electors residing in the C and M. Station, Bangalore	38
Revising authorities—		Special seats for Depressed Classes—	
Appointment of — for any territorial and other constituencies	53-54	Number of —	36
Right of electors—		Staff and Household of His Highness the Maharaja—	
See "Vote"		Expenditure on — Expenditure on Excluded Head	17
Rule making Power—		Standing Orders—	
Items in respect of which Government have the —	21, 22	Each Chamber to make — for conduct of its business	20
— of the Government	8	State Budget—	
Proclamation <i>re</i> — of the Government	4	Proclamation <i>re</i> Right of the Representative Assembly to consider the — and pass resolutions thereon	2
Rules of Procedure—	20	Statement by presiding officer—	
Ruling Family of Mysore—		— to accompany ballot boxes, etc.	67, 71
Excluded Subject	16	Strength of the Assembly—	
<b>S</b>		Proclamation <i>re</i> raising the —	2
Schedule—		Strength of the Council—	
Form of Oath of Allegiance—	23	Proclamation <i>re</i> increasing the —	3
Interpretation of —	35	Subject of His Highness the Maharaja—	
Schedule of authenticated Expenditure—		Explanation <i>re</i> —	38
Dewan to authenticate the —	18, 19	Subsequent amendments of Electoral Roll—	
Seat—		Procedure as to mode of effecting—	55, 56
Interpretation of —	35	Supplementary Statements of Expenditure—	
Seats—		Procedure for dealing with — in the Council	11
Allocation of —	36	<b>T</b>	
Seats for Special Interests—		Tenure of Office—	
Allocation of reserved —	36	See "Ministers" See "Dewan"	1
Number of —	37	Term of the Chambers—	
Secrecy of Voting—		Power of Government to extend the — by a period not exceeding one year	9
Arrangements for —	64, 65	Term of Houses—	
Sessions of the Chambers—		Proclamation, <i>re</i> extending the — to four years	2
Date and place of — to be determined by Government	10		
Short title—	35		
Simultaneous elections—			
Procedure <i>re</i> — for more than one constituency	65		
Sinking Fund Charges—			
— Expenditure on Excluded Head	18		

	PAGE		PAGE
<b>Territorial Constituencies—</b>		<b>Validity of election—</b>	
Additional qualifications for Women		Decision of doubts and disputes as to—	90, 89
Electors in —	42	<b>Vice-Presidents of the Assembly—</b>	
Composition, extent and number of seats to be filled in	37, 38	Ministers to <i>ex-officio</i> be—	10
Proclamation, <i>re</i> providing for enlarged representation for — in the Legislative Council	8	<b>Vice-Presidents of the Council—</b>	
Provision against plural voting in—	40	Salaries of the—	11
Qualifications for electors in —	40, 41	<b>Vote—</b>	
Interpretation of—	36	Right of electors in each Constituency to— in that Constituency	38
Special qualifications for Depressed classes for inclusion in any —	49	<b>Vote at polling station—</b>	
<b>Trade and Commerce—</b>		Persons who may— defined	64
Definition of —	47	<b>Vote by ballot—</b>	
Number of seats allotted for — constituency	37	— how exercised	62
<b>Trade and Commerce Constituency—</b>		<b>Voters—</b>	
Number of seats allotted for —	96	See "Property Qualification for Voters."	
<i>Vide</i> Part VII of First Schedule	96	— "Educational Qualifications for Voters"	
Seat for — how filled	45, 46	— "Women electors".	
See "Plural Voting"	...	<b>Voters for the Assembly—</b>	
Voting by nominees of firms, etc., in the —	47	Proclamation <i>re</i> Reducing the property and educational qualifications for—	
<b>Transitions—</b>		See "Women electors"	3
Empowering Government to remove difficulties which may arise as a result of transition	22, 23	<b>Votes—</b>	
<b>Treaties—</b>		Appointment of day, time and place for counting of—	71
See "Matters governed by Treaties"	...	Procedure at counting of—	71, 72
<b>Trial of Election petitions—</b>		Procedure in the case of equality of—	74
Appointment of a Commissioner for —	83, 84	Rules <i>re</i> Counting of—	71, 75
		Who may be present <i>re</i> at counting of—	71
<b>U</b>		<b>Voting—</b>	
<b>University —</b>		Arrangements for — of Officials on duty at polling stations (in Personal Voting)	66, 67
Number of seats allotted for — constituency	37	— in the Chambers	11
<b>University constituency—</b>		Procedure <i>re</i> postal—	69
Seat for — how filled	50	Provision against— by persons undergoing imprisonment, etc.	
		Provision against plural— in territorial constituencies	40
<b>V</b>		See "Plural—"	
<b>Vacancies—</b>		See "Removal of disqualification"	...
Casual — how filled	57	<b>W</b>	
<b>Vacancy</b>		<b>Withdrawal of candidature—</b>	
— in the Council of Ministers not a disqualification for transaction of business	8	Procedure <i>re</i> —	60
<b>Vacancy in membership—</b>		<b>Women—</b>	
Power of the Chambers to transact business notwithstanding any — therein	11	Number of seats allotted for— constituency	37
<b>Vacation of seat—</b>		<b>Women electors—</b>	
— by a person elected by more than one constituency	91	Additional qualifications for— in territorial constituencies	42
— by a person elected to both Chambers	91, 92	<b>Women's Constituencies—</b>	
		Number of seats for—	96
		<i>Vide</i> Part VI of First Schedule	96
		Seats for — how filled	45





# The Mysore Gazette

## EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

---

---

BANGALORE, FRIDAY, MAY 10, 1940.

---

---

### PART IV.

Legislative Measures and Rules thereunder.

#### NOTIFICATION.

No. 5028—C. B. 147-1, dated Bangalore,  
the 6<sup>th</sup> May 1940.

Ordered that the accompanying Government of Mysore Act, 1940, which was promulgated by His Highness the Maharaja, on the 30th day of April 1940, be published as Act No. XVIII of 1940, in the *Mysore Gazette* for general information.

B. T. KESAVIENGAR,  
*Chief Secretary to Government.*





# THE GOVERNMENT OF MYSORE ACT, 1940.

## ARRANGEMENT OF SECTIONS.

### CHAPTER I.

#### INTRODUCTORY.

##### SECTIONS.

1. Short title.
2. Extent.
3. Interpretation.

### CHAPTER II.

#### THE EXECUTIVE.

4. Council of ministers.
5. Appointment of the Dewan.
6. Appointment of ministers.
7. Tenure of office of ministers.
8. Conduct of business of the Government of His Highness the Maharaja.

### CHAPTER III.

#### THE REPRESENTATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL.

##### GENERAL.

9. Constitution of the Representative Assembly and the Legislative Council.
10. Composition of the Representative Assembly.
11. Composition of the Legislative Council.
12. Term of the Chambers.
13. Sessions of the two Chambers and dissolution.
14. Right of the Dewan to address the Chambers.
15. Officers of the Representative Assembly.
16. Officers of the Legislative Council.
17. Voting in Chambers, quorum and power of Chambers to act notwithstanding vacancies.

##### PROVISIONS AS TO MEMBERS OF THE CHAMBERS.

18. Oath of members.
19. Vacation of seats.
20. Disqualifications for membership.
21. Penalty for sitting or voting when not qualified or when disqualified.
22. Privileges of members.
23. Allowances of members.

## LEGISLATIVE PROCEDURE.

24. Powers of the Legislative Council.
25. Prior consultation of the Representative Assembly on Bills.
26. Powers of the Representative Assembly.
27. Non-official Bills.
28. His Highness the Maharaja's assent to Bills.
29. Excluded subjects.
30. Power to legislate on excluded subjects.
31. Emergency legislation.

## PROCEDURE IN FINANCIAL MATTERS.

32. Annual financial statement.
33. Procedure in the Chambers with respect to estimates.
34. Authentication of schedule of authorised expenditure.
35. Supplementary statements of expenditure.
36. Special provisions as to financial proposals.
37. Resolutions, questions and representations

## PROCEDURE GENERALLY.

38. Rules of procedure.
39. Immunity of officers of the Chambers from the jurisdiction of courts.

## CHAPTER IV.

## THE SERVICES.

40. Appointment of a Public Service Commissioner or Public Service Commission.
41. Functions of the Commissioner or the Commission.

## CHAPTER V.

## MISCELLANEOUS.

42. Power of the Government to make provision with respect to franchise, etc.

## CHAPTER VI.

## COMMENCEMENT, REPEALS, ETC.

43. Commencement.
44. Power of the Government to remove difficulties.
45. Continuation of existing laws.
46. Repeals.

## CHAPTER VII.

## SAVINGS.

47. Preservation of the prerogative of His Highness the Maharaja.

## SCHEDULE.

Form of Oath of Allegiance.

---

## NOTIFICATION.

*No. 5031—C.B. 147-39-4, dated 5th May 1940.*

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules :—

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*



# THE GOVERNMENT OF MYSORE ACT, 1940.

## ACT No. XVIII OF 1940.

(PROMULGATED BY HIS HIGHNESS THE MAHARAJA  
ON THE THIRTIETH DAY OF APRIL, 1940.)

WHEREAS His Highness the Maharaja has been pleased, under a Proclamation issued on the sixth day of November, 1939, to ordain that the Representative Assembly and the Legislative Council shall function under a consolidated law relating to the constitution of Mysore, and

WHEREAS it is expedient to consolidate and amend the laws relating to the Government of Mysore,

His Highness the Maharaja is pleased to enact as follows:—

### CHAPTER I.

#### INTRODUCTORY.

1. This Act may be cited as the Government of Mysore Act, 1940. Short title.

2. This Act extends to the whole of Mysore. Extent.

3. In this Act, unless the context otherwise requires, the expressions "Chamber" or "Chambers" shall mean the Representative Assembly or the Legislative Council or both, as the case may be. Interpretation.

### CHAPTER II.

#### THE EXECUTIVE.

4. (1) There shall be a council of ministers consisting of the Dewan and such number of ministers, not being less than four, as His Highness the Maharaja may determine to aid and advise His Highness the Maharaja in the exercise of the executive authority of the State. Council of ministers.

(2) The council of ministers shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the members thereof.

Appointment  
of the Dewan.

✓ 5. (1) The Dewan shall be appointed by His Highness the Maharaja, and shall hold office during the pleasure of His Highness the Maharaja.

(2) The Dewan shall preside at meetings of the council of ministers.

Appointment  
of ministers.

6. (1) The ministers shall be appointed by His Highness the Maharaja and shall be sworn as members of the council of ministers.

(2) Two at least of the ministers shall be chosen from among the elected members of the Representative Assembly or the Legislative Council.

Tenure of  
office of  
ministers.

7. (1) The ministers shall hold office during the pleasure of His Highness the Maharaja.

(2) A minister chosen from either Chamber shall vacate office if he ceases to be a member of such Chamber :

Provided that, when such minister vacates office owing to the dissolution of a Chamber, His Highness the Maharaja may, notwithstanding anything contained in sub-section (2) of section 6, direct that such minister do continue in office, or appoint such other person as His Highness the Maharaja may deem fit to be minister, until a minister is appointed in accordance with the provisions of sub-section (2) of section 6.

Conduct of  
business  
of the  
Government  
of His  
Highness the  
Maharaja.

8. (1) All executive action shall be expressed to be taken in the name of the Government of His Highness the Maharaja of Mysore.

(2) Orders and other instruments made and executed in the name of the Government of His Highness the Maharaja of Mysore shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of any order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Government.

(3) His Highness the Maharaja may make rules for the more convenient transaction of the business of the Government, and for the allocation of the said business among the Dewan and the ministers.

## CHAPTER III.

THE REPRESENTATIVE ASSEMBLY AND THE  
LEGISLATIVE COUNCIL.

## GENERAL.

9. There shall be a Representative Assembly and a Legislative Council for Mysore.

Constitution of the Representative Assembly and the Legislative Council.

10. The Representative Assembly shall consist ordinarily of three hundred and ten members, of whom twelve shall be nominated by the Government and the remainder elected in accordance with rules made under this Act;

Composition of the Representative Assembly.

Provided that—

(a) the Government may increase the strength of the Representative Assembly up to a maximum of three hundred and twenty-five in order to provide for the representation of any new constituencies that may be formed in future; and

(b) such officers of the Government as may from time to time be deputed for the purpose may attend the sittings of the Representative Assembly and take part in its proceedings, but shall not have the right to vote.

11. (1) The Legislative Council shall consist of sixty-eight members, of whom twenty-four shall be nominated by the Government and the remainder elected in accordance with rules made under this Act.

Composition of the Legislative Council.

(2) Every minister who has not been chosen from the Legislative Council in accordance with sub-section (2) of section 6 shall, by virtue of his appointment, be an additional member of the Legislative Council.

12. (1) Every Representative Assembly and every Legislative Council, unless sooner dissolved, shall continue for four years from the date appointed for their first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Representative Assembly or the Legislative Council:

Term of the Chambers.

Provided that the said term may, by notification in the official Gazette, be extended by the Government by a period not exceeding one year.



(2) After the dissolution of a Chamber, the Government shall appoint a date, not later than six months from the date of dissolution, for the next session of such Chamber.

Sessions of  
the two  
Chambers  
and  
dissolution.

**13.** (1) Each Chamber shall be summoned to meet at least twice every year.

(2) Subject to the provisions of this section the Government may from time to time—

(a) summon the Chambers or either Chamber to meet at such time and place as it thinks fit; and

(b) dissolve the Chambers or either Chamber.

Right of the  
Dewan to  
address the  
Chambers.

**14.** The Dewan may address either Chamber or both Chambers assembled together, and for that purpose require the attendance of the members.

Officers of the  
Representative  
Assembly.

**15.** (1) The Dewan shall *ex-officio* be the President of the Representative Assembly, and the ministers shall *ex-officio* be Vice-Presidents.

(2) The Dewan shall preside at all meetings of the Representative Assembly and, in his absence, the senior Vice-President present shall act as President.

Officers of the  
Legislative  
Council.

**16.** (1) There shall be a President of the Legislative Council, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by His Highness the Maharaja, and shall thereafter be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

(2) There shall be a Deputy President of the Legislative Council, who shall preside at meetings of the Legislative Council in the absence of the President, and who shall be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

(3) The appointed President shall hold office until the date of the election of a President under this section, but he may resign his office by writing under his hand addressed to the Dewan, or may be removed from office by order of His Highness the Maharaja, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected President or Deputy President shall vacate his office if he ceases to be a member of the Legislative Council, may at any time resign his office by writing

under his hand addressed to the Dewan, and may be removed from his office by a resolution of the Legislative Council passed by a majority of not less than two-thirds of the total number of members of the Legislative Council and approved by His Highness the Maharaja ; but no resolution for the purpose of this sub-section shall be moved unless it is supported by not less than fifteen members of the Legislative Council and at least fifteen days' notice has been given of the intention to move the resolution :

Provided that, whenever the Legislative Council is dissolved, the President shall not vacate his office until the election of a new President at the first meeting of the Legislative Council after the dissolution.

(5) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Legislative Council as His Highness the Maharaja may appoint for the purpose, and during any absence of the President from any sitting of the Legislative Council the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Council, or, if no such person is present, such other person as may be determined by the Legislative Council, shall act as President.

(6) There shall be paid to the President and the Deputy President of the Legislative Council such salaries as may be determined, in the case of an appointed President by His Highness the Maharaja, and in the case of an elected President and Deputy President by a resolution of the Legislative Council and approved by His Highness the Maharaja.

17. (1) Save as in this Act otherwise expressly provided, all questions at any sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or person acting as such.

The President or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) Either Chamber shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Chambers shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

Voting in  
Chambers,  
quorum and  
power of  
Chambers  
to act  
notwith-  
standing  
vacancies.

(3) If at any time during a meeting of the Representative Assembly less than eighty members of the Representative Assembly are present, and if at any time during a meeting of the Legislative Council less than one-half of the total number of members of the Legislative Council are present, it shall be the duty of the President or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least the required number of members are present.

#### PROVISIONS AS TO MEMBERS OF THE CHAMBERS.

Oath of members.

18. Every member of either Chamber shall, before taking his seat, make and subscribe before the Dewan, or some person appointed by him, an oath of allegiance to His Highness the Maharaja in the form set out in the schedule to this Act, and rules made under this Act may provide for penalties for failure to take the oath owing to negligence or any other cause.

Vacation of seats.

19. (1) Subject to the provisions of this Act, no person shall be a member of both Chambers, and rules made under this Act shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) If a member of either Chamber—

(a) becomes subject to any of the disqualifications mentioned in sub-section (1) of section 20; or

(b) by writing under his hand addressed to the Dewan resigns his seat,

his seat shall thereupon become vacant.

Disqualifications for membership.

20. (1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

(a) if he holds any office in the civil or military service of His Highness the Maharaja, other than an office declared by rules made under this Act not to disqualify its holder;

(b) if he is of unsound mind;

(c) if he is an undischarged insolvent;

(d) If, whether before or after the passing of this Act, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have

been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by any Act or by rules made under this Act to be an offence or practice entailing disqualification for membership of either Chamber, unless such period has elapsed as may be specified in that behalf by the provisions of that Act or rule ;

- (e) if, whether before or after the passing of this Act, he has been convicted of any other offence and sentenced to imprisonment for not less than six months by a court in Mysore or elsewhere, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release ;
- (f) if he has been dismissed from the civil or military service of His Highness the Maharaja, unless five years have elapsed from the date of dismissal or the Government has removed the disqualification ;
- (g) if, having been a legal practitioner, he has been debarred or is under suspension from practising as such by order of a competent court, the disqualification in the latter case being operative during the period of such suspension or the term of the Chamber, whichever is longer ;
- (h) if, having stood as a candidate for election for either Chamber or having acted as an election agent of any person who has so stood, he has failed to lodge a return of election expenses within the time and in the manner required by any Act or rule made under this Act, unless five years have elapsed from the date by which the return ought to have been lodged, or the Government has removed the disqualification :

Provided that a disqualification under paragraph (h) of this sub-section shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Government may in any particular case allow.

(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction, or a conviction and a sentence, becomes disqualified by virtue of paragraph (d) or paragraph (e) of sub-section (1) of this section is at the date of the disqualification a member of either Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this sub-section he shall not sit or vote.

(4) The disqualification mentioned in clause (a) of sub-section (1) of this section shall not be applicable to ministers and to such officers as may be nominated to the Legislative Council by the Government.

Penalty for sitting or voting when not qualified or when disqualified.

**21.** If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of sub-section (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees which may be recovered as an arrear of land revenue.

Privileges of members.

**22.** (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of each Chamber, there shall be freedom of speech in the two Chambers, and no member of either Chamber shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Chamber or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either Chamber of any report, paper, votes or proceedings.

(2) No member of either Chamber shall be liable to arrest or detention in prison under a civil process during the continuance of any meeting of the Chamber of which he is a member.

(3) A person released from detention under sub-section (2) of this section shall, subject to the provisions

of the said sub-section, be liable to re-arrest and to the further detention to which he would have been liable if he had not been released under the provisions of the said sub-section.

23. Members of either Chamber shall be entitled to receive such allowances as may from time to time be determined by the Government and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of the passing of this Act applicable in the case of members of the Representative Assembly or the Legislative Council constituted under the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, respectively.

Allowances of members.

### LEGISLATIVE PROCEDURE.

24. Subject to the provisions of this Act, the Legislative Council may make laws for the whole or any part of Mysore, and for subjects of His Highness the Maharaja wherever they may be.

Powers of the Legislative Council.

25. No Bill shall be introduced in the Legislative Council unless the Bill shall have been first placed before the Representative Assembly with a statement of the principles of the Bill.

Prior consultation of Representative Assembly on Bills.

26. (1) The Representative Assembly shall have the right to discuss the principles of a Bill and its general provisions, but the details of the Bill shall not be discussed further than is necessary to explain its principles, nor shall any amendment be moved other than an amendment of principle.

Powers of the Representative Assembly.

(2) When the principles of a Bill or its general provisions are opposed by a majority of not less than two-thirds of the total number of members of the Representative Assembly, the Bill shall not be introduced in the Legislative Council; if any amendment of principle is carried by a majority of not less than two-thirds of the total number of members of the Representative Assembly, the Bill shall not be introduced in the Legislative Council without embodying therein such amendment:

Provided that the Government may introduce any such Bill in the Legislative Council with or without such modifications, if the Government considers it necessary to do so in the public interest, after appending to the Bill a statement giving reasons for such introduction.

Non-official  
Bills.

**27.** The provisions of the last two preceding sections shall have the same effect in relation to non-official Bills as they have in respect of Government Bills.

Provided that—

(a) no non-official Bill shall be placed before the Representative Assembly without the previous sanction of the Dewan; and

(b) no such Bill shall be introduced in the Legislative Council, if its principles are opposed by a majority of the members present and voting in the Representative Assembly; if any amendment of principle is carried by a majority of the members present and voting in the Representative Assembly, the Bill shall not be introduced in the Legislative Council without embodying therein such amendment.

His Highness  
the  
Maharaja's  
assent to  
Bills.

**28.** (1) When a Bill has been passed by the Legislative Council, it shall be submitted through the Dewan to His Highness the Maharaja for assent with a statement of the opinion expressed by the Representative Assembly on the principles of the Bill or its general provisions.

(2) No such Bill shall become law until it has received the assent of His Highness the Maharaja.

Excluded  
subjects.

**29.** Notwithstanding anything contained in this Act, it shall not be lawful for either Chamber to consider any Bill, amendment or motion or resolution or representation, nor shall questions be put therein, relating to or affecting:—

(a) the Ruling Family of Mysore ;

(b) the relations of His Highness the Maharaja with His Majesty the King Emperor or the Crown Representative ;

(c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja ;

(d) the provisions of this Act ;

(e) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja.

Power to  
legislate on  
excluded  
subjects.

**30.** In respect of matters excluded from the jurisdiction of the Chambers by the last preceding section, the Government may frame any measure required for the purpose, and every such measure shall have the force of law on receiving the assent of His Highness the Maharaja.

**31.** (1) If at any time the Government is satisfied that circumstances exist which render it necessary to take immediate action in matters other than those falling under section 29, the Government may frame any measure required for the purpose.

Emergency  
legislation.

(2) Every such measure shall have the force of law on receiving the assent of His Highness the Maharaja for such period not exceeding six months as may be specified therein,—

(a) but may by a similar measure be extended for a further period not exceeding six months; and

(b) may be withdrawn at any time by His Highness the Maharaja.

#### PROCEDURE IN FINANCIAL MATTERS.

**32.** (1) In respect of every financial year a statement of the estimated receipts and expenditure of the State for that year, hereinafter referred to as "the annual financial statement," shall be laid by the Government before the Representative Assembly and the Legislative Council.

Annual  
financial  
statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure on excluded heads; and

(b) the sums required to meet other expenditure proposed to be made from the revenues of the State.

(3) The following expenditure shall be expenditure on excluded heads:—

(i) the Palace, including the staff and household of His Highness the Maharaja, and the Palace troops;

(ii) the pensions of public servants;

(iii) expenditure relating to or affecting—

(a) the relations of His Highness the Maharaja with His Majesty the King Emperor or the Crown Representative;

(b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja;



- (iv) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans ;
- (v) expenditure of which the amount is specified by or under any law.

(4) Any question whether any proposed expenditure falls within a class of expenditure on excluded heads shall be decided by the Dewan.

Procedure in the Chambers with respect to estimates.

**33.** (1) So much of the estimates of expenditure as relates to expenditure on excluded heads shall not be open to discussion in either Chamber.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Government.

(3) Any member of the Representative Assembly may move a resolution in respect of the annual financial statement, provided that such resolution shall have reference only to the general principles and policy underlying the statement, or any of the major heads of expenditure included therein, and shall not have reference to particular grants or particular provisions.

(4) The resolutions of the Representative Assembly on the annual financial statement shall be communicated by the Government to the Legislative Council.

(5) So much of the said estimates as relates to expenditure other than on excluded heads shall be submitted to the Legislative Council in the form of demands for grants, and the Legislative Council shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

Authenticati-  
on of  
schedule of  
authorised  
expenditure.

**34.** (1) The Dewan shall authenticate by his signature a schedule specifying—

(a) the grants made by the Legislative Council under the last preceding section ;

(b) the several sums required to meet the expenditure on excluded heads, but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Legislative Council :

Provided that, if the Legislative Council has not assented to any demand for a grant or has assented subject to a reduction of the amount specified therein, the Dewan may, if in his opinion the refusal or reduction would affect

the carrying on of any department or the due discharge of the Government's responsibility, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary.

(2) The schedule so authenticated shall be laid before the Legislative Council, but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the State shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

**35.** If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorised for that year, a supplementary statement showing the estimated amount of that expenditure shall be laid by the Government before the Legislative Council, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Supplementary  
statements of  
expenditure.

**36.** (1) No proposal—

(a) for imposing or increasing any tax ; or

(b) for regulating the borrowing of money or the giving of any guarantee by the Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Government ;

Special  
provisions as  
to financial  
proposals.

shall be made in either Chamber except on the recommendation of the Government.

(2) A proposal shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

**37.** (1) Subject to such conditions and restrictions as to subject and other matters as may be imposed by rules made under this Act, any member of either Chamber may, at a meeting of the Chamber of which he is a member—

Resolutions,  
questions and  
representations.

(i) ask questions ; and

(ii) move resolutions ;

on any matter of public interest or importance relating to the administration of the State.

(2) Any member of the Representative Assembly may, at a meeting of the Representative Assembly, submit a representation for the consideration of the Government on any matter of public interest or importance relating to the administration of the State.

### PROCEDURE GENERALLY.

Rules of  
procedure.

**38.** (1) Provision may be made by rules made under this Act for regulating the course of business and the preservation of order in either Chamber.

(2) Each Chamber may make, from time to time, standing orders for regulating its procedure and the conduct of its business in so far as these matters are not provided for by rules made under this Act:

Provided that the first standing orders shall be made by the Government, but may, with the consent of the Government, be altered by the Chamber to which they relate.

(3) If and in so far as any rule made under this Act is inconsistent with any standing order made by a Chamber, the rule made under this Act shall prevail.

Immunity of  
officers of the  
Chambers  
from the  
jurisdiction of  
courts.

**39.** No officer or other member of either Chamber in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in either Chamber shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

## CHAPTER IV.

### THE SERVICES.

Appointment  
of a Public  
Service Com-  
missioner or  
Public  
Service  
Commission.

**40.** The Government may appoint a Public Service Commissioner, or a Public Service Commission consisting of a Chairman and such number of members as the Government may determine.

41. (1) The Government may consult the Public Service Commissioner or the Commission, as the case may be, on :—

Functions of the Commissioner or the Commission.

(a) matters relating to methods of recruitment to any of the services ;

(b) the principles to be followed in making appointments in the services and in making promotions and transfers from one service to another ;

(c) the suitability of candidates for such appointments, promotions or transfers ;

(d) disciplinary matters affecting a person in any service, including memorials or petitions relating to such matters ;

(e) any claim by, or in respect of, a person who is serving or has served His Highness the Maharaja in any service that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the State ;

(f) any claim for the award of a pension in respect of injuries sustained by a person while serving His Highness the Maharaja in any service and any question as to the amount of any such award.

(2) It shall be the duty of the Commissioner or of the Commission to advise the Government on any matter so referred to them, and, in exercising their functions, the Commissioner or the Commission shall observe the rules prescribed by the Government in that behalf.

## CHAPTER V.

### MISCELLANEOUS.

42. (1) The Government shall have power, from time to time, to make provision by rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

Power of the Government to make provision with respect to franchise, etc.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) of this section, such rules may provide for all or any of the matters hereinafter mentioned, that is to say—

(a) the delimitation of territorial and other constituencies for the purpose of elections under this Act ;

(b) the qualifications entitling persons to vote in territorial or other constituencies at such elections, and the preparation of electoral rolls ;

(c) the qualifications for being elected at such elections as a member of either Chamber;

(d) the filling of casual vacancies in the Assembly or the Council;

(e) the conduct of elections under this Act and the methods of voting thereat;

(f) the expenses of candidates at such elections;

(g) corrupt practices and other offences at, or in connection with, such elections;

(h) the decision of doubts and disputes arising out of, or in connection with, such elections;

(i) matters ancillary to any such matter as aforesaid.

## CHAPTER VI.

### COMMENCEMENT, REPEALS, ETC.

Commence-  
ment.

**43.** (1) This Act shall come into force on such date as the Government may appoint in this behalf by notification in the official Gazette.

(2) If it appears to the Government that it will not be practicable or convenient that all the provisions of this Act should come into operation simultaneously on that date, the Government may, notwithstanding anything in this section, fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act.

Power of the  
Government  
to remove  
difficulties.

**44.** For the purpose of facilitating the transition from the provisions of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, to the provisions of this Act, the Government may—

(a) direct that this Act and any provisions of the Mysore Representative Assembly Act, 1923, or the Mysore Legislative Council Act, 1923, shall, during such limited period as may be specified in that behalf, have effect subject to such adaptations and modifications as may be specified; and

(b) make temporary provisions for the purpose of removing any difficulties which may arise in relation to such transition.

Continuation  
of existing  
laws.

**45.** Notwithstanding the repeal by this Act of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, but subject to the

provisions of this Act, all the law in force in Mysore immediately before the commencement of this Act shall continue in force, until altered or repealed or amended by competent authority.

46. Subject to any temporary provisions which may be made under sections 43 and 44, on the commencement of this Act, the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, shall be repealed. Repeals.

## CHAPTER VII.

### SAVINGS.

47. Nothing in this Act shall affect or be deemed to have affected the prerogative of His Highness the Maharaja to make and pass Acts, Proclamations and Orders in His Highness's discretion without reference to the Legislative Council or the Representative Assembly, which right is hereby declared to be and to have always been possessed and retained by His Highness the Maharaja. Preservation of the prerogative of His Highness the Maharaja.

MIRZA M. ISMAIL,  
*Dewan.*

---

### SCHEDULE.

#### *Form of Oath of Allegiance.*

"I, A. B, having been elected (or nominated) a member of this Legislative Council (or Representative Assembly), do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

---



No. 5029  
C.B. 147-39-2.

GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE  
GENERAL AND REVENUE SECRETARIAT.

*Dated Bangalore, the 6th May 1940.*

**NOTIFICATION.**

**WHEREAS** by section forty-three of the Government of Mysore Act, 1940, (hereafter referred to as "the new Act") it is provided that the provisions of that Act shall come into force on such date as the Government of His Highness the Maharaja may appoint, but the Government is empowered to fix an earlier or later date for the coming into operation, either generally or for particular purposes, of any particular provisions of the Act:

**AND WHEREAS** by section forty-four of the new Act, the Government is empowered, for the purpose of facilitating the transition from the provisions of the Mysore Representative Assembly Act, 1923, and the Mysore Legislative Council Act, 1923, (hereafter referred to as "the old Acts") to the provisions of the new Act, to direct that the new Act and any provisions of the old Acts shall during such limited period as may be prescribed have effect subject to such adaptations and modifications as may be specified, and to make temporary provisions for the purpose of removing any difficulties which may arise in relation to such transition:

**NOW, THEREFORE**, the Government of His Highness the Maharaja, in the exercise of the said powers and of all other powers enabling them in that behalf, are pleased to direct as follows:—

1. The provisions of the new Act, other than those of Chapter II thereof, shall come into operation on the first day of September, nineteen hundred and forty.

2. The provisions of Chapter II of the new Act shall come into force on such later date as the Government of His Highness the Maharaja may hereafter by notification in the official Gazette appoint.



3. The provisions of section forty-two of the new Act shall come into operation on the date of the publication of this Notification, and any rules made under the new Act with respect to the two Chambers shall come into operation on the date the rules in question are published in the official Gazette.

4. The term of the Representative Assembly and the Legislative Council constituted under the old Acts in 1937 shall be extended until the first day of September, nineteen hundred and forty, and on that day the Representative Assembly and the Legislative Council shall be dissolved.

By Order

B. T. KESAVIENGAR.

*Chief Secretary to Government.*

## NOTIFICATION.

No. 5030—C. B. 147-39-3, dated 6th May 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules :—

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*



# CONTENTS.

---

## CHAPTER I.

### PRELIMINARY.

*Rule.*—

- 1 Short title.
- 2 Interpretation.

## CHAPTER II.

### COMPOSITION OF THE COUNCIL.

- 3 Allocation of seats.
- 4 General seats.
- 5 Muhammadan, Indian Christian and European seats.
- 6 Seats for special interests.
- 7 Territorial constituencies.
- 8 Depressed class constituencies.

## CHAPTER III.

### GENERAL PROVISIONS AS TO ELECTORS.

- 9 The right to vote.
- 10 Preparation and revision of electoral rolls.
- 11 General qualifications for electors.
- 12 Domicile for electors and candidates in special constituencies.
- 13 Disqualifications for electors.
- 14 Qualifications of electors in Muhammadan constituencies etc.
- 15 Qualifications of electors in general constituencies.
- 16 Provision against voting by persons undergoing imprisonment, etc.
- 17 Provision against plural voting in territorial constituencies.

## CHAPTER IV.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN TERRITORIAL CONSTITUENCIES.

- 18 Qualifications dependent upon taxation, property, etc.
- 19 Additional qualification for women.
- 20 Special qualifications for depressed classes.
- 21 Provisions as to joint property, etc.
- 22 Qualifications for candidates.

## CHAPTER V.

QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN  
SPECIAL CONSTITUENCIES.

## PART I.—EUROPEAN SEAT.

*Rule.*—

- 23 Constituency.
- 24 Qualifications for electors.
- 25 Qualifications for candidates.

## PART II.—WOMEN'S SEATS.

- 26 Constituencies.
- 27 Qualifications for electors.
- 28 Qualifications for candidates.

## PART III.—TRADE AND COMMERCE SEAT.

- 29 Constituency.
- 30 Qualifications for electors.
- 31 Nominees of associations, firms, etc.
- 32 Qualifications for candidates.
- 33 Definition of trade and commerce.

## PART IV.—PLANTING SEATS.

- 34 Constituencies.
- 35 Qualifications for electors.
- 36 Qualifications for candidates.

## PART V.—LABOUR SEATS.

- 37 Constituencies.
- 38 Qualifications for electors.
- 39 Qualifications for candidates.

## PART VI.—UNIVERSITY SEAT.

- 40 Constituency.
- 41 Qualifications for electors.
- 42 Qualifications for candidates.

## PART VII.—MINING SEAT.

- 43 Constituency and election.

## CHAPTER VI.

PREPARATION, REVISION AND PUBLICATION OF  
ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

- 44 Electoral roll,
- 45 General conditions for inclusion in the electoral roll.

**Rule.—**

- 46 Form of electoral roll.
- 47 Registration Officer.
- 48 Contents of the electoral roll.
- 49 Application for inclusion in the electoral roll for the trade and commerce constituency.
- 50 Procedure for the preparation of the electoral rolls for labour constituencies.

**PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.**

- 51 Publication of the electoral roll.
- 52 Claims and objections.
- 53 Register of claims and objections.
- 54 Appointment of Revising Authority.
- 55 Enquiry into claims and objections.
- 56 Decisions of the Revising Authority.
- 57 Amendments on Revising Authority's own motion.
- 58 Amendments on Registration Officer's own motion.
- 59 Republication of the roll.

**PART III.—MISCELLANEOUS.**

- 60 Subsequent amendment of electoral roll.
- 61 Custody and preservation of electoral rolls, etc.
- 62 Electoral rolls, etc., to be available for public inspection.
- 63 Duration of electoral rolls.

**CHAPTER VII.****CONDUCT OF ELECTIONS.****PART I.—GENERAL PROCEDURE AT ELECTIONS.**

- 64 Constitution and reconstitution of the Council.
- 65 Notification of election.
- 66 Casual vacancies.
- 67 Returning Officers.
- 68 Qualification for candidature.
- 69 Presentation of notice of candidature.
- 70 Latest hour for presentation of notice of candidature.
- 71 Supply of notices of candidature.
- 72 Declaration regarding the appointment of election agent.
- 73 Deposit by candidates.
- 74 Procedure upon receipt of notice of candidature.
- 75 Scrutiny of notices of candidature.
- 76 Disposal of objections and rejections of notice of candidature.
- 77 Completion of scrutiny.
- 78 Withdrawal of candidature.
- 79 Notification of withdrawal.
- 80 Publication of the list of candidates.
- 81 Procedure after the publication of the list of candidates.

*Rule.*—

- 82 Special procedure in constituencies in which seats are reserved for the depressed classes.
- 83 Disqualification or death of candidates before commencement of poll.

## PART II—PERSONAL VOTING.

- 84 Votes to be given by ballot.
- 85 Selection of polling stations, booths and polling areas.
- 86 Appointment of presiding officers, polling officers, etc.
- 87 Hours of polling.
- 88 Duties of presiding officer.
- 89 Removal for misconduct at polling station.
- 90 Who may vote at a polling station.
- 91 Close of polling.
- 92 Arrangements for secrecy of voting.
- 93 Supply of election materials and ballot boxes.
- 94 Sealing of ballot box before commencement of poll.
- 95 Form of ballot paper.
- 96 Number of votes to be recorded by each elector.
- 97 Simultaneous elections for more than one constituency.
- 98 Procedure before ballot paper is delivered to elector.
- 99 Manner of recording votes after receipt of ballot paper.
- 100 Assistance to illiterate or infirm electors.
- 101 Spoilt ballot papers.
- 102 Identity of electors.
- 103 Voting of officials on duty at the polling stations.
- 104 Procedure on closing of poll.
- 105 Statement by presiding officer.
- 106 Despatch of ballot boxes.
- 107 Postponement of poll : adjournment of poll.

## PART III—POSTAL VOTING.

- 108 Special rules for voting in the university constituency, etc.
- 109 Issue of ballot and declaration papers.
- 110 Form of ballot paper and declaration paper.
- 111 Procedure before issue of ballot paper.
- 112 Forms to accompany ballot paper.
- 113 Voting.
- 114 Return of ballot paper and declaration paper.
- 115 Assistance to incapacitated electors.
- 116 Lost or spoilt ballot papers.
- 117 Election not to be invalid for failure to receive ballot paper when such paper has been issued.

## PART IV—COUNTING OF VOTES.

- 118 Appointment of day, time and place for counting of votes.
- 119 Who may be present at the counting.
- 120 Procedure at counting.
- 121 Distribution of ballot papers for counting.
- 122 Inspection of ballot papers by candidates, etc.
- 123 Counting to be continuous as far as practicable.

*Rule.*—

- 124 Grounds for rejection of ballot papers.
- 125 Declaration of result.
- 126 Procedure in case of equality of votes.
- 127 Report of the result of election.
- 128 Verification of statement in personal vote constituencies.
- 129 Statement by Returning Officer in postal vote constituencies.
- 130 Return of the result of election.

## PART V—RETURN AND FORFEITURE OF DEPOSITS.

- 131 Return of deposit in the event of withdrawal, rejection or death.
- 132 Forfeiture of deposit.
- 133 Return of deposit of successful and unsuccessful candidates.

## PART VI—DISPOSAL OF BALLOT PAPERS.

- 134 Custody of election papers.
- 135 Production and inspection of election papers.
- 136 Destruction of election papers.

## PART VII—GENERAL.

- 137 Power of Returning Officers and presiding officers to overlook printing or clerical errors in electoral rolls.
- 138 No suit to lie in a court of law for acts done under this Chapter.

**SCHEDULES.**

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

- PART I.—General Constituencies.
- PART II.—Depressed Class Constituencies.
- PART III.—Muhammadan Constituencies.
- PART IV.—Indian Christian Constituency.
- PART V.—European Constituency.
- PART VI.—Women's Constituencies.
- PART VII.—Trade and Commerce Constituency.
- PART VIII.—Planting Constituencies.
- PART IX.—Labour Constituencies.



## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

- PART I.—General Constituencies.  
 PART II.—Muhammadan Constituencies.  
 PART III.—Indian Christian Constituency.  
 PART IV.—European Constituency.  
 PART V.—Women's Constituencies.  
 PART VI.—Trade and Commerce Constituency.  
 PART VII.—Planting Constituencies.  
 PART VIII.—Labour Constituencies.  
 PART IX.—University Constituency.  
 PART X.—Mining Constituency.

## THIRD SCHEDULE.

## LIST OF SYMBOLS.

## FORMS.

- I.—Electoral roll for territorial constituencies.  
 II.—Electoral roll for special constituencies.  
 III.—Notice of candidature.  
 IV.—List of candidates for election.  
 V.—Ballot paper.  
 VI.—Certificate entitling a person to vote at the Polling Station where he is appointed for duty.  
 VII.—Ballot paper account.  
 VIII.—Declaration paper.  
 IX.—Ballot paper.  
 X.—Envelope.  
 XI.—Letter of intimation.  
 XII.—Ballot paper account.  
 XIII.—Return of the result of election.
-

# THE LEGISLATIVE COUNCIL RULES, 1940.

## CHAPTER I.

### PRELIMINARY.

1. These rules may be called "The Legislative Council Rules, 1940." Short title.

2. In these rules, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say,— Interpretation, etc.

(a) "the Act" means the Government of Mysore Act, 1940;

(b) "Assembly" means the Representative Assembly;

(c) "Council" means the Legislative Council;

(d) "factory" means a factory within the meaning of the Mysore Factories Act, 1936;

(e) "form" means a form appended to these rules;

(f) "schedule" means one of the schedules to these rules;

(g) "seat," "election," and "constituency" mean respectively a seat in the Council and an election or a constituency for the purpose of filling such a seat;

(h) "territorial constituency" means one of the territorial constituencies mentioned in Parts I to IV of the first schedule to these rules;

(i) "special constituency" means a constituency not being a territorial constituency;

(j) "a European" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is not a native of India;

(k) "an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is a native of India;

(l) "an Indian Christian" means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian;

(m) "the depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adidravidas, Lambanis (Banajaras), Voddas, Korachas, Koramas, Hill tribes and Animists.

## CHAPTER II.

### COMPOSITION OF THE COUNCIL

3. (1) There shall be sixty-eight seats in the Council, of which twenty-four seats shall be filled by persons nominated by the Government, and the remaining forty-four seats shall be filled by persons chosen in accordance with the provisions of these rules.

(2) The allocation of these forty-four seats shall be as shown in the table hereunder—

TABLE OF SEATS.

	<i>Number of seats.</i>
General seats ... ..	28
Muhammadian seats ... ..	5
Indian Christian seat ... ..	1
European seat ... ..	1
Seats for special interests ... ..	9

General seats.

4. Of the general seats, four seats shall be filled by representatives of the depressed classes.

Muhammadian, Indian Christian and European seats.

5. The Muhammadian seats, the Indian Christian seat and the European seat shall be filled respectively by persons chosen to represent the Muhammadian community, the Indian Christian community and the European community.

Seats for Special interests

6. The seats reserved for the special interests shall be filled by persons chosen to represent the following interests, the number of representatives of each interest being as shown against that interest—

<i>Name of Interest.</i>	<i>Number of seats.</i>
Women ... ..	2
Trade and commerce ... ..	1
University ... ..	1
Mining ... ..	1
European planting ... ..	1
Indian planting ... ..	1
Labour ... ..	2

- (ii) taxes imposed under the Mysore Mines Act; or
- (iii) taxes, other than toll and octroi, imposed under the Mysore City Municipalities Act, the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act; or
- (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

(b) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than four rupees per annum payable to the Government.

21. For the purposes of the said provisions, where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, or partnership, the family or partnership shall be adopted as the unit for deciding whether any qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, or the member authorised by a majority of the family, and in the case of a partnership the member or partner authorised in that behalf by the partnership.

*Explanation.*—“Partnership” includes a company, firm, association, body of two or more guardians or trustees or the joint *pattadars* or other body possessing joint rights.

22. A person shall not be qualified to be chosen in a territorial constituency to fill a seat in the Council unless he has attained the age of thirty years, and is entitled to vote in the choice of a member to fill that seat, and—

- (a) is assessed to an income-tax of not less than fifty rupees; or
- (b) is assessed to a sum of not less than ten rupees in the constituency on account of—
  - (i) taxes imposed under the Mysore Village Panchayet Act; or
  - (ii) taxes imposed under the Mysore Mines Act; or
  - (iii) taxes, other than toll and octroi, imposed under the Mysore City Municipalities Act, the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act; or
  - (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

Provisions as to joint property, etc. (1)

Qualifications for candidates.

(c) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than fifty rupees per annum payable to the Government; or

(d) is a *kadim* tenant paying an annual rent of fifty rupees per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Mysore Land Revenue Code have been applied; or

(e) is the owner of one or more entire *inam* villages with a total *beriz* of one hundred and twenty-five rupees per annum; or

(f) is a graduate of any University of not less than seven years' standing, and has been residing in the constituency for at least three years before the date of election.

## CHAPTER V.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN SPECIAL CONSTITUENCIES.

#### PART I.—EUROPEAN SEAT.

Constituency.

**23.** (1) The seat to be filled by a representative of the European community shall be filled by an election in the constituency specified in the first column of the table in Part V of the first schedule.

(2) In the second column of that table is specified, the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

Qualifications for electors.

**24.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the European constituency if he is a qualified member of the constituent body and is residing in the Mysore State excluding the Civil and Military Station, Bangalore.

Qualifications for candidates.

**25.** A person shall not be qualified to be chosen to fill the European seat unless:—

(a) he has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill that seat.

## PART II.—WOMEN'S SEATS.

**26.** The seats to be filled by representatives of women shall be filled by elections in the constituencies specified in the first column of the table in Part VI of the first schedule, the extent thereof shall be as specified in the second column of that table, and the number of seats to be filled by each of them shall be as specified in the third column of the said table. Constituen-

**27.** A person shall not be qualified to be included in the electoral roll for the said constituencies unless she is a woman, but, subject to the provisions of Chapter III, the qualifications for inclusion in the said electoral roll shall be those which are by rules 18, 19 or 20 specified as the qualifications for inclusion in the electoral roll for territorial constituencies. Qualifications  
for electors.

**28.** No woman shall be qualified to be chosen to fill a woman's seat unless she:— Qualifications  
for candi-  
dates.

(a) has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill that seat.

## PART III.—TRADE AND COMMERCE SEAT.

**29.** (1) The seat to be filled by a representative of trade and commerce shall be filled by an election in the constituency specified in the first column of the table in Part VII of the first schedule. Constituency.

(2) In the second column of that table is specified, the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

**30.** (1) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the trade and commerce constituency if he is himself a qualified member of the constituent body, or is the nominee in that behalf of an association affiliated to that body and situated within the State excluding the Civil and Military Station, Bangalore, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is a qualified member of the constituent body. Qualifications  
for electors.

(2) For the purposes of this rule, a member of the constituent body shall be deemed to be a qualified member thereof if, and only if, he or it—

(a) is not the representative of any industrial establishment owned by the Government; and

(b) has been a subscribing member shown as such in the list of members, for a period of not less than one year prior to the preparation of the electoral roll, and has paid all subscriptions accrued due before the end of the previous financial year; and

(c) is engaged in trade and commerce and has a place of business in the State excluding the Civil and Military Station, Bangalore; and

(d) in the case of an individual, firm or Hindu joint family was, in any one of the five financial years immediately preceding the date of election, assessed to income-tax on income derived from trade and commerce:

Provided that the provisions of this sub-rule shall not be applicable to any association affiliated to the constituent body.

(3) For the purposes of this rule—

(a) if in any financial year the partners in a firm have been separately assessed to income-tax on their shares of the income of the firm derived from trade and commerce, the firm shall be deemed to have been assessed to income-tax; and

(b) a firm shall be deemed to retain its identity notwithstanding any change in the partners therein.

Nominees of  
associations,  
firms, etc.]

31. (1) An association, firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the association, firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election.

(2) No person shall be nominated as aforesaid by an association, firm or Hindu joint family, unless he is a member thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

32. A person shall not be qualified to be chosen to fill the trade and commerce seat unless—

Qualifications for candidates.

(a) he has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill that seat.

33. For purposes of this Part of the rules, the expression "trade and commerce" includes industries, banking, insurance and transport.

Definition of trade and commerce.

#### PART IV.—PLANTING SEATS.

34. The seats to be filled by representatives of European planting and Indian planting shall be filled by elections in the constituencies mentioned in the first column of the table in Part VIII of the first schedule, and the extent of those constituencies and the number of seats to be filled in them respectively shall be as specified in the second and third columns of that table.

Constituencies.

35. (1) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll—

Qualifications for electors.

(a) for the European planting constituency, if he is a European and is the proprietor of an estate of not less than fifty acres assessed to coffee assessment;

(b) for the Indian planting constituency, if he is an Indian and is the proprietor of an estate of not less than fifty acres assessed to coffee assessment.

36. A person shall not be qualified to fill a planting seat unless he—

Qualifications for candidates.

(a) has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill that seat.



## PART V.—LABOUR SEATS.

Constitu-  
encies.

**37.** (1) The seats to be filled by representatives of labour shall be filled by elections in the constituencies specified in the first column of the table in Part IX of the first schedule.

(2) One seat shall be filled in each of those constituencies.

(3) The electoral roll for each constituency shall be based, in the manner hereafter provided, on employment in qualifying industrial establishments, that is to say, factories or mines situated in the areas mentioned in relation to the constituency in the second column of the said table.

Qualifications  
for electors.

**38.** (1) A person shall not be qualified to be included in the electoral roll for a labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity.

*Explanation.*—A person employed in a factory as clerk, typist, office superintendent, manager, proof reader, cashier, accountant, auditor, sales-man, time-keeper, jobber, recruiting maistry, or in any capacity of an allied nature shall be deemed to be employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity.

(2) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for a labour constituency if on not less than one hundred and eighty days (whether successive or not) in each of the three years prior to the preparation of the electoral roll he has worked in a qualifying factory for remuneration at a rate of not less than twenty-five rupees per month if he is a man, or twenty rupees per month if she is a woman, but not exceeding in either case one hundred and fifty rupees per month.

Qualifications  
for candi-  
dates.

**39.** A person shall not be qualified to be chosen to fill a labour seat unless he—

(a) has attained the age of thirty years; and

(b) is entitled to vote in the choice of a member to fill that seat.

## PART VI.—UNIVERSITY SEAT.

40. The seat to be filled by a representative of the University shall be filled by an election in a constituency to be called the University Constituency. Constituency.

41. Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the said constituency, if he— Qualifications for electors.

(a) is a member of the Senate of the Mysore University; or

(b) has been for at least seven years a graduate and was registered as such in the University Register.

42. A person shall not be chosen to fill the said seat unless he— Qualifications for candidates.

(a) has attained the age of thirty years; and  
(b) is entitled to vote in the choice of a member to fill it.

## PART VII.—MINING SEAT.

43. The seat to be filled by a representative of mining shall be filled by an election by members of the Kolar Gold Field Mining Board. Constituency and election

## CHAPTER VI.

## PREPARATION, REVISION AND PUBLICATION OF ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

44. (1) An electoral roll shall be prepared for every constituency in English or Kannada, whichever is more convenient, in which shall be entered the names of all persons appearing to be entitled to be included in the electoral roll for that constituency: Electoral roll  
5(1)

Provided that the rolls for the European, mining, European planting, trade and commerce and university constituencies shall be in English.

(2) The date of election by reference to which the roll is to be made up or revised, in whole or in part, under the provisions of rule 10 shall be notified in the official Gazette.

45. Every person shall be entitled to have his name included in the electoral roll for a constituency if he is qualified under the provisions of these rules to have his name included in such roll. General conditions for inclusion in the electoral roll.

Form of  
electoral roll

**46.** The electoral roll for all territorial constituencies shall be prepared by the Registration Officer in form I, and the electoral roll for all other constituencies shall be prepared by the Registration Officer in form II.

Registration  
Officer.

**47.** The expression "Registration Officer" shall mean for purposes of these rules, the person designated as such in the second column of the tables in the second schedule in respect of the constituency specified against him in the first column of the said table, and includes any person whom the Registration Officer may for the time being, subject to the control of the Government, depute to perform any of his duties.

Contents of  
the electoral  
roll.

**48.** (1) The electoral roll shall contain—

40(1-3) (a) the name of the constituency :

(b) the name of each elector ;

(c) the name of the father of each elector, or if the elector is a woman the husband's name, or other identifying particulars ;

(d) the postal address of each elector :

(e) the occupation of each elector ; and

(f) the qualification of each elector :

Provided that, where the qualification prescribed is liability to pay any tax or land revenue, the amount payable shall not be specified.

(2) When an association, firm, corporation, or Hindu joint family is represented by its nominees in the electoral roll for the trade and commerce constituency, the name of the association, firm, corporation, or Hindu joint family shall be entered in column two of the appropriate form of the electoral roll and shall be followed by the name or names of the nominee or nominees.

(3) In the electoral roll for a constituency in which a seat is reserved for members of the depressed classes, the letters "DC" shall be prefixed to the name of every elector who is a member of those classes.

Application  
for inclusion  
in the  
electoral roll  
for the  
trade and  
commerce  
constituency.

**49.** (1) On the commencement of the preparation of the electoral roll for the trade and commerce constituency, the Registration Officer shall publish in the official Gazette a notice inviting applications from qualified members of the constituent body for inclusion in the electoral roll for the constituency.

(2) Every application under this rule shall be made in such form and with such documents and shall be

submitted within such time as may be specified in the notice referred to in the last preceding sub-rule.

(3) An association, firm, Hindu joint family or corporation entitled to nominate persons for inclusion in the electoral roll shall submit by an application made under the last preceding sub-rule the names of the nominees of such association, firm, corporation or Hindu joint family nominated by it in accordance with the provisions of rule 31.

(4) When any question arises as to whether an individual, firm or Hindu joint family was assessed to income-tax in any year on income derived from trade and commerce, a statement by the income-tax officer or his successor in office that such individual, firm or Hindu joint family was or was not so assessed on income derived from business shall be conclusive evidence of the fact.

50. The Registration Officer for every labour constituency shall call upon the manager of each qualifying factory or mine to prepare and submit to him within such time and in such form as may be specified by him in this behalf, a list of persons qualified under the provisions of rule 38 to be included in the electoral roll for the constituency.

Procedure  
for the  
preparation  
of the  
electoral  
rolls for  
labour  
constituen-  
cies.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

51. On or before a date to be notified by the Government in the official Gazette in respect of each constituency, the electoral roll for that constituency shall be published by such authority as the Government may appoint and in such manner as may be directed by the Government.

Publication  
of the  
electoral  
roll.

41 (3)

52. (1) Any person whose name is not entered in the roll, or is entered in an incorrect place or manner or with incorrect particulars, or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other person in the roll, may prefer a claim or objection to the Registration Officer.

Claims and  
objections.

(2) All such claims and objections shall be made in writing and not later than three o'clock in the afternoon on the twenty-first day from the date of publication of the electoral roll as notified in the official Gazette under the provisions of rule 51, and no claim or objection received after that time shall be entertained by the Registration Officer:

41 (4)

Provided that the Government may, by notification in the official Gazette, specify a shorter period within

which claims and objections shall be preferred in respect of the electoral roll of any constituency.

(3) A claim or objection shall be accompanied by any documents on which the claimant or objector relies.

Register of  
claims and  
objections.

**53.** The Registration Officer shall maintain a register of all claims and objections preferred to him, and shall forward all such claims and objections to the Revising Authority for decision.

Appointment  
of Revising  
Authority.

**54.** (1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general or special approval of the Government, appoint a Revising Authority for the whole or part of any territorial constituency, women's constituency, European planting constituency, Indian planting constituency and labour constituency situated respectively within his jurisdiction, or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority for the whole or part of a constituency, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

(2) The Registration Officer of every special constituency, other than a women's constituency, European planting constituency, Indian planting constituency, and labour constituency shall, with the general or special approval of the Government, appoint a Revising Authority or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

Enquiry into  
claims and  
objections.

**55.** (1) The Revising Authority shall hold a summary enquiry into the claims or objections preferred, and shall record his decision in writing.

(2) For the purposes of the Revising Authority's enquiry, the roll, as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

56. (1) The Revising Authority shall report to the Registration Officer his decisions on all claims and objections disposed of by him, and the Registration Officer shall amend the roll in accordance with such decisions.

Decisions of the Revising Authority.

(2) The decision of the Revising Authority shall be final.

57. The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person—

Amendments on Revising Authority's own motion.

(a) whose qualification as entered in the roll is insufficient to entitle him to be registered; or

(b) who is incapacitated from voting by reason of any disqualification or disability imposed by or under the provisions of the Act or the rules made thereunder; or

(c) who is proved to him to be dead; or

(d) who has been entered in more than one place on the roll of the same constituency, from such other place or places:

Provided that—

(i) before passing an order under clause (a) or (b) the Revising Authority shall, if this can conveniently be done, give an opportunity to any person concerned to be heard; and

(ii) before passing an order under clause (d), the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same constituency, informing him that he may select, within such time as may be specified in the notice, the entry to be retained.

58. The Registration Officer may of his own motion, at any time prior to the republication of the roll, exercise any or all of the powers conferred on the Revising Authority by the provisions of rule 57.

Amendments on Registration Officer's own motion.

59. (1) The roll with the amendments, if any, shall be republished in the manner specified in rule 51 on or before a date notified by the Government in that behalf.

Republication of the roll.

43 (6)

(2) Two copies of the roll as re-published shall be certified by the Registration Officer and deposited with the Secretary, Legislative Council.

(3) Such number of copies of the roll as re-published as the Registration Officer deems to be sufficient shall be kept by him for sale.

### PART III.—MISCELLANEOUS.

Subsequent amendment of electoral roll.

**60.** (1) Notwithstanding anything hereinbefore contained, any person may apply for the amendment of any electoral roll for the time being in force by presenting an application in that behalf to the Registration Officer. The Registration Officer shall forward the application to the Government, and if, after considering the application, the Government directs by notification in the official Gazette the preparation of a list of amendments in respect of an electoral roll, the Registration Officer shall prepare a list of amendments of such roll, and thereupon all the provisions of these rules shall apply to such list in like manner and to the same extent as they apply in the case of the preparation of the electoral roll :

Provided that—

(i) where any such application is made for the correction of any existing entry in the electoral roll and the Registration Officer is satisfied after personally hearing the applicant that the entry relates to him and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly; and

(ii) where any such application is made for the inclusion of the applicant's name in the electoral roll and the Registration Officer is satisfied after such enquiries as he deems necessary that the applicant is entitled to have his name entered in the electoral roll, he may amend the roll or cause it to be amended accordingly. Such an application shall be accompanied by a fee of ten rupees in cash, which shall in no circumstances be refunded.

(2) When in pursuance of the provisions of the last proceeding sub-rule any list of amendments has been republished, or any name has been entered, or any correction has been made in respect of any existing entry in the roll, the electoral roll concerned shall be deemed to have been amended accordingly.

Custody and preservation of electoral rolls, etc.

**61.** (1) The following papers namely.—

(i) the preliminary electoral rolls published under the provisions of rule 51;

(ii) claims and objections having reference to the preliminary rolls, the registers recording such claims and objections and the orders of the Revising Authority thereon; and

(iii) the electoral rolls republished under the provisions of rule 59;

shall be preserved in the record room of the Registration Officer until after the next revision of the electoral rolls and shall then be destroyed or sold as waste paper.

**62.** Any member of the public shall have a right to inspect any of the papers specified in the last preceding rule on payment of a fee of two rupees and to obtain certified and attested copies thereof on payment of the same fees as are prescribed for copies of revenue records.

Electoral rolls etc. to be available for public inspection.

**63.** The electoral roll for a constituency shall come into force from the date of its republication under rule 59, and shall continue in force for a period of four years or for such period as may be prescribed by the Government by notification in the official Gazette; and after the expiration of such period a fresh roll shall be prepared in accordance with the provisions of these rules.

Duration of electoral rolls.

## CHAPTER VII.

### CONDUCT OF ELECTIONS.

#### PART I.—GENERAL PROCEDURE AT ELECTIONS.

**64.** A general election shall be held for the purpose of constituting the Council under the Act and thereafter, a general election shall be held, as often as may be necessary, for the constitution of a new Council before the expiration of the term, or on the dissolution, of the previous Council.

Constitution and reconstitution of the Council.

**65.** For the purposes mentioned in the last preceding rule, the Government shall, by notification in the official Gazette, call upon all constituencies to elect members in accordance with these rules within such time as may be specified in that notification and shall appoint for each constituency—

Notification of election.

16 (25)

(a) a date on or before which notices of candidature are to be presented;



(b) a further date for the scrutiny of notices of candidature.

(c) a further date, not later than the date next succeeding the date fixed for the scrutiny of notices of candidature, on or before which candidatures may be withdrawn; and

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

Casual  
vacancies.

**66.** When the seat of a member becomes vacant by reason of his death or resignation or by virtue of any provision in the Act or in any of these rules, the Government shall, by notification in the official Gazette, call upon the constituency concerned to elect a member for the purpose of filling the seat within such time as may be specified in that notification, and these rules shall apply, as far as may be, to the procedure for the election of a member to fill that seat.

Returning  
Officers.

**67.** The Returning Officers for the constituencies mentioned in the first column of the tables in the second schedule shall be the persons respectively specified in the corresponding entries in the third column thereof.

Qualification  
for candida-  
ture.

**68.** Any person may stand as a candidate for election to fill a seat in any constituency, if he is qualified to be chosen to fill that seat under the provisions of the Act or any of these rules :

Provided that not more than one nominee of an association, firm, Hindu joint family or corporation shall stand as a candidate for the trade and commerce constituency :

Provided further that no person who is not a member of the depressed classes shall stand as a candidate for a seat reserved for the depressed classes.

Presentation  
of notice of  
candidature.

**69.** On or before the date specified in clause (a) of rule 65 for the presentation of notices of candidature, each candidate shall, 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 authorised by the Government in this behalf, a notice of candidature completed in the manner prescribed in form III.

Latest hour  
for presenta-  
tion of notice  
of candida-  
ture.

**70.** Any notice of candidature which is not received before three o'clock in the afternoon on the date appointed under clause (a) of rule 65 for the presentation of notices of candidature shall be rejected.

71. Printed copies of notices of candidature shall, on application, be supplied to any elector in the constituency by the office of the Returning Officer thereof.

Supply of notices of candidature.

72. Every notice of candidature delivered under rule 69 shall be accompanied by a declaration in writing as shown in form III subscribed by the candidate that the candidate has appointed, or does thereby appoint, as his election agent for the election either himself or some other person who is not disqualified under the provisions of any of these rules from being a member of the Assembly or the Council or from voting at elections and who shall be named in the declaration; and no notice of candidature shall be deemed to be valid unless such declaration is delivered along with the notice of candidature.

Declaration regarding the appointment of election agent.

73. (1) At the time of delivery of a notice of candidature, each candidate shall enclose with the notice of candidature, a Government treasury receipt (challan) showing that a deposit of two hundred and fifty rupees has been made by him or on his behalf in the treasury :

Deposit by candidates.

Provided that the sum to be deposited by a candidate in a special constituency for women or in a labour constituency, or by a candidate who is a member of the depressed classes shall be twenty-five rupees.

(2) Savings bank deposit or State loan bonds may also be accepted by the Returning Officer from a candidate in lieu of the treasury receipt referred to in sub-rule (1) if the candidate authorises the Deputy Commissioner to treat the savings bank deposit as a deposit for the purposes of sub-rule (1) in accordance with the Savings Bank Rules, or endorses the bonds in favour of the Comptroller, as the case may be.

(3) No notice of candidature shall be deemed to be valid unless the deposit has been made.

74. On the presentation of a notice of candidature, the Returning Officer, or other person authorised under Rule 69, shall inform the candidate of the date, time and place appointed for the scrutiny of notices of candidature and shall enter in the notice of candidature its serial number, shall sign thereon a certificate stating the date on which and the hour at which the notice of candidature 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 copy of the notice of candidature.

Procedure upon receipt of notice of candidature.

Scrutiny of notices of candidature.

**75.** At the time of the scrutiny of notices of candidature, the candidates and their election agents, but no other person, may attend at the office of the Returning Officer, or at such other place as he may appoint, and the Returning Officer, or other person authorised under rule 69, shall give them all reasonable facilities for examining the notices of candidature of all candidates which have been delivered within the time and in the manner specified in rule 69.

Disposal of objections and rejection of notice of candidature.

**76.** (1) On the date appointed by the Government, under clause (b) of rule 65 for the scrutiny of notices of candidature, the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any notice of candidature on any of the following grounds—

(a) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of these rules ;

(b) that there has been any failure to comply with any of the provisions of rules 69, 72, or 73 ;

(c) that the candidate is not identical with the person whose number or name on the electoral roll is given in the notice of candidature as the number or name of such candidate ; and

(d) that the signature of the candidate is not genuine or has been obtained by fraud.

(2) Nothing contained in clauses (b), (c) or (d) of sub-rule (1) shall be deemed to authorise the rejection of any notice of candidature on the ground of any irregularity, if the candidate has delivered another notice of candidature in respect of which no irregularity has been committed.

Completion of scrutiny.

**77.** (1) The Returning Officer, or other person authorised under rule 69, shall endorse on each notice of candidature his decision accepting or rejecting the same, and, if the notice of candidature is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

Withdrawal of candidature.

**78.** (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the

Returning Officer, or the person authorised under rule 69, before three o'clock in the afternoon on the date specified in clause (c) of rule 65 :

Provided that, if this day is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the notice shall be considered as having been received in due time, if it is presented before three o'clock on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a fresh notice of candidature for the same election.

**79.** The Returning Officer, or the person authorised under rule 69, shall, on receiving a notice of withdrawal under the last preceding rule, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in his office.

Notification of withdrawal.

**80.** After the expiry of the period within which candidatures may be withdrawn under rule 78, the Returning Officer, or the person authorised under rule 69, shall, after assigning to each candidate, if he considers it necessary to do so, any one of the symbols from the list specified in the third schedule, prepare a list in form IV showing the names of the candidates whose notices of candidature are valid and who have not withdrawn, with the symbols, if any, assigned to them and with distinguishing particulars as to occupation, etc., if there are two or more candidates bearing the same name, and cause it to be affixed in some conspicuous place in his office.

Publication of the list of candidates.

**81.** (1) If the number of candidates who have not withdrawn their candidature in the manner and within the time specified in rule 78 is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected.

Procedure after the publication of the list of candidates.

(2) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected, and the Government shall, by notification in the official Gazette, call upon the constituency to elect a member or members, as the case may be, to fill the remaining seat or seats within such time as may be specified in the notification :

Provided that, where a constituency having already been called upon under this sub-rule has failed to elect a member or the requisite number of members, as the case may be, to fill the seat or seats, the Government shall not be bound again to call upon the constituency to elect a member or members until such time as it may deem fit.

(3) If the number of such candidates exceeds the number of seats to be filled, the Returning Officer shall forthwith publish in the official Gazette and in such other manner as the Government may direct the names of the candidates as given in the notices of candidature in alphabetical order together with the symbol, if any, assigned to each candidate, and a poll shall be taken.

Special procedure in constituencies in which seats are reserved for the depressed classes.

**82.** In a constituency in which a seat or seats are reserved for members of the depressed classes—

(a) if the number of candidates qualified to be chosen to fill the reserved seat or seats is equal to the number of those seats, all such candidates shall be declared by the Returning Officer to be duly elected :

(b) if the number of such candidates is less than the number of the reserved seats, the procedure prescribed in sub-rule (2) of the last preceding rule shall be followed :

(c) if the number of such candidates exceeds the number of the reserved seats, all such candidates shall be deemed to stand for election for both the seats reserved for members of the depressed classes and for the seats which are not so reserved; and the names of such candidates shall be published along with the names of the candidates for the non-reserved seats in the manner prescribed in sub-rule (3) of the last preceding rule, but it shall not be mentioned therein that such candidates are standing for election for the reserved seats or for both the reserved and non-reserved seats.

Disqualification or death of candidates before commencement of poll.

**83.** If a person whose candidature has been notified under sub-rule (3) of rule 81 becomes subject to any of the disqualifications specified in Section 20 of the Act or dies before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the candidate's disqualification or death, cancel his name in the list of candidates and in the ballot papers if there is sufficient time to do so before the date fixed for polling :

Provided that a failure to make such cancellation shall not affect the election proceedings.

## PART II—PERSONAL VOTING.

84. In constituencies other than those mentioned in rule 108 votes shall be given by ballot and in person and in the manner provided therefor in these rules, save as otherwise provided in rule 103. No votes shall be given by proxy.

Votes to be given by ballot.

85. The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general approval of the Government, select for the whole or so much of any territorial constituency, labour constituency and special constituency for women as lies within his jurisdiction as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area, to be known as polling area, for each polling station or booth as the case may be.

Selection of polling stations, booths and polling areas.

86. (1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, as the case may be, shall appoint a presiding officer, for each polling station and may, if necessary, appoint such other persons (hereafter referred to as polling officers) as he thinks necessary to assist the presiding officer, and may nominate not more than four non-officials to be associated with the presiding officer for assisting him in conducting the poll:

Appointment of presiding officers, polling officers, etc.

Provided that, if a polling officer is absent from a polling station, the presiding officer may appoint any person who is present at the polling station to be a polling officer during the absence of the former officer, and inform accordingly the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

(2) The same polling stations and presiding officers may be appointed in respect of elections held simultaneously.

(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(4) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

Hours of  
polling.

**87.** The Government shall fix the hour at which the poll shall commence and the hour at which it shall close on the date or dates appointed for the poll under clause (d) of rule 65. The hours so fixed shall be published by notification in the official Gazette and in such other manner as the Government may direct.

Duties of  
presiding  
officer.

**88.** (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except—

(a) the polling officers and the non-officials associated with him ;

(b) the candidates ;

(c) the police or other public servants on duty ; and

(d) such other persons as the presiding officer may from time to time admit for the purpose of identifying the electors.

Removal for  
misconduct at  
polling  
station.

**89.** If any person misconducts himself at the polling station or fails to obey the lawful orders of the presiding officer, or the polling officer performing the duties of the presiding officer, he may immediately, by order of the presiding officer, or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer, or such polling officer, to remove him ; and the person so removed shall not, except with the permission of the presiding officer, or such polling officer, be allowed again to enter the polling station during the day :

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Who may  
vote at a  
polling  
station.

**90.** Subject to the provisions of rule 103, no elector shall be admitted to vote except at the polling station fixed under rule 85 for the polling area under which his name appears on the electoral roll.

Close of poll-  
ing.

**91.** The poll shall be closed at the hour fixed in that behalf :

Provided that, if there are any electors waiting at the polling station to record their votes, the presiding officer shall cause a list to be prepared in his presence of such electors, which shall be signed by him, and shall allow such

electors to record their votes on the same day if he considers that the polling can be completed within a reasonable time or on the following day during such hours as he may fix in that behalf.

92. Each polling station or booth, as the case may be, shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in the box. As far as possible, separate compartments and separate entrances and exits shall be provided for women electors.

Arrangements for secrecy of voting.

93. Each polling station shall be provided with materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot papers as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

Supply of election materials and ballot boxes.

94. Every ballot box shall be so constructed that the ballot papers shall be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer shall, immediately before the commencement of the poll, lock the ballot box and place a seal upon it in such manner as to prevent its being opened without breaking such seal. He shall thereupon place the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it.

Sealing of ballot box before commencement of poll.

95. The ballot paper shall be in form V. It shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Form of ballot paper.

96. At elections in constituencies in which more than one seat has to be filled, an elector shall have as many votes as there are seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

Number of votes to be recorded by each elector.

97. Where elections for more than one constituency, whether territorial or special, are held simultaneously at a polling station, an elector entitled to vote for the constituencies shall be given a ballot paper for each constituency.

Simultaneous elections for more than one constituency.

98. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the electoral roll, shall be verified, and the number of the elector shall be entered on the

Procedure before ballot paper is delivered to elector.



counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Manner of recording votes after receipt of ballot paper.

**99.** The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station and there mark his ballot paper in accordance with the instructions contained therein, fold it up so as to conceal his vote, and put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted.

Assistance to illiterate or infirm electors.

**100.** (1) If an elector, owing to illiteracy or infirmity, is unable to make a mark on the ballot paper, the presiding officer or the polling officer shall mark the vote on the ballot paper according to the directions of the elector. The elector shall then himself or with the assistance of such officer put the ballot paper folded up into the ballot box.

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the presiding officer or the polling officer, as the case may be, of the reason why it was so dealt with.

Spoilt ballot papers.

**101.** An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Identity of electors.

**102.** The presiding officer or the polling officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. The presiding officer is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the table, and that the persons who have recorded their votes leave the place immediately.

**103.** (1) A presiding officer, polling officer, or other person who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency in which he is registered as an elector to be entitled to vote at the election for the constituency, be allowed to record his vote at that polling station. The said certificate shall be in form VI.

Voting of  
officials on  
duty at  
polling  
stations.

(2) If the polling station at which the person is on duty is in the same constituency as the one in which he is entitled to vote, then the presiding officer shall, on production of the said certificate, issue a ballot paper to the person concerned in the same manner as to any other elector. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number on the electoral roll for the constituency in which that polling station is situated and the provisions of rule 99 shall apply. The certificate referred to in sub-rule (1) shall be filed by the presiding officer.

(3) If the polling station at which the person is on duty is not in the constituency in which he is entitled to vote, the person concerned shall mark his vote on the Returning Officer's certificate and shall hand over the certificate to the presiding officer. Such certificate shall be placed in an envelope and sealed by the presiding officer, who shall record on the envelope a description of its contents and transmit it to the Returning Officer who has granted the same, and such Returning Officer shall cause such votes to be included among other votes given for the candidate or candidates designated by the elector.

**104.** The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates, who may be present, make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals on—

Procedure on  
closing of poll.

- (i) each ballot box in use at such station unopened, but with the key (which should also be sealed in the same manner as the ballot box) attached;
- (ii) the unused ballot papers;
- (iii) the spoilt ballot papers;
- (iv) the marked copy of the electoral roll;
- (v) the counterfoils of the ballot papers.

Statement by  
presiding  
officer.

**105.** The packets shall be accompanied by a statement in a separate cover in form VII made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers and ballot papers dealt with under rule 103.

Despatch of  
ballot boxes.

**106.** Subject to any directions given in that behalf by the Returning Officer or the Government, the packets and statements referred to in the last two preceding rules shall be forwarded by the presiding officer to the Returning Officer, or where the Returning Officer is the Sub-Division Officer, Deputy Commissioner or Secretary, Legislative Council, to the nearest Amildar. The Amildar shall forward the packets to the Returning Officer. Each packet shall be numbered and shall bear a note on it as to its contents and the name of the polling station. Where no vote has been recorded in any constituency, the presiding officer shall submit a nil report together with the statement in form VII and the empty box.

Postponement  
of poll : ad-  
journment of  
poll.

**107.** (1) Notwithstanding anything contained in this Part, the Returning Officer may, for sufficient cause and with the previous consent of the Government, postpone the date or extend the period fixed for polling.

(2) In emergencies such as disturbance of the public peace or the intervention of floods, the presiding officer may, with the previous approval of the Returning Officer, close the poll and announce an adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government.

(3) The subsequent date to which polling is postponed or adjourned shall be notified in the constituency in such manner as the Returning Officer thinks fit.

### PART III—POSTAL VOTING.

Special rules  
for voting in  
the univer-  
sity consti-  
tuency, etc.

**108.** In the case of an election in the university constituency, the trade and commerce constituency, European constituency, European and Indian planting constituencies, rules 84 to 107 inclusive shall not be applicable, and the following rules 108 to 117 inclusive shall be substituted therefor and shall apply. No elector of these constituencies shall be allowed to vote in any other way than is provided in these rules.

Issue of ballot  
and declara-  
tion papers.

**109.** On or before such date as may be fixed in this behalf by the Government by notification in the

official Gazette, the Returning Officer shall send by post a declaration paper and a ballot paper, hereafter referred to collectively as voting papers, to each elector to the address entered against his name in the electoral roll:

Provided that, in the case of the trade and commerce constituency where an association, firm, Hindu joint family or corporation is represented in the electoral roll by its nominee or nominees, the Returning Officer shall send only one set of voting papers to such association, firm, Hindu joint family or corporation to the address of its office as given in the electoral roll, instead of to the nominee or nominees therefor.

110. The declaration paper shall be in form VIII and the ballot paper in form IX. To each elector shall be issued the voting papers whose serial numbers correspond to the number which the elector bears on the electoral roll. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper.

Form of  
ballot paper  
and declara-  
tion paper.

111. Before the voting papers are issued to an elector, the Returning Officer shall—

Procedure  
before issue of  
ballot paper.

(a) have the name of the elector entered on the declaration paper; and

(b) place his initials against the name of the elector in the electoral roll or in the copy of it used for the purpose of election:

Provided that, in the case of the trade and commerce constituency where an association, firm, Hindu joint family or corporation is represented in the electoral roll by its nominee or nominees, the name of such association, firm, Hindu joint family or corporation together with the name or names of its nominee or nominees shall be entered on the declaration paper.

112. With the voting papers, the Returning Officer shall enclose an envelope addressed to himself in form X, a cover with the number of the ballot paper entered on its face and a letter in form XI. The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelope.

Forms to  
accompany  
ballot paper.

113. Each elector, upon receipt of his voting papers shall, if he desires to vote in the election, first sign the declaration in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar, to

Voting.

whom he is personally known or to whose satisfaction he has been identified, and who shall attest his signature, and thereafter record his vote on the ballot paper :

Provided that, in the case where the voting papers are sent under Rule 109, to an association, firm, Hindu joint family or corporation, the declaration shall be signed and the vote shall be recorded by one nominee only of such association, firm, Hindu joint family or corporation.

**114.** After recording his vote, the elector shall enclose his ballot paper in the cover, fasten up the cover and enclose it with the declaration paper in the envelope, which he shall send by post to the Returning Officer so as to reach him not later than five o'clock in the afternoon of the date appointed for the poll under rule 65. Envelopes received after that hour shall be rejected :

Provided that the voter may, at his option, instead of sending the envelope to the Returning Officer by post, deposit it in a ballot box which shall be provided for the purpose at the office of the Returning Officer, up to the hour of five o'clock in the afternoon of the aforesaid date.

**115.** If an elector is incapacitated by blindness or other physical cause from voting in the manner prescribed in rule 113, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his declaration under rule 113; and such officer shall certify in the declaration paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration paper and to mark the ballot paper for him and that the said papers were so signed and marked by him in the presence of the voter.

**116.** An elector who has not received his voting papers, or who has lost them, or whose voting papers before their despatch back to the Returning Officer have been inadvertently dealt with in such manner that they cannot be conveniently used as such, may, on making a declaration to that effect, obtain from the Returning Officer new voting papers. In every case where new voting papers are issued under this rule, a distinctive mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, lost or spoilt, as the case may be :

Return of  
ballot paper  
and declara-  
tion paper.

Assistance to  
incapacitated  
electors.

Lost or spoilt  
ballot papers.

Provided that duplicate voting papers issued under this rule to an association, firm, Hindu joint family or corporation shall either be sent to the address of such association, firm, Hindu joint family or corporation as given in the electoral roll or shall be delivered to a representative on his personally applying for the same and producing written authority in that behalf from such association, firm, Hindu joint family or corporation.

117. No election shall be invalid by reason that voting papers duly sent to an elector under these rules have not been received by him.

Election not to be invalid for failure to receive ballot paper when such paper has been issued.

#### PART IV—COUNTING OF VOTES.

118. The counting of votes shall commence on such day and at such time and place as the Returning Officer may appoint.

Appointment of day, time and place for counting of votes.

119. 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. No other person shall be allowed to be present except such persons as the Returning Officer may appoint to assist him in counting votes: and no person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Who may be present at the counting.

120. The Returning Officer shall proceed as follows —

Procedure at counting.

(i) If the constituency is one in which the voting is personal—

(1) the ballot box or boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 103, as the case may be, shall be opened one after another, and the Returning Officer shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement. Such statement shall not be shown to any candidate or agent.

(2) If the constituency is one for which postal voting is prescribed—

(a) the envelopes received from or deposited by electors under the proviso to rule 114 shall be opened one after another and the covers and declaration papers taken out therefrom.

(b) If an envelope should contain no declaration paper outside the cover, the cover enclosed in such envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the cover.

(c) If an envelope contains a declaration paper, the Returning Officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected cover in a separate bundle.

(d) If more than one declaration paper or more than one cover is enclosed in one and the same envelope, all the declaration papers and covers contained in the envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the back of each declaration paper and keep the declaration papers so rejected and the covers contained in the envelope in the same bundle of rejected papers.

(e) He shall file the other declaration papers and the covers containing the corresponding ballot papers in a separate heap. These covers shall then be opened, the ballot papers enclosed therein taken out, and counted, and the total thereof recorded by the Returning Officer in a statement.

Distribution  
of ballot  
papers for  
counting.

**121.** The Returning Officer shall then mix together all the ballot papers so counted and totalled up, and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

Inspection of  
ballot papers  
by candidates,  
etc.

**122.** When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers which in his opinion are liable to be rejected. He shall endorse on every ballot paper which is wholly or partially rejected the word "rejected." If any candidate or agent present questions the correctness of the rejection, he shall also record, on the ballot paper, the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

Counting to  
be continuous  
as far as  
practicable.

**123.** The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which

the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under a seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

**124.** (1) A ballot paper shall be rejected if—

Grounds for  
rejection  
of ballot  
papers.

(a) in the case of all constituencies both personal vote and postal vote—

(i) it bears any mark by which the elector can be identified ;

(ii) the number of votes recorded thereon exceeds the number of seats to be filled ;

(iii) no vote is recorded thereon ;

(iv) it is void for uncertainty ;

(b) in the case of postal vote constituencies—

(i) the envelope enclosing the elector's declaration paper and the cover containing his ballot paper has neither been sent by post so as to reach the Returning Officer not later than the day and the latest hour appointed for the poll nor deposited in the ballot-box provided in the office of the Returning Officer on the day and during the hours appointed for the poll ;

(ii) the envelope contains no declaration paper outside the cover ;

(iii) more than one declaration paper or cover containing the ballot paper have been enclosed in one and the same envelope ;

(iv) the declaration paper is not the one sent out by the Returning Officer to the elector, or the declaration or attestation is not in order :

Provided that, in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(2) Except on the abovementioned grounds, a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

**125.** When the counting of the votes has been completed, the Returning Officer shall forthwith declare

Declaration  
of result.



the candidate or candidates, as the case may be, to whom the largest number of votes has been given, to be elected:

Provided that—

(a) if a seat is reserved for a member of the depressed classes, the Returning officer shall first declare elected to the reserved seat the candidate belonging to the depressed classes to whom the largest number of valid votes have been given: and

(b) thereafter the candidate or the candidates, as the case may be, other than the candidate declared to be elected under proviso (a) who have secured the largest number of votes whether such candidates are members of the depressed classes or not.

Procedure in case of equality of votes.

**126.** 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.

Report of the result of election.

**127.** (1) The Returning Officer shall, without delay, report the result of the election to the Secretary, Legislative Council, and to the Government.

(2) As soon as may be after the election of members, the names of members elected for the constituencies concerned shall be notified in the official Gazette by Government.

Verification of statement in personal vote constituencies.

**128.** The following procedure shall apply to constituencies other than those for which postal voting is allowed—

The Returning Officer shall not open the sealed packets of the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 105 by comparing it with the number of counted ballot papers, the rejected ballot papers, the spoilt ballot papers, the ballot papers dealt with under rule 103, and the unused ballot papers in his possession, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

**129.** The following procedure shall apply in the case of postal vote constituencies—

Statement  
by Returning  
Officer in  
postal vote  
consti-  
tuencies.

Upon the completion of the counting the Returning Officer shall seal up in separate packets :—

- (1) the counted ballot papers;
- (2) the rejected declaration papers and connected covers;
- (3) the ballot papers rejected at the count;
- (4) the rejected envelopes and the connected declaration papers, if any; and
- (5) the marked copy of the electoral roll.

He shall also prepare and sign a statement in form XII, and shall record on each packet a description of its contents and the date of the election to which it refers.

**130.** (1) In the case of all constituencies—both personal and postal vote—the Returning Officer shall then prepare and certify a return in form XIII setting forth —

Return of the  
result of  
election.

(a) the names of the candidates for whom valid votes have been given;

(b) the number of valid votes given for each candidate;

(c) the names of the candidates elected;

(d) the number of votes declared invalid, and

shall permit any candidate or any representative duly authorised under rule 119 to take a copy or an extract from such return.

(2) The Returning Officer shall forward a copy of the return made under the above sub-rule to the Government, as soon as possible, after reporting the result of the election as required by rule 127.

## PART V—RETURN AND FORFEITURE OF DEPOSITS.

**131.** If a candidate by whom, or on whose behalf, the deposit referred to in rule 73 has been made withdraws his candidature in the manner and within the time specified in rule 78, or if the notice of candidature of any such candidate is rejected, the deposit shall be returned to the person by whom it was made; and, if any candidate becomes subject to any of the disqualifications specified in section 20 of the Act or dies before the commencement of the poll, any such deposit, if made by

Return of  
deposit in  
the event of  
withdrawal,  
rejection or  
death.

him, shall be returned to him or to his legal representative, as the case may be, or, if not made by the candidate, shall be returned to the person by whom it was made.

Forfeiture of deposit.

**132.** The deposit made by or on behalf of a candidate shall be forfeited to the Government—

(a) if the candidate withdraws his candidature after the time specified in rule 78 ; or

(b) if the candidate is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled ; or

(c) if having been elected by more than one constituency, he fails to intimate the choice of the constituency which he desires to serve in the manner specified in these rules.

(d) if having been elected, he fails to take the oath of allegiance to His Highness the Maharaja at the next meeting of the Council or within such time as the Government may direct.

*Explanation* :—For the purposes of this rule the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

Return of deposit of successful and unsuccessful candidates.

**133.** The deposit made by or on behalf of a candidate whether such candidate is elected or not, shall, if it is not forfeited under the last preceding rule, be returned to the candidate or the person who has made the deposit on his behalf, as the case may be :

Provided that where the candidate is elected such return shall be made only after he has taken his seat in the Council and taken the prescribed oath of allegiance to His Highness the Maharaja :

Provided further that if a candidate has stood for 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 forfeited to the Government.

## PART VI—DISPOSAL OF BALLOT PAPERS.

Custody of election papers.

**134.** All the packets relating to the elections shall remain in the custody of the Returning Officer.

Production and inspection of election papers.

**135.** The packets of ballot papers whether counted or rejected, and of the counterfoils thereof, or of the declaration papers, as the case may be, shall not be opened and their contents shall not be inspected or produced

except under the order of a competent court or of a Commissioner appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Government may impose and to the payment of a fee of two rupees.

**136.** (1) The packets aforesaid shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary made by the Government, or by a competent court or by a Commissioner appointed to hold an inquiry in respect of an election.

Destruction  
of election  
papers.

(2) The notices of candidature and the withdrawals from candidature shall be kept in the office of the Returning Officer concerned, and shall be destroyed after four years, unless otherwise ordered by the Government.

#### PART VII—GENERAL.

**137.** If a question arises for the decision of the Returning Officer or the presiding officer under these rules whether an entry in an electoral roll relates to a particular person, the Returning Officer or the presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Power of  
Returning  
Officers  
and presiding  
officers to  
overlook  
printing or  
clerical  
errors in  
electoral rolls.

**138.** Save as otherwise provided in the Act or in these rules, no act done or proceedings taken under, or with reference to, the rules contained in this Chapter shall be called in question by means of suit or otherwise in a court of law.

No suit to lie  
in a court of  
law for acts  
done under  
this chapter.



## SCHEDULES.

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

## PART I.—GENERAL CONSTITUENCIES.

(Rule 7).

Name of Constituency	Extent of Constituency	Number of seats
<i>(i) Urban.</i>		
Bangalore City ...	Bangalore City Municipality and Binneypet.	1
Mysore City ...	Mysore City Municipality ...	1
<i>(ii) Rural.</i>		
Bangalore ...	Bangalore district excluding Bangalore City and Binneypet.	3
Kolar ...	Kolar district ...	3
Tumkur ...	Tumkur district ...	3
Mysore ...	Mysore district excluding Mysore City.	3
Mandya ...	Mandya district ...	2
Hassan ...	Hassan district ...	2
Shimoga ...	Shimoga district ...	2
Kadur ...	Kadur district ...	2
Chitaldrug ...	Chitaldrug district ...	2

## PART II.—DEPRESSED CLASS CONSTITUENCIES.

(Rule 8).

Name of Constituency	Extent of Constituency	Number of seats
<i>First Election.</i>		
Mysore ...	Mysore district ..	1
Bangalore ...	Bangalore district ...	1
Tumkur ...	Tumkur district ...	1
Shimoga ...	Shimoga district ...	1

PART II.—Depressed Class Constituencies—*concl'd.*

Name of Constituency	Extent of Constituency	Number of seats
<i>Second Election.</i>		
Mandya	... Mandya district	1
Kolar	... Kolar district	1
Chitaldrug	... Chitaldrug district	1
Kadur	... Kadur district	1
<i>Third Election.</i>		
Mysore	... Mysore district	1
Bangalore	... Bangalore district	1
Tumkur	... Tumkur district	1
Hassan	... Hassan district	1
<i>Fourth Election.</i>		
Mandya	... Mandya district	1
Kolar	... Kolar district	1
Chitaldrug	... Chitaldrug district	1
Shimoga	... Shimoga district	1
<i>Fifth Election.</i>		
Mysore	... Mysore district	1
Bangalore	... Bangalore district	1
Tumkur	... Tumkur district	1
Kadur	... Kadur district	1
<i>Sixth Election.</i>		
Mandya	... Mandya district	1
Kolar	... Kolar district	1
Chitaldrug	... Chitaldrug district	1
Hassan	... Hassan district	1

## PART III.—MUHAMMADAN CONSTITUENCIES.

(Rule 7).

Name of Constituency	Extent of Constituency	Number of seats
Bangalore ...	Bangalore district including Bangalore City.	1
Kadur <i>cum</i> Shimoga.	Kadur and Shimoga districts ...	1
Chitaldrug <i>cum</i> Tumkur.	Chitaldrug and Tumkur districts ...	1
Mysore <i>cum</i> Mandya <i>cum</i> Hassan.	Mysore district including Mysore City, Mandya and Hassan districts ...	1
Kolar ...	Kolar district including Kolar Gold Field ...	1

## PART IV.—INDIAN CHRISTIAN CONSTITUENCY.

(Rule 7).

Name of Constituency	Extent of Constituency	Number of seats
Indian Christian	The whole of Mysore ...	1

## PART V.—EUROPEAN CONSTITUENCY.

(Rule 23).

Name of Constituency	Extent of Constituency	Number of seats
European ...	European Association, Bangalore district circle and Mysore planting districts circle ...	1



## PART VI.—WOMEN'S CONSTITUENCIES.

(Rule 26).

Name of Constituency	Extent of Constituency	Number of seats
Bangalore ...	Bangalore City Municipality and Binneypet.	1
Mysore ...	Mysore City Municipality ...	1

## PART VII.—TRADE AND COMMERCE CONSTITUENCY.

(Rule 29).

Name of Constituency	Extent of Constituency	Number of seats
Trade and Commerce.	The Mysore Chamber of Commerce ...	1

## PART VIII.—PLANTING CONSTITUENCIES.

(Rule 34).

Name of Constituency	Extent of Constituency	Number of seats
European ...	Mysore, Hassan, Kadur and Shimoga districts.	1
Indian ...	Mysore, Hassan, Kadur and Shimoga districts.	1

## PART IX.—LABOUR CONSTITUENCIES.

(Rule 37).

Name of Constituency	Extent of Constituency	Number of seats
Bangalore <i>cum</i> Kolar Gold Field.	Factories situated in the City of Bangalore and Kolar Gold Field and employing not less than one hundred workers and the gold mines in Kolar Gold Field.	1
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati.	Factories situated in the City of Mysore and Mandya and Bhadravati (including the area comprised by the New Town Board, Bhadravati Towns) and employing not less than one hundred workers.	1

## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

## PART I.--GENERAL CONSTITUENCIES. \*

(Rules 47 and 67).

Name of Constituency	Registration Officer	Returning Officer
<i>(i) Urban.</i>		
Bangalore City ...	Municipal Commissioner Bangalore City.	Municipal Commissioner, Bangalore City.
Mysore City ...	President, Municipal Council, Mysore City.	President, Municipal Council, Mysore City.
<i>(ii) Rural.</i>		
Bangalore ...	Deputy Commissioner, Bangalore district.	Deputy Commissioner, Bangalore district.
Kolar ...	Deputy Commissioner, Kolar district.	Deputy Commissioner, Kolar district.
Tumkur ...	Deputy Commissioner, Tumkur district.	Deputy Commissioner, Tumkur district.
Mysore ...	Deputy Commissioner, Mysore district.	Deputy Commissioner, Mysore district.
Mandya ...	Deputy Commissioner, Mandya district.	Deputy Commissioner, Mandya district.
Hassan ...	Deputy Commissioner, Hassan district.	Deputy Commissioner, Hassan district.
Shimoga ...	Deputy Commissioner, Shimoga district.	Deputy Commissioner, Shimoga district.
Kadur ...	Deputy Commissioner, Kadur district.	Deputy Commissioner, Kadur district.
Chitaldrug ...	Deputy Commissioner, Chitaldrug district.	Deputy Commissioner, Chitaldrug district.

\* Includes the Depressed Class Constituencies also.

## PART II.—MUHAMMADAN CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore ...	Deputy Commissioner, Bangalore district.	Deputy Commissioner, Bangalore District.
Kadur <i>cum</i> Shimoga.	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Deputy Commissioner, Shimoga District.
Chitaldrug <i>cum</i> Tumkur.		Deputy Commissioner, Tumkur District.
Mysore <i>cum</i> Mandya <i>cum</i> Hassan.		Deputy Commissioner, Mysore District.
Kolar ...	Deputy Commissioner, Kolar district.	Deputy Commissioner, Kolar District.

## PART III.—INDIAN CHRISTIAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Indian Christian	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Legislative Council.

## PART IV.—EUROPEAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
European ...	Secretary, European Association, Bangalore district circle.	Secretary, European Association, Bangalore district circle.

## PART V.—WOMEN'S CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore ...	Municipal Commissioner, Bangalore City.	Municipal Commissioner, Bangalore City.
Mysore ...	President, Municipal Council, Mysore City.	President, Municipal Council, Mysore City.

## PART VI.—TRADE AND COMMERCE CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Trade and Commerce	Secretary, Legislative Council.	Secretary, Legislative Council.

## PART VII.—PLANTING CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
European ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Legislative Council
Indian ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Legislative Council.

## PART VIII.—LABOUR CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore <i>cum</i> Kolar Gold Field.	Secretary, Legislative Council.	Secretary, Legislative Council.
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati.	Secretary, Legislative Council.	Secretary, Legislative Council.

## PART IX.—UNIVERSITY CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
University ...	Registrar, Mysore University.	Registrar, Mysore University

## PART X.—MINING CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Mining ...	Secretary, Kolar Gold Field Mining Board.	Secretary, Kolar Gold Field Mining Board.

## THIRD SCHEDULE.

## LIST OF SYMBOLS.

(Rule 80.)

## LEGISLATIVE COUNCIL.

1. Lion.	10. Tiger.	18. Spade.
2. Elephant.	11. Cow.	19. Bicycle.
3. Horse.	12. Plough and	20. Axe.
4. Bird.	pair of bullocks.	21. Flag.
5. Sun.	13. Ship.	22. Umbrella.
6. House	14. Camel.	23. Bell.
7. Scales.	15. Sword.	24. Ganapathy.
8. Tree.	16. Trisula	25. Hand.
9. Cart.	17. Charaka.	

---

## FORMS.

## I. ELECTORAL ROLL FOR TERRITORIAL CONSTITUENCIES.

*(Rule 46.)*

## LEGISLATIVE COUNCIL.

*Name of Constituency*.....

Serial Number	Name of elector together with the father's name or other identifying particulars	Address	Occupation	How qualified
1	2	3	4	5

## II. ELECTORAL ROLL FOR SPECIAL CONSTITUENCIES.

(Rule 46.)

## LEGISLATIVE COUNCIL.

Name of Constituency.....

Serial Number	Name of elector with identifying particulars	** Names of nominees of firms, Hindu joint families, associations, or corporations	Postal Address of elector	How qualified
1	2	3	4	5

\*\* This column will appear only in the electoral roll for the trade and commerce constituency.



## III. NOTICE OF CANDIDATURE.

(Rule 69.)

## LEGISLATIVE COUNCIL.

1. Name of the constituency in which the candidate desires to stand for election.	
2. <u>Father's</u> Name. <u>Husband's</u>	
3. Age and date of birth	
4. Address	
5. Sex	
6. *Denomination	
7. †Number of candidate on the electoral roll.	

I hereby declare that I am qualified to stand for election and that I have appointed.....to be my election agent.

Date.....

Signature of candidate.

This notice of candidature will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on or before.....19 .

(Please see the certificates on the back.)

NOTE.—\*State whether Muhammadsn, Indian Christian, European, Anglo-Indian or belonging to general community. This column need not be filled in the case of special constituencies.

†When the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division, a description of the sub-division in which the name of the person concerned is entered must also be given.

*(Back of notice of candidature).*

**CERTIFICATE OF DELIVERY.**

Serial No.....

This notice of candidature was delivered to me at my office at .....  
.....on the.....19 .

.....  
Returning Officer or other authorised person.

**CERTIFICATE OF SCRUTINY.**

I have scrutinized the eligibility of the candidate and find that he  
is qualified to stand for election.

.....  
Returning Officer or other authorised person.

Date.....

## IV. LIST OF CANDIDATES FOR ELECTION.

(Rule 80.)

## LEGISLATIVE COUNCIL.

Name of Constituency . . . . .

Serial Number	Name of candidate	Address of candidate	Symbol assigned to candidate, if any.
1	A		
2	B		
3	C		
4	D		
	etc., etc.		

\* *Nota.*—The poll will be taken on..... day of.....  
19.....between .....and.....

.....  
Returning Officer or

Date.....

other authorised person.

\* In the case of a constituency for which postal ballot is prescribed, the note shall run as follows:—

“ Ballot papers should reach the Returning Officer or other person authorised in this behalf by post before .....on....., or be deposited or caused to be deposited at the office of the Returning Officer or other person authorised in this behalf between..... and.....on.....”

## V. BALLOT PAPER.

(Rule 95.)

## LEGISLATIVE COUNCIL.

Counterfoil.	<i>Front.</i>	Outerfoil.
<b>SERIAL No.</b> .....	Name and symbol of candidate	Cross
Name of Constituency .....		
Name or number of polling Station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		

*Note.*—Please see instructions on the back.

*Back of outerfoil.*

- (1) \* You have one vote.  
† You have.....votes.
- (2) \* The vote is to be shown by a cross mark: ×  
† Each vote is to be shown by a cross mark: ×
- (3) \* The mark is to be placed against only one candidate.  
† You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

**SERIAL No.**

\* In the case of single-member constituencies.

† In the case of multi-member constituencies.

VI. CERTIFICATE ENTITLING A PERSON TO VOTE AT THE POLLING STATION WHERE HE IS APPOINTED FOR DUTY.

(Rule 103.)

LEGISLATIVE COUNCIL.

Mr. ....being duly registered as elector No .....in.....constituency of the Legislative Council and being duly appointed for duty at the polling station .....of.....constituency is entitled to record his vote at polling station.....of .....constituency and at no other.

\* A list of the candidates for election in the constituency in which the said.....is entitled to vote is given below.

Serial No.	Names of candidates	† Cross

Date.....

.....  
 Returning Officer or  
 other authorised person.  
 .....constituency.

\* This portion is to be struck out if the polling station at which the person appointed for duty is in the same constituency as the one in which he is entitled to vote.

† The person to whom this certificate is given will mark his vote in this column.

VII. BALLOT PAPER ACCOUNT.

(Rule 105.)

LEGISLATIVE COUNCIL.

Name of Constituency.....

Name or number of Polling Station.....

1 Total number of electors for the polling station as shown in the electoral roll.	
2 Total number of ballot papers entrusted to the presiding officer.	
3 Number of ballot papers used.	
4 Number of ballot papers used for the votes of persons appointed for duty at the polling station under rule 103.	
5 Spoilt ballot papers (Rule 101).	
6 Balance that should be in the box.	
7 Number of unused ballot papers.	

.....  
Presiding Officer

Dated.....

Column 1.—Give total number of the names on the electoral roll for your polling station.

Column 2.—Give total number of ballot papers received by you.

Column 3.—Count the counterfoils of the issued ballot papers and enter that number.

Column 4.—Total of the counterfoils of ballot papers used by the persons appointed for duty at the polling station.

Column 5.—The total of the counterfoils marked cancelled, checked with the total number of spoilt ballot papers with the presiding officer.

Column 6.—Deduct from number in column 3 the sum of the totals in columns 4 and 5.

Column 7.—Count unused ballot papers and enter the total.

## VIII. DECLARATION PAPER.

(Rule 110.)

## LEGISLATIVE COUNCIL.

Name of Constituency.....

**Serial Number—**

\* Elector's name and number on the Electoral Roll.....

## ELECTOR'S DECLARATION.

(†) I,.....declare that I am an elector for this constituency and have signed no other ballot paper at this election for this constituency.

.....

Signature of elector.

Address.....

.....

Signed in my presence by the elector who is personally known to me  
 who has been identified to my satisfaction

.....

Date.....

Signature and

Official Designation.

\* NOTE.—The names of the nominees of an association, firm, corporation, or Hindu joint family should be entered here along with the name or number of the association, etc.

(†) Name in full and designation to be entered here.

IX. BALLOT PAPER.

(Rule 110.)

LEGISLATIVE COUNCIL.

Front.

Name of Constituency.....

Names of candidates and symbols, if any. Mark showing the elector's choice.


(Please see instructions on the back).

*Back of the Ballot Paper.*

- (1) The number of votes which you may give is one.
- (2) Place a cross mark thus X against the name of the candidate for whom you wish to vote.

**SERIAL No.**.....



X. ENVELOPE.

(Rule 112.)

LEGISLATIVE COUNCIL.

*Face of Envelope.*

Legislative Council election.

Constituency..... ..

Poll on..... ..

To

The Returning Officer,

.. .....Constituency

Address..... ..

..... ..

..... ..

## XI. LETTER OF INTIMATION.

(Rule 112.)

## LEGISLATIVE COUNCIL.

*Name of Constituency*.....

SIR,

The persons whose names are printed on the ballot paper sent herewith have signified their intention to stand as candidates for election to the Legislative Council. Should you desire to vote at this election, I have to request that you will—

- (a) first sign the declaration paper in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristadar or Sub-Registrar ;
- (b) then mark your vote in the column provided for the purpose in the ballot paper ;
- (c) enclose the ballot paper by itself in the cover, and
- (d) put the cover and the declaration paper in the envelope addressed to me, and return it to me by post so as to reach me not later than 5 P.M. on the... ..day of..... 19....., or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose in . . . .between..... .. and.....on .. ..

.....  
 Returning Officer or  
 other authorised person.

## XII. BALLOT PAPER ACCOUNT.

*(Rule 129)*

## LEGISLATIVE COUNCIL.

*Name of Constituency.....*

1. Total number of electors on roll.	
2. Number of ballot papers issued originally.	
3. Number issued in place of ballot papers reported as not received, spoilt or lost.	
4. Number of ballot papers received.	
5. Number of ballot papers rejected.	
6. Number of ballot papers counted.	
7. Number of declaration papers filed separately.	
8. Remarks.	

Date... ..

.....  
 Returning Officer  
 other authorised person.

## XIII. RETURN OF THE RESULT OF ELECTION.

(Rule 130.)

## LEGISLATIVE COUNCIL.

Name of Constituency.....

Name of candidate	Number of valid votes recorded in favour of the candidate
1. A	
2. B	
3. C	
4. D etc.,            etc.	

Total Number of valid ballot papers.....

Number of ballot papers declared invalid in whole or part .. .. .

.....

I do hereby declare that

(1) Mr.....

Address.....

(2) Mr.....

Address.....

(3) Mr.....

Address.....

(4) Mr.....

Address.....

has  
have been duly elected.

Dated the.....day of.....19.....

.....  
Returning Officer.



# CONTENTS.

---

## CHAPTER I.

### PRELIMINARY.

#### RULE

- 1 Short title.
- 2 Interpretation.

## CHAPTER II.

### COMPOSITION OF THE ASSEMBLY.

- 3 Allocation of seats.
- 4 General seats.
- 5 Muhammadan, Indian Christian and Anglo-Indian seats.
- 6 Special seats for depressed classes.
- 7 Seats for special interests.
- 8 Territorial constituencies.

## CHAPTER III.

### GENERAL PROVISIONS AS TO ELECTORS.

- 9 The right to vote.
- 10 Preparation and revision of electoral rolls.
- 11 General qualifications for electors.
- 12 Domicile for electors and candidates in special constituencies.
- 13 Disqualifications for electors.
- 14 Holders of certain offices to be qualified for membership of the Assembly.
- 15 Qualifications of electors in Muhammadan constituencies, etc.
- 16 Qualifications of electors in general constituencies.
- 17 Provision against voting by persons undergoing imprisonment, etc.
- 18 Provision against plural voting in territorial constituencies.

## CHAPTER IV.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN TERRITORIAL CONSTITUENCIES.

- 19 Qualifications dependent upon taxation, property, etc.
- 20 Additional qualification for women.
- 21 Special qualifications for depressed classes.
- 22 Provisions as to joint property, etc.
- 23 Qualifications for candidates.

## CHAPTER V.

QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN  
SPECIAL CONSTITUENCIES.

## PART I.—EUROPEAN SEAT.

- 24 Constituency.
- 25 Qualifications for electors.
- 26 Qualifications for candidates.

## PART II.—ANGLO-INDIAN SEAT.

- 27 Constituency.
- 28 Qualifications for electors.
- 29 Qualifications for candidates.

## PART III.—SPECIAL SEATS FOR THE DEPRESSED CLASSES.

- 30 Constituencies.
- 31 Conditions for the recognition of associations.
- 32 Qualifications for electors.
- 33 Qualifications for candidates.

## PART IV.—WOMEN'S SEATS.

- 34 Constituencies.
- 35 Qualifications for electors.
- 36 Qualifications for candidates.

## PART V.—TRADE AND COMMERCE SEAT.

- 37 Constituency.
- 38 Qualifications for electors.
- 39 Nominees of firms, etc.
- 40 Qualifications for candidates.
- 41 Provision against plural voting.
- 42 Definition of trade and commerce.

## PART VI.—INDUSTRY SEATS.

- 43 Constituencies.
- 44 Qualifications for electors.
- 45 Nominees of firms, etc.
- 46 Qualifications for candidates.

## PART VII.—PLANTING SEATS.

- 47 Constituencies.
- 48 Qualifications for electors.
- 49 Qualifications for candidates.

## PART VIII.—LABOUR SEATS.

- 50 Constituencies.
- 51 Qualifications for electors.
- 52 Qualifications for candidates.

## PART IX.—CO-OPERATION SEAT.

- 53 Constituency.
- 54 Qualifications for electors.
- 55 Nominees of co-operative societies.
- 56 Qualifications for candidates.

## PART X.—UNIVERSITY SEAT.

- 57 Constituency.
- 58 Qualifications for electors.
- 59 Qualifications for candidates.

## PART XI.—GOLD MINING SEAT.

- 60 Constituency and election.

## CHAPTER VI.

PREPARATION, REVISION AND PUBLICATION OF  
ELECTORAL ROLLS.

## PART I.—PREPARATION OF ELECTORAL ROLLS.

- 61. Electoral roll.
- 62. General conditions for inclusion in the electoral roll.
- 63. Form of electoral roll.
- 64. Registration Officer.
- 65. Contents of the electoral roll.
- 66. Procedure for the certification of constituent associations for special depressed class seats.
- 67. Application for inclusion in the electoral roll for the trade and commerce constituency.
- 68. Application for inclusion in the electoral rolls for industry constituencies.
- 69. Application for inclusion in the electoral roll for co-operation constituency.
- 70. Procedure for the preparation of the electoral rolls for labour constituencies.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

- 71. Publication of the electoral roll.
- 72. Claims and objections.
- 73. Register of claims and objections.



- 74. Appointment of Revising Authority.
- 75. Enquiry into claims and objections.
- 76. Decisions of the Revising Authority.
- 77. Amendments on Revising Authority's own motion.
- 78. Amendments on Registration Officer's own motion.
- 79. Republication of the roll.

### PART III.—MISCELLANEOUS.

- 80. Subsequent amendment of electoral roll.
- 81. Custody and preservation of electoral rolls, etc.
- 82. Electoral rolls, etc., to be available for public inspection.
- 83. Duration of electoral rolls.

## CHAPTER VII.

### CONDUCT OF ELECTIONS.

#### PART I—GENERAL PROCEDURE AT ELECTIONS.

- 84. Constitution and reconstitution of the Assembly.
- 85. Notification of election.
- 86. Casual vacancies.
- 87. Returning Officers.
- 88. Qualification for candidature.
- 89. Presentation of notice of candidature.
- 90. Latest hour for presentation of notice of candidature.
- 91. Supply of notices of candidature.
- 92. Declaration regarding the appointment of an election agent.
- 93. Deposit by candidates.
- 94. Procedure upon receipt of notice of candidature.
- 95. Scrutiny of notices of candidature.
- 96. Disposal of objections and rejection of notices of candidature.
- 97. Completion of scrutiny.
- 98. Withdrawal of candidature.
- 99. Notification of withdrawal.
- 100. Publication of the list of candidates.
- 101. Procedure after the publication of the list of candidates.
- 102. Special procedure in constituencies in which seats are reserved for the depressed classes.
- 103. Disqualification or death of candidates before commencement of poll.

#### PART II—PERSONAL VOTING.

- 104. Votes to be given by ballot.
- 105. Selection of polling stations, booths and polling areas.
- 106. Appointment of presiding officers, polling officers, etc.
- 107. Hours of polling.
- 108. Duties of presiding officer.
- 109. Removal for misconduct at polling station.
- 110. Who may vote at a polling station.
- 111. Close of polling.

- 112 Arrangements for secrecy of voting.
- 113 Supply of election materials and ballot boxes.
- 114 Sealing of ballot box before commencement of poll.
- 115 Form of ballot paper.
- 116 Number of votes to be recorded by each elector.
- 117 Simultaneous elections for more than one constituency.
- 118 Procedure before ballot paper is delivered to elector.
- 119 Manner of recording votes after receipt of ballot paper.
- 120 Assistance to illiterate and infirm electors.
- 121 Spoilt ballot papers.
- 122 Identity of electors.
- 123 Voting of officials on duty at polling stations.
- 124 Procedure on closing of poll.
- 125 Statement by presiding officer.
- 126 Despatch of ballot boxes.
- 127 Postponement of poll : adjournment of poll.

### PART III—POSTAL VOTING.

- 128 Special rules for voting in the university constituency, etc.
- 129 Issue of ballot and declaration papers.
- 130 Form of ballot paper and declaration paper.
- 131 Procedure before issue of ballot paper.
- 132 Forms to accompany ballot paper.
- 133 Voting.
- 134 Return of ballot paper and declaration paper.
- 135 Assistance to incapacitated electors.
- 136 Lost or spoilt ballot papers.
- 137 Election not to be invalid for failure to receive ballot paper when such paper has been issued.

### PART IV—VOTING IN SPECIAL CONSTITUENCIES FOR DEPRESSED CLASSES.

- 138 Conduct of elections in constituent associations.

### PART V—COUNTING OF VOTES.

- 139 Appointment of day, time and place for counting of votes.
- 140 Who may be present at the counting.
- 141 Procedure at counting.
- 142 Distribution of ballot papers for counting.
- 143 Inspection of ballot papers by candidates etc.
- 144 Counting to be continuous as far as practicable.
- 145 Grounds for rejection of ballot papers.
- 146 Declaration of result.
- 147 Procedure in case of equality of votes.
- 148 Report of the result of election.
- 149 Verification of statement in personal vote constituencies.
- 150 Statement by Returning Officer in postal vote constituencies.
- 151 Return of the result of election.

## PART VI—RETURN AND FORFEITURE OF DEPOSITS.

- 152 Return of deposit in the event of withdrawal, rejection or death.  
 153 Forfeiture of deposit.  
 154 Return of deposit of successful and unsuccessful candidates.

## PART VII—DISPOSAL OF BALLOT PAPERS.

- 155 Custody of election papers.  
 156 Production and inspection of election papers.  
 157 Destruction of election papers.

## PART VIII—GENERAL.

- 158 Power of Returning Officers and presiding Officers to overlook printing or clerical errors in electoral rolls.  
 159 No suit to lie in a court of law for acts done under this Chapter.

## SCHEDULES.

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

- PART I.—General Constituencies.  
 PART II.—Muhammadan Constituencies.  
 PART III.—Indian Christian Constituency.  
 PART IV.—European Constituency.  
 PART V.—Anglo-Indian Constituency.  
 PART VI.—Depressed Class Special Constituencies.  
 PART VII.—Women's Constituencies.  
 PART VIII.—Trade and Commerce Constituency.  
 PART IX.—Industry Constituencies.  
 PART X.—Planting Constituencies.  
 PART XI.—Labour Constituencies.  
 PART XII.—Co-operation Constituency.

## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

- PART I.—General Constituencies.  
 PART II.—Muhammadan Constituencies.

- PART III.—Indian Christian Constituency.  
 PART IV.—European Constituency.  
 PART V.—Anglo-Indian Constituency.  
 PART VI.—Women's Constituencies.  
 PART VII.—Trade and Commerce Constituency.  
 PART VIII.—Industry Constituencies.  
 PART IX.—Planting Constituencies.  
 PART X.—Labour Constituencies.  
 PART XI.—Co-operation Constituency.  
 PART XII.—University Constituency.  
 PART XIII.—Gold Mining Constituency.

### THIRD SCHEDULE.

#### LIST OF SYMBOLS.

##### FORMS.

- I.—Electoral roll for territorial constituencies.  
 II.—Electoral roll for special constituencies.  
 III.—Notice of candidature.  
 IV.—List of candidates for elections.  
 V.—Ballot paper.  
 VI.—Certificate entitling a person to vote at the polling station where he is appointed for duty.  
 VII.—Ballot paper account.  
 VIII.—Declaration paper.  
 IX.—Ballot paper.  
 X.—Envelope.  
 XI.—Letter of intimations.  
 XII.—Ballot paper account.  
 XIII.—Return of the result of election.
-



# THE REPRESENTATIVE ASSEMBLY RULES, 1940.

## CHAPTER I.

### PRELIMINARY.

1. These rules may be called "The Representative Assembly Rules, 1940." Short title.

2. In these rules, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say— Interpretation, etc.

- (a) "the Act" means the Government of Mysore Act, 1940;
- (b) "Assembly" means the Representative Assembly;
- (c) "Council" means the Legislative Council;
- (d) "factory" means a factory within the meaning of the Mysore Factories Act, 1936;
- (e) "form" means a form appended to these rules;
- (f) "schedule" means a schedule to these rules;
- (g) "seat," "election," and "constituency" mean respectively a seat in the Assembly and an election or a constituency for the purpose of filling such a seat;
- (h) "territorial constituency" means one of the territorial constituencies mentioned in Parts I to III of the first schedule to these rules;
- (i) "special constituency" means a constituency not being a territorial constituency;
- (j) "a European" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is not a native of India;

- (k) "an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India ;
- (l) "an Indian Christian" means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian ;
- (m) "the depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adidravidas, Lambanis (Banajaras), Voddas, Korachas, Korainas, Hill tribes and Animists.

## CHAPTER II.

### COMPOSITION OF THE ASSEMBLY.

Allocation of seats.

3. (1) There shall be three hundred and ten seats in the Assembly, of which twelve seats shall be filled by persons nominated by the Government, and the remaining two hundred and ninety-eight seats shall be filled by persons chosen in accordance with the provisions of these rules.

(2) The allocation of these two hundred and ninety-eight seats shall be as shown in the table hereunder —

#### TABLE OF SEATS.

			<i>Number of seats.</i>
General seats	...	...	237
Muhammadian seats	...	...	30
Indian Christian seats	...	..	5
European seat	...	...	1
Anglo-Indian seat	...	...	1
Special seats for the depressed classes	...	...	4
Seats for special interests	...	...	20

General seats.

4. Of the general seats, twenty-six seats shall be filled by representatives of the depressed classes.

Muhammadian, Indian Christian, Anglo-Indian and European seats.

5. The Muhammadian seats, the Indian Christian seats, the Anglo-Indian seat and the European seat shall be filled respectively by persons chosen to represent the Muhammadian community, the Indian Christian community, the Anglo-Indian community and the European community.

Special seats for the depressed classes.

6. The special seats reserved for the depressed classes shall be filled by persons chosen by depressed class associations recognized by the Government.

7. The seats reserved for the special interests shall be filled by persons chosen to represent the following interests, the number of representatives of each interest being as shown against that interest—

Seats for special interests.

<i>Name of Interest.</i>	<i>Number of seats.</i>
(a) Women ... ..	9
(b) Trade and commerce ... ..	1
(c) Industry ... ..	2
(d) Labour ... ..	3
(e) European planting ... ..	1
(f) Indian planting ... ..	1
(g) Co-operation ... ..	1
(h) University ... ..	1
(i) Gold mining ... ..	1

8. (1) The persons to fill the general seats, the Muhammadan seats and the Indian Christian seats shall be chosen in territorial constituencies.

Territorial constituencies.

(2) The territorial constituencies shall be those specified in the first column of the tables in Parts I to III of the first schedule, the extent thereof shall be as specified in the second column of those tables, and the total number of seats to be filled in each of them shall be as specified in the third column of those tables.

(3) In the case of the general constituencies, of the total number of seats to be filled in each constituency the number of seats, if any, specified in the fourth column of the table shall be reserved for members of the depressed classes.

## CHAPTER III.

### GENERAL PROVISIONS AS TO ELECTORS.

9. There shall be an electoral roll for every constituency and no person who is not, and, except as expressly provided by these rules, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

The right to vote.

10. The electoral roll for every constituency shall be made up, and from time to time in whole or in part revised, by reference to such date as may be prescribed by the Government for election.

Preparation and revision of electoral rolls.



General  
qualifications  
for electors.

11. Save as otherwise expressly provided by these rules, no person shall be included in the electoral roll for, or vote at any election in, any constituency unless he has attained the age of twenty-one years and is a subject of His Highness the Maharaja by birth or domicile, and has resided in the Mysore State for a period of not less than one year prior to the preparation of the electoral roll:

Provided that, in the case of a person possessing the qualifications specified in clauses (d), (e) or (f) of rule 19, residence in the Civil and Military Station, Bangalore, shall qualify for inclusion in the electoral roll.

*Explanation.*—“Subject of His Highness the Maharaja by domicile” for the purposes of this rule shall mean a person who has resided in the Mysore State for a period of not less than ten years.

Domicile for  
electors and  
candidates in  
special consti-  
tuencies.

12. The Government may in the case of candidates or electors in any special constituency reduce, by notification in the official Gazette, the period of domicile specified in the last preceding rule to not less than three years.

Disqualifica-  
tions for  
electors.

13. No person shall be included in the electoral roll for, or vote at any election in, any constituency—

(a) if he is of unsound mind;

(b) if he is an undischarged insolvent;

(c) if, whether before or after the passing of the Act, he has been convicted of any offence and sentenced to imprisonment for not less than six months by a court in Mysore or elsewhere, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release;

(d) if he has been dismissed from the civil or military service of His Highness the Maharaja, unless five years have elapsed from the date of dismissal or the Government has removed the disqualification;

(e) if he is for the time being disqualified from voting under the provisions of these rules or of any Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off the electoral roll for any constituency in which it may be included.

14. (1) For the purposes of section 20 of the Act, a person shall not be deemed to be in the civil or military service of His Highness the Maharaja—

Holders of certain offices to be qualified for membership of the Assembly.

(a) if he is the holder of any office which does not involve whole-time service and remuneration by salary, wages or fees; or

(b) if he is a shanbhog or patel.

(2) If any question arises as to whether any officer is or is not in the whole-time service of His Highness the Maharaja, the decision of the Government shall be final.

15. No person shall be included in the electoral roll for, or vote at any election in, a Muhammadan constituency, an Anglo-Indian constituency, a European constituency or an Indian Christian constituency unless he is a Muhammadan, an Anglo-Indian, a European or an Indian Christian, as the case may be.

Qualifications of electors in Muhammadan constituencies, etc.

16. No person who is or is entitled to be included in the electoral roll for any Muhammadan constituency, Anglo-Indian constituency, European constituency or Indian Christian constituency shall be included in the electoral roll for, or vote at any election in, a general constituency.

Qualification of electors in general constituencies.

17. No person shall vote at any election in any constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

Provision against voting by persons undergoing imprisonment, etc.

18. No person shall vote at a general election in more than one territorial constituency, or more than once in the same constituency, and if a person votes in contravention of this rule all his votes shall be void.

Provision against plural voting in territorial constituencies.

## CHAPTER IV.

### QUALIFICATIONS FOR ELECTORS AND CANDIDATES IN TERRITORIAL CONSTITUENCIES.

19. Subject to the provisions of Chapter III and to any overriding provisions of this Chapter, a person shall be qualified to be included in the electoral roll for a territorial constituency if he—

Qualifications dependent upon taxation, property etc.

(a) is assessed to income-tax and resides in the constituency; or

(b) is assessed to a sum of not less than four rupees in the constituency on account of—

- (i) taxes imposed under the Mysore Village Panchayet Act ; or
- (ii) taxes imposed under the Mysore Mines Act ;  
or
- (iii) taxes, other than toll and octroi, imposed under the Mysore Minor Municipalities Act ; or
- (iv) taxes imposed by the Town Boards constituted by the Government from time to time ; or

(c) is assessed to such amount of municipal tax or land revenue in a town or city municipality as would qualify him to be included in the electoral roll for municipal elections in the constituency ; or

(d) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than fifteen rupees per annum payable to the Government ; or

(e) is a *kadim* tenant paying an annual rent of not less than fifteen rupees on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Mysore Land Revenue Code have been applied ; or

(f) is the owner of one or more entire *inam* villages with a total *beriz* of one hundred rupees per annum in the constituency ; or

(g) has passed the secondary school leaving certificate examination and ordinarily resides in the constituency ; or

(h) is the holder of a title conferred by His Highness the Maharaja, His Excellency the Viceroy or His Majesty the King-Emperor and resides in the constituency ; or

(i) is a retired or pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency.

**20.** Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she has passed the upper primary examination, middle school examination or lower secondary examination and ordinarily resides in the constituency.

**21.** Subject as aforesaid, a person who is a member of the depressed classes shall also be qualified to be

Additional  
qualifications  
for women.

Special  
qualifications  
for depressed  
classes.

included in the electoral roll for any territorial constituency if he—

(a) is assessed to a sum of not less than two rupees in the constituency on account of—

- (i) taxes imposed under the Mysore Village Panchayet Act; or
- (ii) taxes imposed under the Mysore Mines Act; or
- (iii) taxes, other than toll and octroi, imposed under the Mysore Town Municipalities Act or the Mysore Minor Municipalities Act; or
- (iv) taxes imposed by the Town Boards constituted by the Government from time to time; or

(b) is assessed to a municipal tax or land revenue of not less than three rupees in a city municipality; or

(c) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than two rupees per annum payable to the Government.

**22.** For the purposes of the said provisions where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, or partnership, the family or partnership shall be adopted as the unit for deciding whether any qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, or the member authorised by a majority of the family, and in the case of a partnership the member or partner authorised in that behalf by the partnership.

Provisions as to joint property, etc.

*Explanation:—*“Partnership” includes a company, firm, association, body of two or more guardians or trustees or the joint *pattadars* or other body possessing joint rights.

**23.** (1) A person shall not be qualified to be chosen in a territorial constituency to fill a seat in the Assembly unless he—

Qualifications for candidates.

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill that seat:

Provided that, a person included in the electoral roll by virtue only of his educational qualification shall be qualified to fill a seat if he is—

(i) has passed the secondary school leaving certificate examination in case he is a member of the depressed classes; and

(ii) is a graduate in all other cases;

(2) Subject to the provisions of clause (a) of sub-rule (1) of this rule, a member of the depressed classes who is entitled to vote in the choice of a member to fill a seat in the Assembly shall be qualified to fill that seat or any other seat of a similar class in the district.

*Explanation.*—The fact that one of two territorial constituencies is an urban and the other a rural constituency shall not prevent them being deemed to be constituencies of a similar class if they are both general constituencies, and the expression “seat of a similar class” shall, for the purposes of this rule, be construed accordingly.

## CHAPTER V.

### QUALIFICATIONS OF ELECTORS AND CANDIDATES IN SPECIAL CONSTITUENCIES.

#### PART I.—EUROPEAN SEAT.

**24.** (1) The seat to be filled by a representative of the European community shall be filled by an election in the constituency specified in the first column of the table in Part IV of the first schedule.

(2) In the second column of that table is specified, the body (hereafter referred to in this Part as “the constituent body”), membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

Qualifications  
for electors.

**25.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the European constituency if he is a qualified member of the constituent body and is residing in the Mysore State excluding the Civil and Military Station, Bangalore.

Qualifications  
for  
candidates.

**26.** A person shall not be qualified to be chosen to fill the European seat unless he—

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill that seat.

#### PART II.—ANGLO-INDIAN SEAT.

**27.** (1) The seat to be filled by a representative of the Anglo-Indian community shall be filled by an election in the constituency specified in the first column of the table in Part V of the first schedule.

(2) In the second column of that table is specified the body (hereafter referred to in this Part as “the

constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

28. Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the Anglo-Indian constituency if he is a qualified member of the constituent body and is residing in the Mysore State excluding the Civil and Military Station, Bangalore. Qualifications for electors.

29. A person shall not be qualified to be chosen to fill the Anglo-Indian seat unless he— Qualifications for candidates.

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill that seat.

### PART III.—SPECIAL SEATS FOR THE DEPRESSED CLASSES.

30. (1) The special seats reserved for the depressed classes shall be filled by elections in the constituencies specified in the first column of the table in Part VI of the first schedule, and the number of seats to be filled in each of those constituencies shall, subject to the provisions of sub-rule (4), be as specified in the fourth column of that table. Constituencies.

(2) The constituencies shall be association constituencies, that is to say, constituencies the electoral rolls for which shall, in the manner hereafter provided, be based on membership of the associations mentioned in the second column of that table.

(3) The associations on membership of which the electoral roll is to be based as aforesaid are hereafter referred to as "constituent associations."

(4) Of the two seats to be filled by constituent associations of Lambanies, the Government may allot one seat to be filled by any particular constituent association or associations of Lambanies.

31. (1) An association shall be deemed to be a constituent association if, and only if, it is recognised and certified to be such by the Government. Conditions for the recognition of associations.

(2) The recognition of an association for the purposes of these rules shall be subject to the following conditions:—

(i) it must be a *bona fide* association existing wholly or mainly for the furtherance of one or more specific interests of such castes or communities as are mentioned in relation to the constituency in the third column of the said table; and

- (ii) it must be registered under the Mysore Societies Registration Act; and
- (iii) the number of members on the roll of the association shall not be less than one hundred; and
- (iv) meetings of the general body or the managing committee shall be held at least twice a year, and minutes of the meetings shall be kept with the records of the association. (On a requisition from the Deputy Commissioner, the association shall submit an annual statement of the number of meetings held and the number of members present; and
- (v) copies of the bye-laws of the association and all subsequent changes therein, as and when they are made, shall be submitted to the Government.

(3) The Government may, from time to time, reconsider the circumstances of the constituent associations and may revoke certificates previously issued, if such associations infringe any of the above conditions, and grant new certificates, as the circumstances may appear to it to require.

Qualifications  
for electors.↳

**32.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for a depressed class special constituency if he is a qualified member of a constituent association, and is also a member of such castes or communities as are mentioned in relation to the constituency in the third column of the said table.

Qualifications  
for candi-  
dates.

**33.** A person shall not be qualified to be chosen to fill a special depressed class seat unless he—

- (a) has attained the age of twenty-five years; and
- (b) is entitled to vote in the choice of a member to fill that seat.

#### PART IV.—WOMEN'S SEATS.

Constituencies.

**34.** (1) The seats to be filled by representatives of women shall be filled by elections in the constituencies specified in the first column of the table in Part VII of the first schedule, the extent thereof shall be as specified in the second column of that table, and one seat shall be filled in each constituency.

Qualification  
for electors.

**35.** A person shall not be qualified to be included in the electoral roll for the said constituencies unless she is a woman, but, subject to the provisions of Chapter III,

the qualifications for inclusion in the said electoral roll shall be those which are by rules 19, 20 or 21 specified as the qualifications for inclusion in the electoral roll for territorial constituencies.

**36.** No person shall be qualified to be chosen to fill a woman's seat unless she—

Qualifications for candidates.

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to

fill that seat.

#### PART V.—TRADE AND COMMERCE SEAT.

**37.** (1) The seat to be filled by a representative of trade and commerce shall be filled by an election in the constituency specified in the first column of the table in Part VIII of the first schedule.

Constituency.

(2) In the second column of that table are specified the bodies (hereafter referred to in this Part as "the constituent bodies") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

**38.** (1) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the trade and commerce constituency if he is himself a qualified member of one of the constituent bodies, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is a qualified member of one of those bodies.

Qualifications for electors.

(2) For the purposes of this rule, a member of a constituent body shall be deemed to be a qualified member thereof if, and only if, he or it—

(a) is not the representative of any industrial establishment owned by the Government; and

(b) has been a subscribing member shown as such in the list of members for a period of not less than one year prior to the preparation of the electoral roll, and has paid all subscriptions accrued due before the end of the previous financial year; and

(c) is engaged in trade and commerce and has a place of business in the State excluding the Civil and Military Station, Bangalore; and

(d) in the case of an individual, firm or Hindu joint family was, in any one of the five financial years immediately preceding the date of election, assessed to income-tax on income derived from trade and commerce.



(3) For the purposes of this rule—

(a) if in any financial year the partners in a firm have been separately assessed to income-tax on their shares of the income of the firm derived from trade and commerce, the firm shall be deemed to have been assessed to income-tax; and

(b) a firm shall be deemed to retain its identity notwithstanding any change in the partners therein.

Nominees of firms, etc.

**39.** (1) A firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election.

(2) No person shall be nominated as aforesaid by a firm or Hindu joint family, unless he is a member thereof or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

Qualifications for candidates.

**40.** A person shall not be qualified to be chosen to fill the trade and commerce seat unless he—

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of member to fill that seat.

Provision against plural voting.

**41.** (1) The fact that a person or body has, in relation to the trade and commerce constituency, more than one qualification to be included, or to nominate persons to be included, in the electoral roll therefor, shall not increase his or its rights as respects inclusion, or, as the case may be, the nomination of persons for inclusion, in that roll.

(2) No person shall be entitled to be included twice in the electoral roll for that constituency, and the fact that a person is included twice in the electoral roll shall not increase his rights as respects voting therein.

(3) A constituent body shall not be qualified to be included in the electoral roll in its corporate capacity by

virtue of its being a qualified member of the Mysore Chamber of Commerce.

42. For purposes of this Part of the rules, the expression "trade and commerce" includes industries, banking, insurance and transport.

Definition of trade and commerce.

#### PART VI.—INDUSTRY SEATS.

43. (1) The seats to be filled by representatives of industry shall be filled by elections in the constituencies specified in the first column of the table in Part IX of the first schedule.

Constituencies.

(2) The extent of each constituency and the number of seats to be filled in it shall be as specified in the second and third columns of that table respectively.

44. Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for an industry constituency if he is the proprietor of a qualifying industrial establishment, that is to say, such a factory as is mentioned in relation to the constituency in the second column of the said table, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is the proprietor of such a factory.

Qualifications for electors.

45. (1) A firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election.

Nominees of firms etc.

(2) No person shall be nominated as aforesaid by a firm or Hindu joint family, unless he is a member thereof or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

46. A person shall not be qualified to be chosen to fill an industry seat unless he—

Qualifications for candidates.

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill that seat.

## PART VII.—PLANTING SEATS.

Constituencies.

**47.** The seats to be filled by representatives of European planting and Indian planting shall be filled by elections in the constituencies mentioned in the first column of the table in Part X of the first schedule, and the extent of those constituencies and the number of seats to be filled in them respectively shall be as specified in the second and third columns of that table.

Qualifications for electors.

**48.** (1) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll—

(a) for the European planting constituency, if he is a European and is the proprietor of an estate of not less than twenty acres assessed to coffee assessment, and

(b) for the Indian planting constituency, if he is an Indian and is the proprietor of an estate of not less than twenty acres assessed to coffee assessment.

Qualifications for candidates.

**49.** A person shall not be qualified to be chosen to fill a planting seat unless he—

(a) has attained the age of twenty-five years, and

(b) is entitled to vote in the choice of a member to fill that seat.

## PART VIII.—LABOUR SEATS.

Constituencies.

**50.** (1) The seats to be filled by representatives of labour shall be filled by elections in the constituencies specified in the first column of the table in Part XI of the first schedule.

(2) One seat shall be filled in each of those constituencies.

(3) The electoral roll for each constituency shall be based, in the manner hereafter provided, on employment in qualifying industrial establishments, that is to say, factories or mines situated in the areas mentioned in relation to the constituency in the second column of the said table.

Qualifications for electors.

**51.** (1) A person shall not be qualified to be included in the electoral roll for a labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity.

*Explanation.*—A person employed in a factory as clerk, typist, office superintendent, manager, proof reader, cashier, accountant, auditor, salesman, time-keeper

jobber, recruiting maistry, or in any capacity of an allied nature shall be deemed to be employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity.

(2) Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for a labour constituency if on not less than one hundred and eighty days (whether successive or not) in each of the three years prior to the preparation of the electoral roll he has worked in a qualifying factory for remuneration at a rate of not less than fifteen rupees per month if he is a man, or ten rupees per month if she is a woman, but not exceeding in either case one hundred and fifty rupees per month.

**52.** A person shall not be qualified to be chosen to fill a labour seat unless he—

Qualifications for candidates.

(a) has attained the age of twenty five years ; and

(b) is entitled to vote in the choice of a member to fill that seat.

#### PART IX.—CO-OPERATION SEAT.

**53.** (1) The seat to be filled by a representative of co-operation shall be filled by an election in the constituency specified in the first column of the table in Part XII of the first schedule.

Constituency.

(2) In the second column of that table is specified the body (hereafter referred to in this Part as "the constituent body") membership of which is, in the manner hereafter provided, to be the basis for the electoral roll for the constituency.

**54.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the co-operation constituency if he is the nominee in that behalf of a co-operative society registered under the Mysore Co-operative Societies Act and which is a qualified member of the constituent body.

Qualifications for electors.

**55.** (1) A co-operative society shall be entitled to nominate not more than three persons for the purposes of the last preceding rule, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the co-operative society in question, but not more than one of those persons shall be entitled to vote at any election.

Nominees of co-operative societies.

(2) No person shall be nominated as aforesaid by a co-operative society unless he is a director, or the

secretary thereof, or a person who is and has, for at least six months, been authorised to sign documents in its name in the ordinary course of its business.

Qualifications  
for candi-  
dates.

**56.** A person shall not be qualified to be chosen to fill the co-operation seat unless he—

(a) has attained the age of twenty-five years, and

(b) is entitled to vote in the choice of a member to fill that seat.

#### PART X.—UNIVERSITY SEAT.

Constituency.

**57.** The seat to be filled by a representative of the University shall be filled by an election in a constituency to be called the University Constituency.

Qualifications  
for electors.

**58.** Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll for the said constituency, if he—

(a) is a member of the Senate of the Mysore University; or

(b) has been a graduate and was registered as such in the University Register.

Qualifications  
for candi-  
dates.

**59.** A person shall not be qualified to be chosen to fill the said seat unless he—

(a) has attained the age of twenty-five years; and

(b) is entitled to vote in the choice of a member to fill it.

#### PART XI.—GOLD MINING SEAT.

Constituency  
and election.

**60.** The seat to be filled by a representative of gold mining shall be filled by an election by members of the Kolar Gold Field Mining Board.

### CHAPTER VI.

#### PREPARATION, REVISION AND PUBLICATION OF ELECTORAL ROLLS.

##### PART I—PREPARATION OF ELECTORAL ROLLS.

Electoral roll.

**61.** (1) An electoral roll shall be prepared for every constituency in English or Kannada, whichever is more convenient, in which shall be entered the names of all persons appearing to be entitled to be included in the electoral roll for that constituency:

Provided that the rolls for the European, Anglo-Indian, gold mining, European planting, trade and commerce, industry and university constituencies shall be in English.

(2) The date of election by reference to which the roll is to be made up or revised, in whole or in part, under the provisions of rule 10, shall be notified in the official Gazette.

62. Every person shall be entitled to have his name included in the electoral roll for a constituency if he is qualified under the provisions of these rules to have his name included in such roll.

General conditions for inclusion in the electoral roll.

63. The electoral roll for all territorial constituencies shall be prepared by the Registration Officer in form I, and the electoral roll for all other constituencies shall be prepared by the Registration Officer in form II.

Form of electoral roll.

64. The expression "Registration Officer" shall mean for purposes of these rules, the person designated as such in the second column of the tables in the second schedule in respect of the constituency specified against him in the first column of the said table, and includes any person whom the Registration Officer may for the time being, subject to the control of the Government, depute to perform any of his duties.

Registration Officer

65. (1) The electoral roll shall contain—

- (a) the name of the constituency;
- (b) the name of each elector;
- (c) the name of the father of each elector, or if the elector is a woman the husband's name, or other identifying particulars;
- (d) the postal address of each elector;
- (e) the occupation of each elector; and
- (f) the qualification of each elector:

Contents of the electoral roll.

Provided that, where the qualification prescribed is liability to pay any tax or land revenue, the amount payable shall not be specified.

(2) When a firm, corporation, Hindu joint family or co-operative society is represented by its nominee or nominees in the electoral roll for the trade and commerce constituency, industry constituency or co-operation constituency, the name of the firm, corporation, Hindu joint family or co-operative society shall be entered in column two of the appropriate form of the electoral roll and shall be followed by the name or names of the nominee or nominees.

(3) In the electoral roll for a constituency in which a seat is reserved for members of the depressed classes, the letters "DC" shall be prefixed to the name of every elector who is a member of those classes.

Procedure for  
the certifica-  
tion of consti-  
tuent associa-  
tions for  
depressed  
class special  
seats.

66. (1) Before the preparation of the electoral roll for a depressed class special constituency is taken in hand, the Government shall cause a notice to be published in the official Gazette inviting applications within the time specified in the notice from associations which desire to be certified as constituent associations within the meaning of rule 31.

(2) When any such application is made by an association, the Government may, for the purpose of satisfying itself as to the claims of the association for a certificate, require such association to produce, within such time as may be specified by the Government such registers, records or documents as the Government considers necessary and may employ such agency as it deems fit for the examination of such claim.

(3) If an association fails to produce the registers, records or documents required by the Government within the time specified by it, the Government may refuse to certify the association.

(4) The Government may, after considering the claims of the associations, issue a certificate to such associations as satisfy the conditions specified in rule 31.

(5) A list of the associations which shall be deemed as constituent associations shall be published by the Government in the official Gazette.

(6) The Government may appoint a Registration Officer for each special constituency for the depressed classes, and such Registration Officer shall thereupon call upon the constituent association or associations to prepare and submit to him within such time and in such form as may be specified by him in this behalf, a list of the members of the association who are qualified to be included in the electoral roll for the constituency under rule 32.

(7) For the purposes of satisfying himself as to the correctness of the list of members submitted by an association under the last preceding sub-rule, the Registration Officer may require the association to produce before him, within such time as he may fix in this behalf, any register, record or document of such association, and may call upon any officer or member of the association to appear before him for oral examination on a date or dates to be fixed by him.

**67.** (1) On the commencement of the preparation of the electoral roll for the trade and commerce constituency, the Registration Officer shall publish in the official Gazette a notice inviting applications from qualified members of the constituent bodies for inclusion in the electoral roll for the constituency.

Application for inclusion in the electoral roll for the trade and commerce constituency.

(2) Every application under this rule shall be made in such form and with such documents and shall be submitted within such time as may be specified in the notice referred to in the last preceding sub-rule.

(3) A firm, Hindu joint family, or corporation entitled to nominate persons for inclusion in the electoral roll shall submit by an application made under the last preceding sub-rule the names of the nominees of such firm, corporation or Hindu joint family, nominated by it in accordance with the provisions of rule 39.

(4) When any question arises as to whether an individual, firm or Hindu joint family was assessed to income-tax in any year on income derived from trade and commerce, a statement by the income-tax officer or his successor in office that such individual, firm or Hindu joint family was or was not so assessed on income derived from business shall be conclusive evidence of the fact.

**68.** (1) The Registration Officer for every industry constituency shall, on the commencement of the preparation of the electoral roll for the constituency, publish a notice in the official Gazette inviting applications from proprietors of qualifying factories for inclusion in the electoral roll for the constituency.

Application for inclusion in the electoral rolls for the industry constituencies

(2) Every application under this rule shall be made in such form and with such documents and shall be submitted in such time as may be specified in the notice referred to in the last preceding sub-rule.

(3) In cases where the proprietor of a qualifying factory is a firm, Hindu joint family or corporation, the names of the nominees nominated in accordance with the provisions of rule 45 shall be submitted by such firm, family or corporation by an application made under the last preceding sub-rule.

**69.** The Registration Officer of the co-operation constituency shall call upon the constituent body to submit to him within such time and in such form as may be specified by him in this behalf, the names of the nominees of each society nominated by such society in accordance with the provisions of rule 55.

Application for inclusion in the electoral roll for the co-operation constituency.



Procedure for the preparation of the electoral rolls for labour constituencies.

**70.** The Registration Officer for every labour constituency shall call upon the manager of each qualifying factory or mine to prepare and submit to him within such time and in such form as may be specified by him in this behalf, a list of persons qualified under the provisions of rule 51 to be included in the electoral roll for the constituency.

## PART II.—PUBLICATION AND REVISION OF ELECTORAL ROLLS.

Publication of the electoral roll.

**71.** On or before a date to be notified by the Government in the official Gazette in respect of each constituency, the electoral roll for that constituency shall be published by such authority as the Government may appoint and in such manner as may be directed by the Government.

Claims and objections

**72.** (1) Any person whose name is not entered in the roll, or is entered in an incorrect place or manner or with incorrect particulars, or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other person in the roll, may prefer a claim or objection to the Registration Officer.

(2) All such claims and objections shall be made in writing and not later than three o'clock in the afternoon on the twenty-first day from the date of publication of the electoral roll as notified in the official Gazette under the provisions of rule 71, and no claim or objection received after that time shall be entertained by the Registration Officer:

Provided that the Government, by notification in the official Gazette, specify a shorter period within which claims and objections shall be preferred in respect of the electoral roll of any constituency.

(3) A claim or objection shall be accompanied by any documents on which the claimant or objector relies.

Register of claims and objections.

**73.** The Registration Officer shall maintain a register of all claims and objections preferred to him and shall forward all such claims and objections to the Revising Authority for decision.

Appointment of Revising Authority.

**74.** (1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general or special approval of the Government, appoint a Revising Authority for the whole or part of any territorial constituency, women's constituency, European planting constituency, Indian planting constituency and labour constituency situated respectively within

his jurisdiction, or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority for the whole or part of a constituency, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

(2) The Registration Officer of every special constituency, other than a women's constituency, European planting constituency, Indian planting constituency and labour constituency shall, with the general or special approval of the Government, appoint a Revising Authority or such number of Revising Authorities as he deems necessary to decide claims and objections, and shall, if he has appointed more than one Revising Authority, distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer for decision the claims and objections from one Revising Authority to another.

**75.** (1) The Revising Authority shall hold a summary enquiry into the claims or objections preferred, and shall record his decision in writing.

Enquiry into  
claims and  
objections.

(2) For the purposes of the Revising Authority's enquiry, the roll, as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

**76.** (1) The Revising Authority shall report to the Registration Officer his decisions on all claims and objections disposed of by him, and the Registration Officer shall amend the roll in accordance with such decisions.

Decisions of  
the Revising  
Authority.

(2) The decision of the Revising Authority shall be final.

**77.** The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person—

Amendments  
on Revising  
Authority's  
own motion

(a) whose qualification as entered in the roll is insufficient to entitle him to be registered; or

(b) who is incapacitated from voting by reason of any disqualification or disability imposed by or under the provisions of the Act or the rules made thereunder; or

(c) who is proved to him to be dead; or

(d) who has been entered in more than one place on the roll of the same constituency, from such other place or places :

Provided that—

- (i) before passing an order under clause (a) or (b) the Revising Authority shall, if this can conveniently be done, give an opportunity to any person concerned to be heard ; and
- (ii) before passing an order under clause (d), the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same constituency, informing him that he may select, within such time as may be specified in the notice, the entry to be retained.

**78.** The Registration Officer may, of his own motion, at any time prior to the republication of the roll, exercise any or all of the powers conferred on the Revising Authority by the provisions of rule 77.

**79.** (1) The roll with the amendments, if any, shall be republished in the manner specified in rule 71 on or before a date notified by the Government in that behalf.

(2) Two copies of the roll as republished shall be certified by the Registration Officer and deposited with the Secretary, Representative Assembly.

(3) Such number of copies of the roll as republished as the Registration Officer deems to be sufficient shall be kept by him for sale.

### PART III—MISCELLANEOUS.

**80.** (1) Notwithstanding anything hereinbefore contained, any person may apply for the amendment of any electoral roll for the time being in force by presenting an application in that behalf to the Registration Officer. The Registration Officer shall forward the application to the Government, and if, after considering the application, the Government directs by notification in the official Gazette the preparation of a list of amendments in respect of an electoral roll, the Registration Officer shall prepare a list of amendments of such roll, and thereupon all the provisions of these rules shall apply to such list in like manner and to the same extent as they apply in the case of the preparation of the electoral roll :

Provided that—

- (i) where any such application is made for the correction of any existing entry in the electoral roll and if

Amendments  
on Registra-  
tion Officer's  
own motion.

Republi-  
cation of the  
roll.

Subsequent  
amendment  
of electoral  
roll.

the Registration Officer is satisfied after personally hearing the applicant that the entry relates to him and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly; and

(i) where any such application is made for the inclusion of the applicant's name in the electoral roll and the Registration Officer is satisfied after such enquiries as he deems necessary that the applicant is entitled to have his name entered in the electoral roll, he may amend the roll or cause it to be amended accordingly. Such an application shall be accompanied by a fee of ten rupees in cash, which shall in no circumstances be refunded.

(2) When in pursuance of the provisions of the last preceding sub-rule, any list of amendments has been republished, or any name has been entered, or any correction has been made in respect of any existing entry in the roll, the electoral roll concerned shall be deemed to have been amended accordingly.

**81.** The following papers, namely,—

(i) the preliminary electoral rolls published under the provisions of rule 71 ;

(ii) claims and objections having reference to the preliminary rolls, the registers recording such claims and objections and the orders of the Revising Authority thereon ; and

(iii) the final electoral rolls republished under the provisions of rule 79,

Shall be preserved in the record room of the Registration Officer until after the next revision of the electoral rolls and shall then be destroyed or sold as waste paper.

**82.** Any member of the public shall have a right to inspect any of the papers specified in the last preceding rule on payment of a fee of two rupees and to obtain certified and attested copies thereof on payment of the same fees as are prescribed for copies of revenue records.

**83.** The electoral roll for a constituency shall come into force from the date of its republication under the provisions of rule 79, and shall continue in force for a period of four years or for such period as may be prescribed by the Government by notification in the official Gazette; and after the expiration of such period a fresh roll shall be prepared in accordance with the provisions of these rules.

Custody and preservation of electoral rolls, etc.

Electoral rolls, etc., to be available for public inspection.

Duration of electoral rolls.

## CHAPTER VII.

## CONDUCT OF ELECTIONS.

## PART I—GENERAL PROCEDURE AT ELECTIONS.

**84.** A general election shall be held for the purpose of constituting the Assembly under the Act and thereafter, a general election shall be held, as often as may be necessary, for the constitution of a new Assembly before the expiration of the term, or on the dissolution, of the previous Assembly.

**85.** For the purposes mentioned in the last preceding rule, the Government shall, by notification in the official Gazette, call upon all constituencies to elect members in accordance with these rules within such time as may be specified in that notification and shall appoint for each constituency—

(a) a date on or before which notices of candidature are to be presented;

(b) a further date for the scrutiny of notices of candidature;

(c) a further date, not later than the date next succeeding the date fixed for the scrutiny of notices of candidature, on or before which candidatures may be withdrawn; and

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

**86.** When the seat of a member becomes vacant by reason of his death or resignation or by virtue of any provision contained in the Act or in any of these rules, the Government shall, by notification in the official Gazette, call upon the constituency concerned to elect a member for the purpose of filling the seat within such time as may be specified in that notification, and these rules shall apply, as far as may be, to the procedure for the election of a member to fill that seat.

**87.** The Returning Officers for the constituencies mentioned in the first column of the tables in the second schedule shall be the persons respectively specified in the corresponding entries in the third column thereof.

**88.** Any person may stand as a candidate for election to fill a seat in any constituency, if he is qualified to be chosen to fill that seat under the provisions of the Act or of any of these rules:

Constitution and reconstitution of the Assembly.

Notification of election.

Casual vacancies.

Returning officers.

Qualification for candidature.

Provided that not more than one nominee of a firm, Hindu joint family, corporation or co-operative society shall stand as a candidate for the trade and commerce constituency, industry constituencies or the co-operation constituency :

Provided further that no person who is not a member of the depressed classes shall stand as a candidate for a seat reserved for the depressed classes.

**89.** On or before the date specified in clause (a) of rule 85 for the presentation of notices of candidature, each candidate shall, 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 authorised by the Government in this behalf, a notice of candidature completed in the manner prescribed in form III.

Presentation of notice of candidature.

**90.** Any notice of candidature which is not received before three o'clock in the afternoon on the date appointed under clause (a) of rule 85 for the presentation of notices of candidature shall be rejected.

Latest hour for presentation of notice of candidature.

**91.** Printed copies of notices of candidature shall, on application, be supplied to any elector in the constituency by the office of the Returning Officer thereof.

Supply of notices of candidature.

**92.** Every notice of candidature delivered under rule 89 shall be accompanied by a declaration in writing as shown in form III subscribed by the candidate that the candidate has appointed, or does thereby appoint, as his election agent for the election either himself or some other person who is not disqualified under the provisions of any of these rules from being a member of the Assembly or the Council or from voting at elections and who shall be named in the declaration; and no notice of candidature shall be deemed to be valid unless such declaration is delivered along with the notice of candidature.

Declaration regarding the appointment of an election agent.

**93.** (1) At the time of delivery of a notice of candidature, each candidate shall enclose, with the notice of candidature, a Government treasury receipt (challan) showing that a deposit of one hundred and fifty rupees has been made by him or on his behalf in the treasury :

Deposit by candidates.

Provided that the sum to be deposited by a candidate in a special constituency for women or in a labour constituency, or by a candidate who is a member of the depressed classes shall be twenty-five rupees.

(2) Savings bank deposit or State loan bonds may also be accepted by the Returning Officer from a candidate

in lieu of the treasury receipt referred to in sub-rule (1) if the candidate authorises the Deputy Commissioner to treat the savings bank deposit as a deposit for the purposes of sub-rule (1) in accordance with the Savings Bank Rules, or endorses the bonds in favour of the Comptroller, as the case may be.

(3) No notice of candidature shall be deemed to be valid unless the deposit has been made.

Procedure upon receipt of notice of candidature.

**94.** On the presentation of a notice of candidature, the Returning Officer, or other person authorised under rule 89, shall inform the candidate of the date, time and place appointed for the scrutiny of notices of candidature and shall enter in the notice of candidature its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the notice of candidature 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 copy of the notice of candidature.

Scrutiny of notices of candidature.

**95.** At the time of the scrutiny of notices of candidature, the candidates and their election agents, but no other person, may attend at the office of the Returning Officer or at such other place as he may appoint, and the Returning Officer, or other person authorised under rule 89, shall give them all reasonable facilities for examining the notices of candidature of all candidates which have been delivered within the time and in the manner specified in rule 89.

Disposal of objections and rejection of notice of candidature.

**96.** (1) On the date appointed by the Government under clause (b) of rule 85 for the scrutiny of notices of candidature, the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any notice of candidature on any of the following grounds—

(a) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of these rules;

(b) that there has been any failure to comply with any of the provisions of rules 89, 92 or 93;

(c) that the candidate is not identical with the person whose number or name on the electoral roll is given in the notice of candidature as the number or name of such candidate; and

(d) that the signature of the candidate is not genuine or has been obtained by fraud.

(2) Nothing contained in clauses (b), (c) or (d) of sub-rule (1) shall be deemed to authorise the rejection of any notice of candidature on the ground of any irregularity, if the candidate has delivered another notice of candidature in respect of which no irregularity has been committed.

**97.** (1) The Returning Officer, or other person authorised under rule 89, shall endorse on each notice of candidature his decision accepting or rejecting the same, and, if the notice of candidature is rejected, shall record in writing a brief statement of his reasons for such rejection.

Completion  
of scrutiny.

(2) The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

**98.** (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer, or the person authorised under rule 89, before three o'clock in the afternoon on the date specified in clause (c) of rule 85 :

Withdrawal  
of candida-  
ture.

Provided that, if this day is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the notice shall be considered as having been received in due time, if it is presented before three o'clock on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a fresh notice of candidature for the same election.

**99.** The Returning Officer, or the person authorised under rule 89, shall, on receiving a notice of withdrawal under the last preceding rule, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in his office.

Notification  
withdrawal.

**100.** After the expiry of the period within which candidatures may be withdrawn under rule 98, the Returning Officer, or the person authorised under rule 89, shall, after assigning to each candidate, if he considers it necessary to do so, any one of the symbols from the list specified in the third schedule, prepare a list in form IV showing the names of the candidates whose notices of

Publication  
of the list of  
candidates.



candidature are valid and who have not withdrawn, with the symbols, if any, assigned to them and with distinguishing particulars as to occupation, etc., if there are two or more candidates bearing the same name, and cause it to be affixed in some conspicuous place in his office.

Procedure  
after the  
publication  
of the list  
of candidates.

**101.** (1) If the number of candidates who have not withdrawn their candidature in the manner and within the time specified in rule 98 is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected.

(2) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected, and the Government shall, by notification in the official Gazette, call upon the constituency to elect a member or members, as the case may be, to fill the remaining seat or seats within such time as may be specified in the notification :

Provided that, where a constituency having already been called upon under this sub-rule has failed to elect a member or the requisite number of members, as the case may be, to fill the seat or seats, the Government shall not be bound again to call upon the constituency to elect a member or members until such time as it may deem fit.

(3) If the number of such candidates exceeds the number of seats to be filled, the Returning Officer shall forthwith publish in the official Gazette and in such other manner as the Government may direct the names of the candidates as given in the notices of candidature in alphabetical order together with the symbol, if any, assigned to each candidate, and a poll shall be taken.

Special  
procedure in  
constituencies  
in which seats  
are reserved  
for the  
depressed  
classes.

**102.** In a constituency in which a seat or seats are reserved for members of the depressed classes—

(a) if the number of candidates qualified to be chosen to fill the reserved seat or seats is equal to the number of those seats, all such candidates shall be declared by the Returning Officer to be duly elected;

(b) if the number of such candidates is less than the number of the reserved seats, the procedure prescribed in sub-rule (2) of the last preceding rule shall be followed ;  
and

(c) if the number of such candidates exceeds the number of the reserved seats, all such candidates shall be deemed to stand for election both for the seats reserved for members of the depressed classes and for the seats

which are not so reserved ; and the names of such candidates shall be published along with the names of the candidates for the non-reserved seats in the manner prescribed in sub-rule (3) of the last preceding rule, but it shall not be mentioned therein that such candidates are standing for election for the reserved seats or for both the reserved and non-reserved seats.

**103.** If a person whose candidature has been notified under sub-rule (3) of rule 101 becomes subject to any of the disqualifications specified in section 20 of the Act or dies before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the candidate's disqualification or death, cancel his name in the list of candidates and in the ballot papers if there is sufficient time to do so before the date fixed for polling:

Disqualification or death of candidate before commencement of poll.

Provided that a failure to make such cancellation shall not affect the election proceedings.

## PART II—PERSONAL VOTING.

**104.** In constituencies other than those mentioned in rule 128 votes shall be given by ballot and in person and in the manner provided therefor in these rules save as otherwise provided in rule 123. No votes shall be given by proxy.

Votes to be given by ballot.

**105.** The Deputy Commissioner of each district, the President, Municipal Council, Mysore, and the Municipal Commissioner, Bangalore City, shall, with the general approval of the Government, select for the whole or so much of any territorial constituency, labour constituency and special constituency for women as lies within his jurisdiction as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area, to be known as polling area, for each polling station or booth as the case may be.

Selection of polling stations, booths and polling areas.

**106.** (1) The Deputy Commissioner of each district, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be, shall appoint a presiding officer for each polling station and may, if necessary, appoint such other persons (hereafter referred to as polling officers) as he thinks necessary to assist the presiding officer, and may nominate not more than four non-officials to be associated with the presiding officer for assisting him in conducting the poll:

Appointment of presiding officers, polling officers, etc.

Provided that, if a polling officer is absent from a polling station, the presiding officer may appoint any person who is present at the polling station to be a polling officer during the absence of the former officer, and inform accordingly the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

(2) The same polling stations and presiding officers may be appointed in respect of elections held simultaneously.

(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(4) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Deputy Commissioner, the President, Municipal Council, Mysore, or the Municipal Commissioner, Bangalore City, as the case may be.

Hours of  
polling.

**107.** The Government shall fix the hours at which the poll shall commence and the hour at which it shall close on the date or dates appointed for the poll under clause (d) of rule 85. The hours so fixed shall be published by notification in the official Gazette and in such other manner as the Government may direct.

Duties of  
presiding  
officer.

**108.** (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except—

(a) the polling officers and the non-officials associated with him ;

(b) the candidates ;

(c) the police or other public servants on duty;  
and

(d) such other persons as the presiding officer may from time to time admit for the purpose of identifying the electors.

Removal for  
misconduct  
at polling  
station.

**109.** If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer, or polling officer performing the duties of the presiding officer, he may immediately, by order of the presiding

officer, or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer, or such polling officer, to remove him; and the person so removed shall not, except with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day :

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

**110.** Subject to the provisions of rule 123, no elector shall be admitted to vote except at the polling station fixed under rule 105 for the polling area under which his name appears on the electoral roll.

Who may vote at a polling station.

**111.** The poll shall be closed at the hour fixed in that behalf :

Close of polling.

Provided that, if there are any electors waiting at the polling station to record their votes, the presiding officer shall cause a list to be prepared in his presence of such electors, which shall be signed by him, and shall allow such electors to record their votes on the same day if he considers that the polling can be completed within a reasonable time or on the following day during such hours as he may fix in that behalf.

**112.** Each polling station or booth, as the case may be, shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in the box. As far as possible, separate compartments and separate entrances and exits shall be provided for women electors.

Arrangements for secrecy of voting.

**113.** Each polling station shall be provided with materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot papers as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

Supply of election materials and ballot boxes.

**114.** Every ballot box shall be so constructed that the ballot papers shall be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer shall, immediately before the commencement of the poll, lock the ballot box and place a seal upon it in such manner as to prevent its being opened without breaking such seal. He shall thereupon place

Sealing of ballot box before commencement of poll.

the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it.

Form of  
ballot paper.

**115.** The ballot paper shall be in form V. It shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Number  
of votes to  
be recorded  
by each  
elector.

**116.** At elections in constituencies in which more than one seat has to be filled, an elector shall have as many votes as there are seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

Simultaneous  
elections for  
more than one  
constituency.

**117.** Where elections for more than one constituency, whether territorial or special, are held simultaneously at a polling station, an elector entitled to vote for the constituencies shall be given a ballot paper for each constituency.

Procedure  
before ballot  
paper is  
delivered to  
elector.

**118.** Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the electoral roll, shall be verified, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Manner of  
recording  
votes after  
receipt of  
ballot paper.

**119.** The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station and there mark his ballot paper in accordance with the instructions contained therein, fold it up so as to conceal his vote, and put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted.

Assistance to  
illiterate and  
infirm  
electors.

**120.** (1) If an elector, owing to illiteracy or infirmity, is unable to make a mark on the ballot paper, the presiding officer or the polling officer shall mark the vote on the ballot paper according to the directions of the elector. The elector shall then himself or with the assistance of such officer put the ballot paper folded up into the ballot box.

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the presiding officer or polling officer, as the case may be, of the reason why it was so dealt with.

**121.** An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoiled paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Spoilt ballot papers.

**122.** The presiding officer or the polling officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. The presiding officer is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the table, and that the persons who have recorded their votes leave the place immediately.

Identity of electors.

**123.** (1) A presiding officer, polling officer, or other person who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency in which he is registered as an elector to be entitled to vote at the election for the constituency, be allowed to record his vote at that polling station. The said certificate shall be in form VI.

Voting of officials on duty at polling stations.

(2) If the polling station at which the person is on duty is in the same constituency as the one in which he is entitled to vote, then, the presiding officer shall, on production of the said certificate, issue a ballot paper to the person concerned in the same manner as to any other elector. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number on the electoral roll for the constituency in which that polling station is situated and the provisions of rule 119 shall apply. The certificate referred to in sub-rule (1) shall be filed by the presiding officer.

(3) If the polling station at which the person is on duty is not in the constituency in which he is entitled to vote, the person concerned shall record his vote on the

Returning Officer's certificate and shall hand over the certificate to the presiding officer. Such certificate shall be placed in an envelope and sealed by the presiding officer, who shall record on the envelope a description of its contents and transmit it to the Returning Officer who has granted the same, and such Returning Officer shall cause such votes to be included among other votes given for the candidate or candidates designated by the elector.

Procedure on closing of poll.

**124.** The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates who may be present, make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals—

(i) each ballot box in use at such station unopened, but with the key (which should also be sealed in the same manner as the ballot box) attached :

(ii) the unused ballot papers ;

(iii) the spoilt ballot papers ;

(iv) the marked copy of the electoral roll ;

(v) the counterfoils of the ballot papers.

Statement by presiding officer.

**125.** The packets shall be accompanied by a statement in a separate cover in form VII made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers and ballot papers dealt with under rule 123.

Despatch of ballot boxes.

**126.** Subject to any directions given in that behalf by the Returning Officer or the Government, the packets and statements referred to in the last two preceding rules shall be forwarded by the presiding officer to the Returning Officer, or where the Returning Officer is a Sub-Division Officer, Deputy Commissioner or Secretary Representative Assembly, to the nearest Amildar. The Amildar shall forward the packets to the Returning Officer. Each packet shall be numbered and shall bear a note on it as to its contents and the name of the polling station. Where no vote has been recorded in any constituency, the polling officer shall submit a nil report together with the statement in form VII and the empty box.

Postponement of poll : adjournment of poll.

**127.** (1) Notwithstanding anything contained in this Part, the Returning Officer may, for sufficient cause and with the previous consent of the Government, postpone the date or extend the period fixed for polling.

(2) In emergencies such as disturbance of the public peace or the intervention of floods, the presiding officer may, with the previous approval of the Returning Officer, close the poll and announce an adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government.

(3) The subsequent date to which polling is postponed or adjourned shall be notified in the constituency in such manner as the Returning Officer thinks fit.

### PART III—POSTAL VOTING.

**128.** In the case of an election in the university constituency, the trade and commerce constituency, the industry constituencies, co-operation constituency, European and Anglo-Indian constituencies, and European and Indian planting constituencies rules, 104 to 127 inclusive shall not be applicable, and the following rules, *viz.*, 128 to 137 inclusive, shall be substituted therefor and shall apply. No elector of these constituencies shall be allowed to vote in any other way than is provided in these rules.

Special rules for voting in the university constituency, etc.

**129.** On or before such date as may be fixed in this behalf by the Government by notification in the official Gazette, the Returning Officer shall send by post a declaration paper and a ballot paper, hereafter referred to collectively as voting papers, to each elector to the address entered against his name in the electoral roll:

Issue of ballot and declaration papers.

Provided that, in the case of the trade and commerce constituency, industry constituencies or co-operation constituency where a firm, Hindu joint family, corporation or co-operative society is represented in the electoral roll by its nominee or nominees, the Returning Officer shall send only one set of voting papers to such firm, Hindu joint family, corporation, or co-operative society to the address of its office as given in the electoral roll, instead of to the nominee or nominees therefor.

**130.** The declaration paper, shall be in form VIII and the ballot paper in form IX. To each elector shall be issued the voting papers whose serial numbers correspond to the number which the elector bears on the electoral roll. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper.

Form of ballot paper and declaration paper.



Procedure  
before issue  
of ballot  
paper.

**131.** Before the voting papers are issued to an elector, the Returning Officer shall--

(a) have the name of the elector entered on the declaration paper; and

(b) place his initials against the name of the elector in the electoral roll or in the copy of it used for the purpose of election :

Provided that, in the case of the trade and commerce constituency, industry constituency or co-operation constituency where a firm, Hindu joint family, corporation or co-operative society is represented in the electoral roll by its nominee or nominees, the name of such firm, Hindu joint family, corporation or co-operative society together with the name or names of its nominee or nominees shall be entered on the declaration paper.

Forms to  
accompany  
ballot paper.

**132.** With the voting papers, the Returning Officer shall enclose an envelope addressed to himself in form X, a cover with the number of the ballot paper entered on its face and a letter in form XI. The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelope.

Voting.

**133.** Each elector, upon receipt of his voting paper shall, if he desires to vote in the election, first sign the declaration in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar, to whom he is personally known or to whose satisfaction he has been identified, and who shall attest his signature, and thereafter record his vote on the ballot paper :

Provided that, in the case where the voting papers are sent under rule 129, to a firm, Hindu joint family, corporation or co-operative society, the declaration shall be signed and the vote shall be recorded by one nominee only of such firm, Hindu joint family, corporation or co-operative society.

Return of  
ballot paper  
and declara-  
tion paper.

**134.** After recording his vote, the voter shall enclose his ballot paper in the cover, fasten up the cover and enclose it with the declaration paper in the envelope, which he shall send by post to the Returning Officer so as to reach him not later than five o'clock in the afternoon of the date appointed for the poll under rule 85. Envelopes received after that hour shall be rejected :

Provided that the voter may, at his option, instead of sending the envelope to the Returning Officer by post, deposit it in a ballot box which shall be provided for the

purpose at the office of the Returning Officer, up to the hour of five o'clock in the afternoon of the aforesaid date.

**135.** If an elector is incapacitated by blindness or other physical cause from voting in the manner prescribed in rule 133, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his declaration under rule 133; and such officer shall certify in the declaration paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration paper and to mark the ballot paper for him and that the papers were so signed and marked by him in the presence of the elector.

Assistance to incapacitated electors.

**136.** An elector who has not received his voting papers, or who has lost them, or whose voting papers before their despatch back to the Returning Officer have been inadvertently dealt with in such manner that they cannot be conveniently used as such, may, on making a declaration to that effect, obtain from the Returning Officer new voting papers. In every case where new voting papers are issued under this rule, a distinctive mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, lost or spoilt, as the case may be:

Lost or spoilt ballot papers.

Provided that duplicate voting papers issued under this rule to a firm, Hindu joint family, corporation or co-operative society shall either be sent to the address of such firm, Hindu joint family, corporation, or co-operative society as given in the electoral roll or shall be delivered to a representative on his personally applying for the same and producing written authority in that behalf from such firm, Hindu joint family, corporation or co-operative society.

**137.** No election shall be invalid by reason that voting papers duly sent to an elector under these rules have not been received by him.

Election not to be invalid for failure to receive ballot paper when such paper has been issued.

#### PART IV—VOTING IN SPECIAL CONSTITUENCIES FOR DEPRESSED CLASSES.

**138.** In the case of elections to the special seats reserved for the depressed classes, the Government may, by a notification in the official Gazette, direct the application of the provisions of rules 104 to 127 relating to personal voting, or of the provisions of rules 128 to 137

Conduct of elections in constituent associations.

relating to postal voting for the conduct of elections in the constituent associations as circumstances may require.

#### PART V--COUNTING OF VOTES.

Appointment of day, time and place for counting of votes.

**139.** The counting of votes shall commence on such day and at such time and place as the Returning Officer may appoint.

Who may be present at the counting.

**140.** 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. No other persons shall be allowed to be present except such persons as the Returning Officer may appoint to assist him in counting votes; and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Procedure at counting.

**141.** The Returning Officer shall proceed as follows:—

(1) If the constituency is one in which the voting is personal, the ballot box or boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 123, as the case may be, shall be opened one after another, and the Returning Officer shall take out the ballot papers therefrom, count them or cause them to be counted and record the number thereof in a statement. Such statement shall not be shown to any candidate or agent.

(2) If the constituency is one for which postal voting is prescribed—

(a) the envelopes received from or deposited by electors under the proviso to rule 134 shall be opened one after another and the covers and declaration papers taken out therefrom.

(b) If an envelope should contain no declaration paper outside the cover, the cover enclosed in such envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the cover.

(c) If an envelope contains a declaration paper, the Returning Officer shall examine whether the declaration paper is the one sent out by him and whether the declara-

tion and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected cover in a separate bundle.

(d) If more than one declaration paper or more than one cover is enclosed in one and the same envelope, all the declaration papers and covers contained in the envelope shall be rejected, and the Returning Officer shall endorse the word "rejected" on the back of each declaration paper and keep the declaration papers so rejected and the covers contained in the envelope in the same bundle of rejected papers.

(e) He shall file the other declaration papers and the covers containing the corresponding ballot papers in a separate heap. These covers shall then be opened, the ballot papers enclosed therein taken out, and counted and the total thereof recorded by the Returning Officer in a statement.

142. The Returning Officer shall then mix together all the ballot papers so counted and totalled up, and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

Distribution of ballot papers for counting.

143. When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers which in his opinion are liable to be rejected. He shall endorse on every ballot paper which is wholly or partially rejected the word "rejected". If any candidate or agent present questions the correctness of the rejection, he shall also record, on the ballot paper, the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

Inspection of ballot papers by candidates, etc.

144. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

Counting to be continuous as far as practicable.

Grounds for  
rejection of  
ballot papers.

- 145.** (1) A ballot paper shall be rejected if—
- (a) in the case of all constituencies—both personal vote and postal vote—
    - (i) it bears any mark by which the elector can be identified ;
    - (ii) the number of votes recorded thereon exceeds the number of seats to be filled ;
    - (iii) no vote is recorded thereon ;
    - (iv) it is void for uncertainty ;
  - (b) in the case of postal vote constituencies—
    - (i) the envelope enclosing the elector's declaration paper and the cover containing his ballot paper, has neither been sent by post so as to reach the Returning Officer not later than the day and the latest hour appointed for the poll nor deposited in the ballot-box provided in the office of the Returning Officer on the day and during the hours appointed for the poll ;
    - (ii) the envelope contains no declaration paper outside the cover ;
    - (iii) more than one declaration paper or cover containing the ballot paper have been enclosed in one and the same envelope ;
    - (iv) the declaration paper is not the one sent out by the Returning Officer to the elector, or the declaration or attestation is not in order :

Provided that, in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(2) Except on the above-mentioned grounds, a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

Declaration  
of result.

**146.** When the counting of 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—

(a) if a seat is reserved for a member of the depressed classes, the Returning Officer shall first declare elected to the reserved seat the candidate belonging to the depressed classes to whom the largest number of valid votes have been given; and

(b) thereafter the candidate or candidates, as the case may be, other than the candidate declared to be elected under proviso (a), who have secured the largest number of votes whether such candidates are members of the depressed classes or not.

**147.** 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.

Procedure in case of equality of votes.

**148.** (1) The Returning Officer shall, without delay, report the result of the election to the Secretary, Representative Assembly, and to the Government.

Report of the result of election.

(2) As soon as may be after the election of members, the names of members elected for the constituencies concerned shall be notified in the official Gazette by the Government.

**149.** The following procedure shall apply to constituencies other than those for which postal voting is allowed:—

Verification of statement in personal vote constituencies.

The Returning Officer shall not open the sealed packets of the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 125 by comparing it with the number of counted ballot papers and of rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 123 and the unused ballot papers in his possession, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

**150.** The following procedure shall apply in the case of postal vote constituencies:—

Statement by Returning Officer in postal vote constituencies.

Upon the completion of the counting, the Returning Officer shall seal up in separate packets—

(1) the counted ballot papers;

(2) the rejected declaration papers and connected covers ;

(3) the ballot papers rejected at the count ;

(4) the rejected envelopes and the connected declaration papers, if any ; and

(5) the marked copy of the electoral roll.

He shall also prepare and sign a statement in form XII, and shall record on each packet a description of its contents and the date of the election to which it refers.

Return of the  
result of elec-  
tion.

**151.** (1) In the case of all constituencies—both personal and postal vote—the Returning Officer shall then prepare and certify a return in form XIII setting forth—

(a) the names of the candidates for whom valid votes have been given ;

(b) the number of valid votes given for each candidate ;

(c) the names of the candidates elected ;

(d) the number of votes declared invalid, and

shall permit any candidate or any representative duly authorised under rule 140 to take a copy or an extract from such return.

(2) The Returning Officer shall forward a copy of the return made under the above sub-rule to the Government, as soon as possible, after reporting the result of the election as required by rule 148.

## PART VI—RETURN AND FORFEITURE OF DEPOSITS.

Return of  
deposit in the  
event of  
withdrawal,  
rejection or  
death.

**152.** (1) If a candidate by whom, or on whose behalf, the deposit referred to in rule 93 has been made withdraws his candidature in the manner and within the time specified in rule 98, or if the notice of candidature of any such candidate is rejected, the deposit shall be returned to the person by whom it was made ; and, if any candidate becomes subject to any of the disqualifications specified in section 20 of the Act or dies before the commencement of the poll, any such deposit, if made by him, shall be returned to him or to his legal representative, as the case may be, or, if not made by the candidate, shall be returned to the person by whom it was made.

Forfeiture of  
deposit.

**153.** The deposit made by or on behalf of a candidate shall be forfeited to the Government —

(a) if the candidate withdraws his candidature after the time specified in rule 98 ; or

(b) if the candidate is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled ; or

(c) if having been elected by more than one constituency, he fails to intimate the choice of the constituency which he desires to serve in the manner specified in these rules ;

(d) if having been elected, he fails to take the oath of allegiance to His Highness the Maharaja at the next meeting of the Assembly or within such time as the Government may direct.

*Explanation* :—For the purposes of this rule the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

**154.** The deposit made by or on behalf of a candidate whether such candidate is elected or not, shall, if it is not forfeited under the last preceding rule, be returned to the candidate or the person who has made the deposit on his behalf, as the case may be :

Return of deposit of successful and unsuccessful candidates.

Provided that, where the candidate is elected, such return shall be made only after he has taken his seat in the Assembly and taken the prescribed oath of allegiance to His Highness the Maharaja :

Provided further that, if a candidate has stood for 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 forfeited to the Government.

## PART VII—DISPOSAL OF BALLOT PAPERS.

**155.** All the packets relating to the elections shall remain in the custody of the Returning Officer.

Custody of election papers.

**156.** The packets of ballot papers whether counted or rejected, and of the counterfoils thereof, or of the declaration papers, as the case may be, shall not be opened and their contents shall not be inspected or produced except under the order of a competent court or of a Commissioner appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Government may impose and to the payment of a fee of two rupees.

Production and inspection of election papers.



Destruction  
of election  
papers.

**157.** (1) The packets aforesaid shall be retained for a period of one year, and shall thereafter be destroyed, subject to any direction to the contrary made by the Government or by a competent court or by a Commissioner appointed to hold an inquiry in respect of an election.

(2) The notices of candidature and the withdrawals from candidature shall be kept in the office of the Returning Officer concerned, and shall be destroyed after four years, unless otherwise ordered by the Government.

#### PART VIII—GENERAL.

Power of  
Returning  
Officers and  
presiding  
officers to  
overlook  
printing or  
clerical errors  
in electoral  
rolls.

**158.** If a question arises for the decision of a Returning Officer or presiding officer under these rules whether an entry in an electoral roll relates to a particular person, the Returning Officer or presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

No suit to lie  
in a court of  
law for acts  
done under  
this chapter.

**159.** Save as otherwise provided in the Act or in these rules, no act done or proceedings taken under, or with reference to, the rules contained in this Chapter shall be called in question by means of a suit or otherwise in a court of law.

-----

## SCHEDULES.

## FIRST SCHEDULE.

## TABLE OF CONSTITUENCIES.

## PART I.—GENERAL CONSTITUENCIES.

(Rule 8.)

Name of Constituency	Extent of Constituency	No. of seats	No. of seats reserved for depressed classes
<i>Bangalore District.</i>			
(i) <i>Urban.</i>			
Bangalore City ...	Bangalore City Municipality and Binneypet.	4	1
Channapatna ...	Channapatna town municipal area	1	...
Dodballapur ...	Dodballapur town municipal area ...	1	...
Devanhalli ...	Devanhalli town municipal area ...	1	...
Kankanhalli ...	Kankanhalli town municipal area ...	1	...
Anekal ...	Anekal town municipal area ...	1	...
Closepet ...	Closepet town municipal area ...	1	...
Magadi ...	Magadi town municipal area ...	1	...
<i>Kolar District.</i>			
Kolar ...	Kolar town municipal area ...	1	...
Chikballapur ...	Chikballapur town municipal area ...	1	...
Sidlaghatta ...	Sidlaghatta town municipal area ...	1	...
Bowringpet ...	Bowringpet town municipal area ...	1	...
Mulbagal ...	Mulbagal town municipal area ...	1	...
Chintamani ...	Chintamani town municipal area ...	1	...
<i>Tumkur District.</i>			
Tumkur ...	Tumkur town municipal area ...	1	...
Sira ...	Sira town municipal area ...	1	...
Chiknayakanhalli.	Chiknayakanhalli town municipal area	1	...
Madhugiri ...	Madhugiri town municipal area ...	1	...
Gubbi ...	Gubbi town municipal area ...	1	...
Tiptur ...	Tiptur town municipal area ...	1	...
Kunigal ...	Kunigal town municipal area ...	1	...
<i>Mysore District.</i>			
Mysore City ...	Mysore City Municipality ...	4	1
Nanjangud ...	Nanjangud town municipal area ...	1	...
Chamarajnagar ...	Chamarajnagar town municipal area	1	...
Hunsur ...	Hunsur town municipal area ...	1	...

## General Constituencies—concl'd.

Name of Constituency	Extent of Constituency	No. of seats	No. of seats reserved for depressed classes
<i>Mandya District.</i>			
Mandya ...	Mandya town municipal area including the area comprised by the Sugar Town Board, Mandya.	1	...
Seringapatam ...	Seringapatam town municipal area.	1	...
Malvalli ...	Malvalli town municipal area ...	1	...
<i>Hassan District.</i>			
Hassan ...	Hassan town municipal area ...	1	...
Hole-Narsipur ...	Hole-Narsipur town municipal area	1	...
Arsikere ...	Arsikere town municipal area ...	1	...
<i>Shimoga District.</i>			
Shimoga ...	Shimoga town municipal area ...	1	...
Bhadravati ...	Bhadravati town municipal area including the area comprised by Bhadravati New Town Board.	1	...
Sagar ...	Sagar town municipal area ...	1	...
Shikarppur ...	Shikarppur town municipal area ...	1	...
<i>Kadur District.</i>			
Chikmagalur ...	Chikmagalur town municipal area...	1	...
Tarikere ...	Tarikere town municipal area ...	1	...
Birur ...	Birur municipal area ...	1	...
<i>Chitaldrug District</i>			
Davangere ...	Davangere town municipal area ...	1	...
Chitaldrug ...	Chitaldrug town municipal area ...	1	...
Harihar ...	Harihar town municipal area ...	1	...
(ii) <i>Rural.</i>			
<i>Bangalore District.</i>			
Bangalore North.	Bangalore North taluk excluding the area comprised by the Bangalore City Municipality and Binneypet	2	...
Bangalore South	Bangalore South taluk ...	2	...
Hoskote ...	Hoskote taluk ...	3	1
Dodballapur ...	Dodballapur taluk excluding Dodballapur town municipal area.	2	...

## Rural—contd.

Name of Constituency	Extent of Constituency	No. of seats	No. of seats reserved for depressed classes
<i>Bangalore District—concl.</i>			
Nelamangala ...	Nelamangala taluk ...	3	1
Kankanhalli ...	Kankanhalli taluk excluding Kankanhalli town municipal area.	4	1
Magadi ...	Magadi taluk excluding Magadi town municipal area.	2	...
Channapatna ...	Channapatna taluk excluding Channapatna town municipal area.	2	...
Anekal ...	Anekal taluk excluding Anekal town municipal area.	2	...
Devanhalli ...	Devanhalli taluk excluding Devanhalli town municipal area.	2	...
Closepet ...	Closepet taluk excluding Closepet town municipal area.	2	...
<i>Kolar District.</i>			
Kolar ...	Kolar taluk excluding Kolar town municipal area.	3	1
Bowringpet ...	Bowringpet taluk excluding Bowringpet town municipal area.	2	...
Chintamani ...	Chintamani taluk excluding Chintamani town municipal area.	2	...
Mulbagal ...	Mulbagal taluk excluding Mulbagal town municipal area.	2	...
Sidlaghatta ...	Sidlaghatta taluk excluding Sidlaghatta town municipal area.	2	...
Chikballapur ...	Chikballapur taluk excluding Chikballapur town municipal area.	2	...
Bagepalli ...	Bagepalli taluk ...	2	...
Goribidnur ...	Goribidnur taluk ...	4	1
Malur ...	Malur taluk ...	2	...
Srinivaspur ...	Srinivaspur taluk ...	2	...
Kolar Gold Field Sanitary Board.	Kolar Gold Field Sanitary Board Area	3	1
Gudibanda ...	Gudibanda sub-taluk ...	1	...
<i>Tumkur District.</i>			
Tumkur ...	Tumkur taluk excluding Tumkur town municipal area.	4	1
Madhugiri ...	Madhugiri taluk excluding Madhugiri town municipal area.	3	1

## Rural—contd.

Name of Constituency	Extent of Constituency	No. of seats	No. of seats reserved for depressed classes
<i>Tumkur District—concl'd.</i>			
Chiknaikanhalli	Chiknaikanhalli taluk excluding Chiknaikanhalli town municipal area.	2	...
Sira	Sira taluk excluding Sira town municipal area.	2	...
Gubbi	Gubbi taluk excluding Gubbi town municipal area.	2	...
Tiptur	Tiptur taluk excluding Tiptur town municipal area.	2	...
Pavagada	Pavagada taluk	3	1
Kunigal	Kunigal taluk excluding Kunigal town municipal area.	2	...
Koratagere	Koratagere taluk	2	...
Turuvekere	Turuvekere taluk	2	...
<i>Mysore District.</i>			
Mysore	Mysore taluk excluding Mysore City municipal area.	2	...
Chamarajnagar	Chamarajnagar taluk excluding Chamarajnagar town municipal area.	4	1
Hunsur	Hunsur taluk excluding Hunsur town municipal area.	2	...
Krishnaraj-nagar	Krishnarajnagar taluk	2	...
Heggaddevan-kote.	Heggaddevankote taluk	2	...
Gundlupet	Gundlupet taluk	2	...
Nanjangud	Nanjangud taluk excluding Nanjangud town municipal area.	4	1
T.-Narsipur	T.-Narasipur taluk	4	1
Periyapatna	Periyapatna sub-taluk	1	...
Yelandur	Yelandur jaghir	1	...
<i>Mandya District.</i>			
Mandya	Mandya taluk excluding Mandya town municipal area and the area comprised by the Sugar Town Board, Mandya.	3	1
Seringapatam	Seringapatam taluk excluding Seringapatam town municipal area.	2	...
French-Rocks	French-Rocks taluk	2	...

## Rural—contd.

Name of Constituency	Extent of Constituency	No. of seats	No. of seats reserved for depressed classes
<i>Mandya District—concl'd.</i>			
Malvalli ...	Malvalli taluk excluding Malvalli town municipal area.	3	1
Krishnarajpet	Krishnarajpet taluk ... ..	2	...
Nagamangala...	Nagamangala taluk ... ..	2	...
Maddur ...	Maddur taluk ... ..	2	...
<i>Hassan District.</i>			
Hassan ...	Hassan taluk excluding Hassan town municipal area.	2	...
Manjarabad ...	Manjarabad taluk ... ..	3	1
Arkalgud ...	Arkalgud taluk ... ..	2	...
Belur ...	Belur taluk ... ..	3	1
Channarayapatna.	Channarayapatna taluk ... ..	3	...
Arsikere ...	Arsikere taluk excluding Arsikere town municipal area.	3	...
Hole-Narsipur	Hole-Narsipur taluk excluding Hole-Narsipur town municipal area.	2	...
Alur ...	Alur sub-taluk ... ..	1	...
<i>Shimoga District</i>			
Shimoga ...	Shimoga taluk excluding Shimoga town municipal area and Bhadravati town municipal area and the Bhadravati New Town Board area	3	1
Chennagiri ...	Chennagiri taluk ... ..	2	...
Honnali ...	Honnali taluk ... ..	3	1
Shikarpur ...	Shikarpur taluk excluding Shikarpur town municipal area.	2	...
Sorab ...	Sorab taluk ... ..	3	1
Sagar ...	Sagar taluk excluding Sagar town municipal area.	2	...
Nagar ...	Nagar taluk ... ..	2	...
Tirthahalli ...	Tirthahalli taluk ... ..	2	...
Kumsi ...	Kumsi sub-taluk ... ..	1	...
<i>Kadur District.</i>			
Chikmagalur ...	Chikmagalur taluk excluding Chikmagalur town municipal area.	3	1

## Rural—concl'd.

Name of Constituency	Extent of Constituency	No. of seats	No of seats reserved for depressed classes
Kadur	Kadur taluk excluding Birur town municipal area.	2	...
Tarikere ...	Tarikere taluk excluding Tarikere town municipal area.	2	...
Koppa ...	Koppa taluk ...	2	...
Mudgere ...	Mudgere taluk ...	3	1
Narasimharaj-pura.	Narasimharajpura sub-taluk	1	...
Sringeri ...	Sringeri Jaghir ...	1	...
<i>Chitaldrug District.</i>			
Chitaldrug ...	Chitaldrug taluk excluding Chitaldrug town municipal area.	3	1
Chellakere ...	Chellakere taluk ...	3	1
Hiriyur ...	Hiriyur taluk ...	2	...
Holalkere ...	Holalkere taluk ...	3	1
Davangere ...	Davangere taluk excluding Davangere town municipal area	2	...
Molakalmuru...	Molakalmuru taluk ...	2	...
Jagalur ...	Jagalur taluk ...	2	...
Hosdurga ...	Hosdurga taluk ...	2	...
Harihar ...	Harihar sub-taluk excluding Harihar town municipal area.	1	...

## PART II—MUHAMMADAN CONSTITUENCIES.

(Rule 8.)

Name of Constituency	Extent of Constituency	No. of seats
(i) <i>Urban.</i>		
Bangalore City ...	Bangalore City Municipality and Binneypet	2
Mysore City ...	Mysore City Municipality	2
Shimoga cum Bhadravati.	Shimoga town and Bhadravati town including the area comprised by the New Town Board.	1

Name of Constituency	Extent of Constituency	No. of seats
<i>(ii) Rural.</i>		
<i>Bangalore District.</i>		
Bangalore (North and South) <i>cum</i> Closepet.	Bangalore (North and South) excluding Bangalore City Municipality and Binneypet, and Closepet taluks.	1
Hoskote <i>cum</i> Devanhalli <i>cum</i> Anekal.	Hoskote, Devanhalli and Anekal taluks.	1
Dodballapur <i>cum</i> Nelamangala <i>cum</i> Magadi.	Dodballapur, Nelamangala and Magadi taluks.	1
Chennapatna <i>cum</i> Kankanhalli.	Chennapatna and Kankanhalli taluks.	1
<i>Kolar District.</i>		
Kolar Gold Field Sanitary Board Area <i>cum</i> Bowringpet.	Kolar Gold Field Sanitary Board Area and Bowringpet taluk.	1
Kolar <i>cum</i> Malur ...	Kolar and Malur taluks ...	1
Mulbagal <i>cum</i> Srinivasapur <i>cum</i> Chintamani.	Mulbagal, Srinivasapur and Chintamani taluks.	1
Sidlaghatta <i>cum</i> Chikballapur <i>cum</i> Goribidnur <i>cum</i> Bagepalli <i>cum</i> Gudibanda.	Sidlaghatta, Chikballapur, Goribidnur and Bagepalli taluks and Gudibanda sub-taluk.	1
<i>Tumkur District.</i>		
Tumkur <i>cum</i> Kunigal.	Tumkur and Kunigal taluks ...	1
Madhugiri <i>cum</i> Kortagere <i>cum</i> Sira <i>cum</i> Pavagada.	Madhugiri, Koratagere, Sira and Pavagada taluks.	1
Gubbi <i>cum</i> Tiptur <i>cum</i> Chiknaikanhalli <i>cum</i> Turuvekere.	Gubbi, Tiptur, Chiknaikanhalli and Turuvekere taluks.	1
<i>Mysore District.</i>		
Mysore <i>cum</i> Krishnarajanagar <i>cum</i> Hunsur <i>cum</i> Heggaddevankote <i>cum</i> Periyapatna.	Mysore, excluding Mysore City Municipality, Krishnarajanagar, Hunsur, and Heggaddevankote taluk and Periyapatna sub-taluk.	1
Gundlupet <i>cum</i> Chamarajanagar <i>cum</i> Nanjangud <i>cum</i> T.-Narsipur <i>cum</i> Yelandur.	Gundlupet, Chamarajanagar, Nanjangud and T.-Narsipur taluks and Yelandur jaghir.	1



Name of of Constituency	Extent of Constituency	No. of seats.
<i>Mandya District.</i>		
Seringapatam cum French Rocks cum Krishnarajpet cum Nagamangala.	Seringapatam, French Rocks, Krishnarajpet and Nagamangala taluks.	1
Mandya cum Malvalli cum Maddur.	Mandya, Malvalli and Maddur taluks.	1
<i>Hassan District.</i>		
Hassan cum Manjara- bad cum Belur cum Alur.	Hassan, Manjarabad and Belur taluks and Alur sub-taluk.	1
Arsikere cum Channa- rayapatna cum Hole- Narsipur cum Arkalgud.	Arsikere, Channarayapatna, Hole- Narsipur and Arkalgud taluks	1
<i>Shimoga District.</i>		
Shimoga cum Thirtha- halli cum Kumsi.	Shimoga taluk, excluding Shimoga and Bhadravati town municipal areas including the area comp- rised by Bhadravati New Town Board, and Thirthahalli taluk and Kumsi sub-taluk.	1
Chennagiri cum Hon- nali cum Shikarpur.	Chennagiri, Honnali and Shikari- pur taluks.	1
Sagar cum Nagar cum Sorab.	Sagar, Nagar and Sorab taluks ...	1
<i>Kadur District.</i>		
Chikmagalur cum Mudgere.	Chikmagalur and Mudgere taluks.	1
Kadur cum Tarikere cum Koppa cum Nara- simharajapura cum Sringeri.	Kadur, Tarikere and Koppa taluks and Narasimharajapura sub- taluk and Sringeri jaghir.	1
<i>Chitaldrug District.</i>		
Jagalur cum Molakal- muru cum Chellakre.	Jagalur, Molakalmuru and Chella- kere taluks.	1
Chitaldrug cum Hosa- durga cum Hiriyur.	Chitaldrug, Hosdurga and Hiriyur taluks.	1
Davangere cum Holal- kere cum Harihar.	Davangere and Holalkere taluks and Harihar sub-taluk.	1

## PART III—INDIAN CHRISTIAN CONSTITUENCY.

(Rule 8.)

Name of Constituency	Extent of Constituency	Number of seats
Indian Christian	The whole of Mysore ... ..	5

## PART IV—EUROPEAN CONSTITUENCY.

(Rule 24.)

Name of Constituency	Extent of Constituency	Number of seats
European ...	European Association, Bangalore district circle and Mysore planting districts circle.	1

## PART V—ANGLO-INDIAN CONSTITUENCY.

(Rule 27.)

Name of Constituency	Extent of Constituency	Number of seats
Anglo-Indian.	Anglo-Indian and Domiciled European Association, Mysore State Branch.	1

## PART VI—DEPRESSED CLASS SPECIAL CONSTITUENCIES.

(Rule 30.)

Name of Constituency	Extent of Constituency	Name of caste or community	Number of seats
Korachas and Koramas.	Associations of Korachas and Koramas	Korachas and Koramas.	1
Lambanias ...	Associations of Lambanias	Lambanias	2
Voddas ...	Associations of Voddas	Voddas	1

## PART VII--WOMEN'S CONSTITUENCIES.

(Rule 34.)

Name of Constituency	Extent of Constituency	Number of seats
Mysore ...	Mysore district including Mysore City ...	1
Bangalore ...	Bangalore district including Bangalore City.	1
Hassan ...	Hassan district ...	1
Mandya ...	Mandya district ...	1
Kadur ...	Kadur district ...	1
Shimoga ...	Shimoga district ...	1
Chitaldrug ...	Chitaldrug district ...	1
Tumkur ...	Tumkur district ...	1
Kolar ...	Kolar district ...	1

## PART VIII--TRADE AND COMMERCE CONSTITUENCY.

(Rule 37.)

Name of Constituency	Extent of Constituency	Number of seats
Trade and Commerce.	The Mysore Chamber of Commerce and such of its affiliated associations as are situated within the State, excluding the Civil and Military Station, Bangalore.	1

## PART IX--INDUSTRY CONSTITUENCIES.

(Rule 43.)

Name of Constituency	Extent of Constituency	Number of seats
Large Industries.	Factories (other than those owned by the Government) situated in the State, excluding the Civil and Military Station, Bangalore, and employing not less than one hundred workers.	1
Small Industries.	Factories (other than those owned by the Government) situated in the State excluding the Civil and Military Station, Bangalore, and employing less than one hundred workers.	1

## PART X—PLANTING CONSTITUENCIES.

(Rule 47.)

Name of Constituency	Extent of Constituency	Number of seats
European ...	Mysore, Hassan, Kadur and Shimoga districts	1
Indian ...	Mysore, Hassan, Kadur and Shimoga districts	1

## PART XI—LABOUR CONSTITUENCIES.

(Rule 50.)

Name of Constituency	Extent of Constituency	Number of seats
Bangalore ...	Factories situated in Bangalore City and employing not less than one hundred workers.	1
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati	Factories situated in Mysore City, Mandya (including the area comprised by the Sagar Town Board) and Bhadravati (including the area comprised by the New Town Board, Bhadravati) towns and employing not less than one hundred workers.	1
Mining ...	Factories situated in Kolar Gold Field and employing not less than one hundred workers and the gold mines in Kolar Gold Field.	1

## PART XII—CO-OPERATION CONSTITUENCY.

(Rule 53.)

Name of Constituency	Extent of Constituency	Number of seats
Co-operation...	The Mysore Co-operative Institute ...	1

## SECOND SCHEDULE.

## TABLE OF REGISTRATION OFFICERS AND RETURNING OFFICERS.

## PART I.—GENERAL CONSTITUENCIES.

(Rules 64 and 87.)

Name of Constituency	Registration Officer	Returning Officer
<i>Bangalore District.</i>	<i>(i) Urban.</i>	
Bangalore City ...	Municipal Commissioner, Bangalore City.	Municipal Commissioner, Bangalore City.
Channapatna ...	Amildar, Channapatna taluk.	Amildar, Channapatna taluk.
Dodballapur ...	Amildar, Dodballapur taluk.	Amildar, Dodballapur taluk.
Devanhalli ...	Amildar, Devanhalli taluk.	Amildar, Devanhalli taluk.
Kankanhalli ...	Amildar, Kankanhalli taluk.	Amildar, Kankanhalli taluk.
Anekal ...	Amildar, Anekal taluk ...	Amildar, Anekal taluk.
Closepet ...	Amildar, Closepet taluk ...	Amildar, Closepet taluk.
Magadi ...	Amildar, Magadi taluk ...	Amildar, Magadi taluk.
<i>Kolar District.</i>		
Kolar ...	Amildar, Kolar taluk ...	Amildar, Kolar taluk.
Chikballapur ...	Amildar, Chikballapur taluk.	Amildar, Chikballapur taluk.
Sidlaghatta ...	Amildar, Sidlaghatta taluk.	Amildar, Sidlaghatta taluk.
Bowringpet ...	Amildar, Bowringpet taluk.	Amildar, Bowringpet taluk.
Mulbagal ...	Amildar, Mulbagal taluk.	Amildar, Mulbagal taluk.
Chintamani ...	Amildar, Chintamani taluk.	Amildar, Chintamani taluk.
<i>Tumkur District.</i>		
Tumkur ...	Amildar, Tumkur taluk ...	Amildar, Tumkur taluk.
Sira ...	Amildar, Sira taluk ...	Amildar, Sira taluk.
Chiknayakanhalli ...	Amildar, Chiknayakanhalli taluk.	Amildar, Chiknayakanhalli taluk.
Madhugiri ...	Amildar, Madhugiri taluk.	Amildar, Madhugiri taluk.
Gubbi ...	Amildar, Gubbi taluk.	Amildar, Gubbi taluk.
Tiptur ...	Amildar, Tiptur taluk.	Amildar, Tiptur taluk.
Kunigal ...	Amildar, Kunigal taluk.	Amildar, Kunigal taluk.

## Urban—concl'd.

Name of Constituency	Registration Officer	Returning Officer
<i>Mysore District.</i>		
Mysore City ...	President, Municipal Council, Mysore City.	President, Municipal Council, Mysore City.
Nanjangud ...	Amildar, Nanjangud taluk.	Amildar, Nanjangud taluk.
Chamarajnagar ...	Amildar, Chamarajnagar taluk.	Amildar, Chamarajnagar taluk.
Hunsur ...	Amildar, Hunsur taluk ...	Amildar, Hunsur taluk
<i>Mandya District.</i>		
Mandya ...	Amildar, Mandya taluk ...	Amildar, Mandya taluk
Seringapatam ...	Amildar, Seringapatam taluk.	Amildar, Seringapatam taluk.
Malvalli ...	Amildar, Malvalli taluk ...	Amildar, Malvalli taluk
<i>Hassan District.</i>		
Hassan ...	Amildar, Hassan taluk ...	Amildar, Hassan taluk.
Hole-Narsipur ...	Amildar, Hole-Narsipur taluk.	Amildar, Hole-Narsipur taluk.
Arsikere ...	Amildar, Arsikere taluk.	Amildar, Arsikere taluk.
<i>Shimoga District.</i>		
Shimoga ...	Amildar, Shimoga taluk	Amildar, Shimoga taluk.
Bhadravati ...	Amildar, Shimoga taluk	Amildar, Shimoga taluk
Sagar ...	Amildar, Sagar taluk ...	Amildar, Sagar taluk.
Shikarpur ...	Amildar, Shikarpur taluk.	Amildar, Shikarpur taluk.
<i>Kadur District.</i>		
Chikmagalur ...	Amildar, Chikmagalur taluk.	Amildar, Chikmagalur taluk.
Tarikere ...	Amildar, Tarikere taluk ...	Amildar, Tarikere taluk.
Birur ...	Amildar, Kadur taluk ...	Amildar, Kadur taluk.
<i>Chitaldrug District</i>		
Davangere ...	Amildar, Davangere taluk.	Amildar, Davangere taluk.
Chitaldrug ...	Amildar, Chitaldrug taluk.	Amildar, Chitaldrug taluk.
Harihar ...	Deputy Amildar, Harihar sub-taluk.	Deputy Amildar, Harihar sub-taluk.

*Rural.*

Name of Constituency	Registration Officer	Returning Officer
<i>(ii) Rural.</i>		
<i>Bangalore District.</i>		
Bangalore North.	Amildar, Bangalore North taluk.	Amildar, Bangalore North taluk.
Bangalore South.	Amildar, Bangalore South taluk.	Amildar, Bangalore South taluk.
Hoskote ...	Amildar, Hoskote taluk ...	Amildar, Hoskote taluk.
Dodballapur ...	Amildar, Dodballapur taluk.	Amildar, Dodballapur taluk.
Nelamangala ...	Amildar, Nelamangala taluk.	Amildar, Nelamangala taluk.
Kankanhalli ...	Amildar, Kankanhalli taluk.	Amildar, Kankanhalli taluk.
Magadi ...	Amildar, Magadi taluk ...	Amildar, Magadi taluk.
Channapatna ...	Amildar, Channapatna taluk.	Amildar, Channapatna taluk.
Anekal ...	Amildar, Anekal taluk ...	Amildar, Anekal taluk.
Devanhalli ...	Amildar, Devanhalli taluk.	Amildar, Devanhalli taluk.
Closepet ...	Amildar, Closepet taluk ...	Amildar, Closepet taluk.
<i>Kolar District.</i>		
Kolar ...	Amildar, Kolar taluk ...	Amildar, Kolar taluk.
Bowringpet ...	Amildar, Bowringpet taluk.	Amildar, Bowringpet taluk.
Chintamani ...	Amildar, Chintamani taluk.	Amildar, Chintamani taluk.
Mulbagal ...	Amildar, Mulbagal taluk ...	Amildar, Mulbagal taluk.
Sidlaghatta ...	Amildar, Sidlaghatta taluk.	Amildar, Sidlaghatta taluk.
Chikballapur ...	Amildar, Chikballapur taluk.	Amildar, Chikballapur taluk.
Bagepalli ...	Amildar, Bagepalli taluk ...	Amildar, Bagepalli taluk.
Goribidnur ...	Amildar, Goribidnur taluk...	Amildar, Goribidnur taluk.
Malur ...	Amildar, Malur taluk ...	Amildar, Malur taluk.
Srinivaspur ...	Amildar, Srinivaspur taluk.	Amildar, Srinivaspur taluk.
Kolar Gold Field Sanitary Board.	Special Magistrate, Kolar Gold Field Sanitary Board Area.	Special Magistrate, Kolar Gold Field Sanitary Board Area.
Gudibanda ...	Deputy Amildar, Gudibanda Sub-taluk.	Deputy Amildar, Gudibanda sub-taluk.
<i>Tumkur District.</i>		
Tumkur ...	Amildar, Tumkur taluk ...	Amildar, Tumkur taluk.
Madhugiri ...	Amildar, Madhugiri taluk ...	Amildar, Madhugiri taluk.
Chiknaikanhalli.	Amildar, Chiknaikanhalli taluk.	Amildar, Chiknaikanhalli taluk.

## Rural.—contd.

Name of Constituency	Registration Officer	Returning Officer
<i>Tumkur District—</i>		
concl'd.		
Sira ...	Amildar, Sira taluk ...	Amildar, Sira taluk.
Gubbi ...	Amildar, Gubbi taluk ...	Amildar, Gubbi taluk.
Tiptur ...	Amildar, Tiptur taluk ...	Amildar, Tiptur taluk.
Pavagada ...	Amildar, Pavagada taluk ...	Amildar, Pavagada taluk.
Kunigal ...	Amildar, Kunigal taluk ...	Amildar, Kunigal taluk.
Koratagere ...	Amildar, Koratagere taluk.	Amildar, Koratagere taluk.
Turuvekere ...	Amildar, Turuvekere taluk.	Amildar Turuvekere taluk.
<i>Mysore District.</i>		
Mysore ...	Amildar, Mysore taluk ...	Amildar, Mysore taluk.
Chamarajuagar.	Amildar, Chamarajagar taluk.	Amildar, Chamarajagar taluk.
Hunsur ...	Amildar, Hunsur taluk ...	Amildar, Hunsur taluk.
Krishnarajagar.	Amildar, Krishnarajagar taluk.	Amildar, Krishnarajagar taluk.
Heggaddevankote	Amildar, Heggaddevankote taluk.	Amildar, Heggaddevankote taluk.
Gundlupet ..	Amildar, Gundlupet taluk ...	Amildar, Gundlupet taluk.
Nanjangud ...	Amildar, Nanjangud taluk...	Amildar, Nanjangud taluk.
T.-Narsipur ...	Amildar, T.-Narsipur taluk.	Amildar, T.-Narsipur taluk.
Periyapatna ...	Deputy Amildar, Periyapatna sub-taluk.	Deputy Amildar, Periyapatna sub-taluk.
Yelandur ...	Amildar, Yelandur taluk ...	Amildar, Yelandur taluk.
<i>Mandya District.</i>		
Mandya ...	Amildar, Mandya taluk ...	Amildar, Mandya taluk.
Seringapatam ...	Amildar, Seringapatam taluk.	Amildar, Seringapatam taluk.
French Rocks ...	Amildar, French Rocks taluk.	Amildar, French Rocks taluk.
Malvalli ...	Amildar, Malvalli taluk ...	Amildar, Malvalli taluk.
Krishnarajpet ...	Amildar, Krishnarajpet taluk.	Amildar, Krishnarajpet taluk.
Nagamangala ...	Amildar, Nagamangala taluk.	Amildar, Nagamangala taluk.
Maddur ...	Amildar, Maddur taluk ...	Amildar, Maddur taluk.
<i>Hassan District.</i>		
Hassan ...	Amildar, Hassan taluk ...	Amildar, Hassan taluk.
Manjarabad ...	Amildar, Manjarabad taluk.	Amildar, Manjarabad taluk.
Arkalgud ...	Amildar, Arkalgud taluk ...	Amildar, Arkalgud taluk.



## Rural—concl'd.

Name of Constituency	Registration Officer	Returning Officer
<i>Hassan District—concl'd.</i>		
Belur ...	Amildar, Belur taluk ...	Amildar, Belur taluk.
Channarayapatna.	Amildar, Channarayapatna taluk.	Amildar, Channarayapatna taluk.
Arsikere ...	Amildar, Arsikere taluk ...	Amildar, Arsikere taluk.
Hole-Narsipur ...	Amildar, Hole-Narsipur taluk.	Amildar, Hole-Narsipur taluk.
Alur ...	Deputy Amildar, Alur sub-taluk.	Deputy Amildar, Alur sub-taluk.
<i>Shimoga District.</i>		
Shimoga ...	Amildar, Shimoga taluk ...	Amildar, Shimoga taluk.
Chennagiri ...	Amildar, Chennagiri taluk.	Amildar, Chennagiri taluk.
Honnali ...	Amildar, Honnali taluk...	Amildar, Honnali taluk.
Shikarpur ...	Amildar, Shikarpur taluk.	Amildar, Shikarpur taluk.
Sorab ...	Amildar, Sorab taluk ...	Amildar, Sorab taluk.
Sagar ...	Amildar, Sagar taluk ...	Amildar, Sagar taluk.
Nagar ...	Amildar, Nagar taluk ...	Amildar, Nagar taluk.
Tirthahalli ...	Amildar, Tirthahalli taluk.	Amildar, Tirthahalli taluk.
Kumsi ...	Deputy Amildar, Kumsi sub-taluk.	Deputy Amildar, Kumsi sub-taluk.
<i>Kadur District.</i>		
Chikmagalur ...	Amildar, Chikmagalur taluk.	Amildar, Chikmagalur taluk.
Kadur ...	Amildar, Kadur taluk ...	Amildar, Kadur taluk.
Tarikere ...	Amildar, Tarikere taluk ...	Amildar, Tarikere taluk.
Koppa ...	Amildar, Koppa taluk ...	Amildar, Koppa taluk.
Mudgere ...	Amildar, Mudgere taluk .	Amildar, Mudgere taluk.
Narasimharajapura.	Deputy Amildar, Narasimharajapura sub-taluk.	Deputy Amildar, Narasimharajapura sub-taluk.
Sringeri ...	Assistant Commissioner in charge of Sringeri Jaghir.	Assistant Commissioner in charge of Sringeri Jaghir.
<i>Chitaldrug District</i>		
Chitaldrug ...	Amildar, Chitaldrug taluk.	Amildar, Chitaldrug taluk.
Chellakere ...	Amildar, Chellakere taluk.	Amildar, Chellakere taluk.
Hiriyur ...	Amildar, Hiriyur taluk .	Amildar, Hiriyur taluk.
Holalkere ...	Amildar, Holalkere taluk.	Amildar, Holalkere taluk.
Davangere ...	Amildar, Davangere taluk.	Amildar, Davangere taluk.
Molakalmuru ...	Amildar, Molakalmuru taluk.	Amildar, Molakalmuru taluk.
Jagalur ...	Amildar, Jagalur taluk...	Amildar, Jagalur taluk.
Hosdurga ...	Amildar, Hosdurga taluk.	Amildar, Hosdurga taluk.
Harihar ...	Deputy Amildar, Harihar sub-taluk.	Deputy Amildar, Harihar sub-taluk.

## PART II—MUHAMMADAN CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
<i>(i) Urban.</i>		
Bangalore City ...	Municipal Commissioner, Bangalore City Municipality.	Municipal Commissioner, Bangalore City Municipality.
Mysore City ...	President, Municipal Council, Mysore.	President, Municipal Council, Mysore.
Shimoga <i>cum</i> Bhadravati.	Sub-Division Officer, Shimoga sub-division.	Sub-Division Officer, Shimoga sub-division.
<i>(ii) Rural.</i>		
<i>Bangalore District.</i>		
Bangalore (North and South) <i>cum</i> Closepet.	Sub-Division Officer, Bangalore sub-division.	Sub-Division Officer, Bangalore sub-division
Hoskote <i>cum</i> Devanhalli <i>cum</i> Anekal.	Sub-Division Officer, Bangalore sub-division.	Sub-Division Officer, Bangalore sub-division.
Dodballapur <i>cum</i> Neluangala <i>cum</i> Magadi.	Sub-Division Officer, Dodballapur sub-division.	Sub-Division Officer, Dodballapur sub-division.
Chennapatna <i>cum</i> Kankanhalli.	Sub-Division Officer, Closepet sub-division.	Sub-Division Officer, Closepet sub-division.
<i>Kolar District.</i>		
Kolar Gold Field Sanitary Board Area <i>cum</i> Bowringpet.	Special Magistrate, Kolar Gold Fields.	Special Magistrate, Kolar Gold Fields.
Kolar <i>cum</i> Malur ...	Sub-Division Officer, Kolar sub-division	Sub-Division Officer, Kolar sub-division.
Mulbagal <i>cum</i> Srinivasapur <i>cum</i> Chintamani.	Sub-Division Officer, Kolar sub-Division.	Sub-Division Officer, Kolar sub-division.
Sidlaghatta <i>cum</i> Chikballapur <i>cum</i> Goribidnur <i>cum</i> Bagepalli <i>cum</i> Gudibanda.	Sub-Division Officer, Chikballapur sub-division.	Sub-Division Officer, Chikballapur sub-division.

## Rural—contd.

Name of constituency	Registration Officer	Returning Officer
<i>Tumkur District.</i>		
Tumkur cum Kunigal.	Sub-Division Officer, Tumkur sub-division.	Sub-Division Officer, Tumkur sub-division.
Madhugiri cum Koratagere cum Sira cum Pavagada.	Sub-Division Officer, Madhugiri sub-division.	Sub-Division Officer, Madhugiri sub-division.
Gubbi cum Tiptur cum Chiknaikanhalli cum Turuvekere.	Sub-Division Officer, Gubbi sub-division.	Sub-Division Officer, Gubbi sub-division.
<i>Mysore District.</i>		
Mysore cum Krishnarajanagar cum Hunsur cum Heggaddevankote cum Periyapatna.	Sub-Division Officer, Mysore sub-division.	Sub-Division Officer, Mysore sub-division.
Gundlupet cum Chamarajanagar cum Nanjangud cum T.-Narsipur cum Yelandur.	Sub-Division Officer, Nanjangud sub-division.	Sub-Division Officer, Nanjangud sub-division.
<i>Mandya District.</i>		
Seringapatam cum French-Rocks cum Krishnarajpete cum Nagamangala.	Sub-Division Officer, French-Rocks sub-division.	Sub-Division Officer, French Rocks sub-division.
Mandya cum Malvalli cum Maddur.	Assistant Commissioner, in charge of Mandya district treasury.	Assistant Commissioner in charge of Mandya district treasury.
<i>Hassan District.</i>		
Hassan cum Manjarabad cum Belur cum Alur.	Sub-Division Officer, Saklespur sub-division.	Sub-Division Officer, Saklespur sub-division.
Arsikere cum Channarayapatna cum Hole-Narsipur cum Arkalgud.	Sub-Division Officer, Hassan sub-division.	Sub-Division Officer, Hassan sub-division.
<i>Shimoga District.</i>		
Shimoga cum Thirthahalli cum Kumsi.	Sub-Division Officer, Shimoga sub-division.	Sub-Division Officer, Shimoga sub-division.
Channagiri cum Honnalli cum Shikarpur.	Sub-Division Officer, Bhadravati sub-division.	Sub-Division Officer, Bhadravati sub-division.
Sagar cum Nagar cum Sorab.	Sub-Division Officer, Sagar sub-division.	Sub-Division Officer, Sagar sub-division.

*Rural—concl'd.*

Name of Constituency	Registration Officer	Returning Officer
<i>Kadur District.</i>		
Chikmagalur <i>cum</i> Mudgere.	Sub-Division Officer, Chikmagalur sub-division.	Sub-Division Officer, Chikmagalur sub-division
Kadur <i>cum</i> Tarikere <i>cum</i> Koppa <i>cum</i> Narasimharajpura <i>cum</i> Sringeri.	Sub-Division Officer, Tarikere sub-division.	Sub-Division Officer, Tarikere sub-division.
<i>Chitaldrug District.</i>		
Jagalur <i>cum</i> Molakaturu <i>cum</i> Challakere.	Sub-Division Officer, Chitaldrug sub-division.	Sub-Division Officer, Chitaldrug sub-division.
Chitaldrug <i>cum</i> Hosadurga <i>cum</i> Hiriyur.	Sub-Division Officer, Chitaldrug sub-division.	Sub-Division Officer, Chitaldrug sub-division.
Davangere <i>cum</i> Holakere <i>cum</i> Harihar.	Sub-Division Officer, Davangere sub-division.	Sub-Division Officer, Davangere sub-division.

## PART III—INDIAN CHRISTIAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Indian Christian	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Representative Assembly.

## PART IV—EUROPEAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
European ...	Secretary, European Association, Bangalore district circle.	Secretary, European Association, Bangalore district circle.

## PART V—ANGLO-INDIAN CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Anglo-Indian	Secretary, Anglo-Indian and Domiciled European Association, Mysore State Branch	Secretary, Anglo-Indian and Domiciled European Association, Mysore State Branch.

## PART VI—WOMEN'S CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Mysore ...	Deputy Commissioner, Mysore district.	Deputy Commissioner, Mysore district.
Bangalore ...	Deputy Commissioner, Bangalore district.	Deputy Commissioner, Bangalore district.
Hassan ...	Deputy Commissioner, Hassan district.	Deputy Commissioner, Hassan district.
Mandya ...	Deputy Commissioner, Mandya district.	Deputy Commissioner, Mandya district.
Kadur ...	Deputy Commissioner, Kadur district.	Deputy Commissioner, Kadur district.
Shimoga ...	Deputy Commissioner, Shimoga district.	Deputy Commissioner, Shimoga district.
Chitaldrug ...	Deputy Commissioner, Chitaldrug district.	Deputy Commissioner, Chitaldrug district.
Tumkur ...	Deputy Commissioner, Tumkur district.	Deputy Commissioner, Tumkur district.
Kolar ...	Deputy Commissioner, Kolar district.	Deputy Commissioner, Kolar district.

## PART VII—TRADE AND COMMERCE CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Trade and Commerce.	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART VIII—INDUSTRY CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Large Industries	Secretary, Representative Assembly.	Secretary, Representative Assembly
Small Industries.	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART IX—PLANTING CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
European ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Representative Assembly.
Indian ...	The Deputy Commissioner of each district for that part of the constituency which is within his jurisdiction.	Secretary, Representative Assembly.

## PART X—LABOUR CONSTITUENCIES.

Name of Constituency	Registration Officer	Returning Officer
Bangalore ...	Secretary, Representative Assembly.	Secretary, Representative Assembly.
Mysore <i>cum</i> Mandya <i>cum</i> Bhadravati	Secretary, Representative Assembly.	Secretary, Representative Assembly.
Mining ...	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART XI—CO-OPERATION CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Co-operation...	Secretary, Representative Assembly.	Secretary, Representative Assembly.

## PART XII—UNIVERSITY CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
University ...	Registrar, Mysore University	Registrar, Mysore University

## PART XIII—GOLD MINING CONSTITUENCY.

Name of Constituency	Registration Officer	Returning Officer
Gold Mining ...	Secretary, Kolar Gold Field Mining Board.	Secretary, Kolar Gold Field Mining Board.

## THIRD SCHEDULE.

## LIST OF SYMBOLS.

## REPRESENTATIVE ASSEMBLY.

*(Rule 100.)*

1. Lion	10. Tiger	17. Charaka
2. Elephant	11. Cow	18. Spade
3. Horse	12. Plough and	19. Bicycle
4. Bird	a pair of	20. Axe
5. Sun	bullocks.	21. Flag
6. House	13. Ship	22. Umbrella
7. Scales	14. Camel	23. Bell
8. Tree	15. Sword	24. Ganapathy
9. Cart	16. Trisula	25. Hand

---



## FORMS.

## I. ELECTORAL ROLL FOR TERRITORIAL CONSTITUENCIES.

(Rule 63.)

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency*.....

Sl. No.	Name of elector together with the father's name or other identifying particulars	Address	Occupation	How qualified
1	2	3	4	5

## II. ELECTORAL ROLL FOR SPECIAL CONSTITUENCIES.

(Rule 63.)

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency.....*

Serial number	Name of elector with identifying particulars	** Names of nominees of firms, Hindu joint families, corporations or co-operative societies	Postal Address of elector	How qualified
1	2	3	4	5

\*\* This column will appear only in the electoral rolls for the trade and commerce, industry and co-operation constituencies.

## III. NOTICE OF CANDIDATURE.

(Rule 89.)

## REPRESENTATIVE ASSEMBLY.

1. Name of the constituency in which the candidate desires to stand for election.	
2. <u>Father's</u> Name <u>Husband's</u>	
3. Age and date of birth	
4. Address	
5. Sex	
6. *Denomination	
7. †Number of candidate on the electoral roll.	

I hereby declare that I am qualified to stand for election and that I have appointed.....to be my election agent.

Date.....19 .

.....  
Signature of candidate.

This notice of candidature will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on or before.....19 .

(Please see the certificates on the back.)

*Note.*—\*State whether Muhammadan, Indian Christian, European, Anglo-Indian or belonging to general community. This column need not be filled in the case of special constituencies.

†When the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division, a description of the sub-division in which the name of the person concerned is entered must also be given.

In the case of a member of the depressed classes who is entitled to stand as a candidate in any constituency in a district, the name of the constituency on the electoral roll of which the candidate is registered as an elector and his number therein must be given in this column.

*(Back of notice of candidature.)*

**CERTIFICATE OF DELIVERY.**

Serial No.....

This notice of candidature was delivered to me at my office  
at.....on the.....19 .

.....  
Returning Officer or other  
authorised person

**CERTIFICATE OF SCRUTINY.**

I have scrutinized the eligibility of the candidate and find that he  
is qualified to stand for election.

Date.. .....19 .

.....  
Returning Officer or other  
authorised person.

## IV. LIST OF CANDIDATES FOR ELECTION.

(Rule 100.)

## REPRESENTATIVE ASSEMBLY.

Name of Constituency.....

Serial No.	Name of candidate	Address of candidate	Symbol assigned to candidate, if any.
1	A.		
2	B.		
3	C.		
4	D. etc., etc.		

\*Note.—The poll will be taken on .....day of.....  
.....19 . between.....and .....

.....  
Returning Officer or  
other authorised person.

\* In the case of a constituency for which postal ballot is prescribed, the note shall run as follows:—

"Ballot papers should reach the Returning Officer or other person authorised in this behalf by post before.....on....., or be deposited or caused to be deposited at the office of the Returning Officer or other person authorised in this behalf between..... and.....on....."

## V. BALLOT PAPER.

(Rule 115.)

## REPRESENTATIVE ASSEMBLY.

*Front.*

Counterfoil.	Outerfoil.	
Serial No. ....	Name and Symbol of candidate.	Cross.
Name of constituency ...		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		
<i>Note.</i> —Please see instructions on the back.		

*Back of outerfoil.*

- (1) \* You have one vote.  
† You have .... votes.
- (2) \* The vote is to be shown by a cross mark X.  
† Each vote is to be shown by a cross mark X.
- (3) \* The mark is to be placed against only one candidate.  
† You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

**SERIAL No.**

\* In the case of single-member constituencies.

† In the case of multi-member constituencies.

**VI. CERTIFICATE ENTITLING A PERSON TO VOTE AT THE POLLING STATION WHERE HE IS APPOINTED FOR DUTY.**

(Rule 123.)

**REPRESENTATIVE ASSEMBLY.**

Mr.....being duly registered as elector No. ....  
in.....contituency of the Representative Assembly and being  
duly appointed for duty at the polling station ..... of .....  
constituency is entitled to record his vote at polling station .....  
of ..... constituency and at no other.

\* A list of the candidates for election in the constituency in which  
the said.....is entitled to vote is given below :—

Serial No.	Names of candidates	† Cross

Date.....

.....

Returning Officer or  
other authorised person.  
..... constituency.

\* This portion is to be struck out if the polling station at which the person appointed  
for duty is in the same constituency as the one in which he is entitled to vote.

† The person to whom this certificate is given will mark his votes in this column.

VII. BALLOT PAPER ACCOUNT.

(Rule 125.)

REPRESENTATIVE ASSEMBLY.

Name of Constituency .....

Name or number of Polling Station.....

1. Total number of electors for the polling station as shown in the electoral roll.	
2. Total number of ballot papers entrusted to the presiding officer.	
3. Number of ballot papers used.	
4. Number of ballot papers used for the votes of persons appointed for duty at the polling station under rule 23.	
5. Spoilt ballot papers (Rule 121).	
6. Balance that should be in the box.	
7. Number of unused ballot papers.	

.....

Date..... Presiding Officer  
or other authorised person.

- Column 1.—Give total number of the names on the electoral roll for your polling station.
- Column 2.—Give total number of ballot papers received by you.
- Column 3.—Count the counterfoils of the issued ballot papers and enter that number.
- Column 4.—Total of the counterfoils of ballot papers used by the persons appointed for duty at the polling station.
- Column 5.—The total of the counterfoils marked cancelled, checked with the total number of spoilt ballot papers with the presiding officer.
- Column 6.—Deduct from number in column 3 the sum of the totals in columns 4 and 5.
- Column 7.—Count unuseá ballot papers and enter the total.



## VIII. DECLARATION PAPER.

(Rule 130.)

## REPRESENTATIVE ASSEMBLY.

Name of Constituency.....

Serial Number.....

\* Elector's name and number on the electoral roll.....

## ELECTOR'S DECLARATION.

† I, .....  
 declare that I am an elector for this constituency and have signed no  
 other ballot paper at this election for this constituency.

.....  
Signature of elector.

Address: .....

igned in my presence by the elector who is personally known to me.  
who has been identified to my satisfaction

Date.....

.....  
Signature and  
Official designation.

\*NOTE.—The names of the nominees of a firm, corporation, Hindu joint family or  
 co-operative society should be entered here along with the name or number of the  
 firm, etc.

† Name in full and designation to be entered here.

## IX. BALLOT PAPER.

*(Rule 130.)*

## REPRESENTATIVE ASSEMBLY.

*Front**Name of Constituency.....*

Names of candidates and symbols, if any.	Mark showing the elector's choice.

(Please see instructions on the back).

*Back of the ballot paper.*

- (1) The number of votes which you may give is one.
- (2) Place a cross mark thus × against the name of the candidate for whom you wish to vote.

**SERIAL No.....**

X. ENVELOPE.

(Rule 132.)

REPRESENTATIVE ASSEMBLY.

*Face of envelope.*

Representative Assembly election.

Constituency.....

Poll on.....

To

The Returning Officer,

.....Constituency.

Address.....

.....

.....

## XI. LETTER OF INTIMATION.

(Rule 132.)

## REPRESENTATIVE ASSEMBLY.

Name of Constituency .....

SIR,

The persons whose names are printed on the ballot paper sent herewith have signified their intention to stand as candidates for election to the Representative Assembly. Should you desire to vote at this election, I have to request that you will—

(a) first sign the declaration paper in the presence of a Magistrate, Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar ;

(b) then mark your vote in the column provided for the purpose in the ballot paper;

(c) enclose the ballot paper by itself in the cover, and

(d) put the cover and the declaration paper in the envelope addressed to me, and return it to me by post so as to reach me not later than 5 P.M. on the.....day of.....19....., or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose in.....between..... and.....  
ON .....

.....  
Returning Officer or  
other authorised person.

## XII. BALLOT PAPER ACCOUNT.

((Rule 150.)

## REPRESENTATIVE ASSEMBLY.

*Name of Constituency*.....

1. Total number of electors on roll.	
2. Number of ballot papers issued originally.	
3. Number issued in place of ballot papers reported as not received, spoilt or lost.	
4. Number of ballot papers received.	
5. Number of ballot papers rejected.	
6. Number of ballot papers counted.	
7. Number of declaration papers filed separately.	
8. Remarks.	

Date .....

.....  
Returning Officer.

## XIII. RETURN OF THE RESULT OF ELECTION.

(Rule 151.)

## REPRESENTATIVE ASSEMBLY.

Name of Constituency .....

Name of candidate	Number of valid votes recorded in favour of the candidate
1.           A	
2.           B	
3.           C	
4.           D etc., etc.	

Total number of valid ballot papers.....

Number of ballot papers declared invalid in whole or part.....

I do hereby declare that:

(1) Mr.....

Address .....

(2) Mr.....

Address .....

(3) Mr.....

Address .....

(4) Mr.....

Address .....

Has  
Have been duly elected......  
Returning Officer.

Dated the.....day of .....19.....

R. A.

m



Government of His Highness the Maharaja of Mysore

THE MYSORE LEGISLATIVE RULES  
AND THE STANDING ORDERS

LEGISLATIVE COUNCIL



PRINTED BY

194





Government of His Highness the Maharaja of Mysore

THE MYSORE LEGISLATIVE RULES  
AND THE STANDING ORDERS  
OF THE  
LEGISLATIVE COUNCIL



BANGALORE:

PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS

1941



# THE MYSORE LEGISLATIVE RULES, 1941.

## C O N T E N T S .

---

### PART I.—PRELIMINARY.

1. Short title and commencement.
2. Definitions.
3. Interpretation.

### PART II.—COUNCIL OFFICIALS.

4. Election of President by the Council.
5. Election of Deputy President.
6. Panel of Chairmen and temporary Chairman of the Council.
7. Power of persons presiding.

### PART III.—ARRANGEMENT OF BUSINESS.

8. Allotment of time for non-official business and precedence of business.

### PART IV.—QUESTIONS.

9. Subject matter of questions.
10. Notice of questions.
11. Form and contents of questions.
12. Matters to which questions must relate.
13. President to decide admissibility of questions.
14. Power of Dewan to disallow questions.
15. Supplementary questions.
16. Member may decline to answer supplementary questions without notice.
17. Answer to question on the ground of public interest.
18. Discussion on questions.

### PART V.—MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

19. Motions for adjournment.
20. Restrictions on power to make motion.
21. Time and method of asking leave.
22. Procedure to be followed.
23. Limit of discussion.
24. Power of Dewan to disallow motion for adjournment.

## PART VI.—PRESIDENT, DEPUTY PRESIDENT AND MINISTERS.

25. Resolution for removal of President.
26. Resignation of Ministers.

## PART VII.—GENERAL PRINCIPLES OF PROCEDURE.

27. Quorum.
28. Limitations on debate.
29. Decision on points of order.
30. Irrelevance or repetition.
31. Power to order withdrawal of member.

## PART VIII.—LEGISLATION.

32. Previous sanction of the Dewan.
33. Procedure for placing non-official Bills in the Assembly.
34. Powers of the Assembly in respect of Bills.
35. Procedure for non-official Bills in the Council.
36. Publication of Bills before introduction.
37. Publication.
38. Persons by whom motions in respect of Bills may be made.
39. Despatch of copies of statement issued under section 26 of the Act.
40. Effect of dissolution on pending Bills.

## PART IX.—RESOLUTIONS.

41. Notice of resolutions.
42. Restrictions on subjects for discussion.
43. Form and contents of a resolution.
44. Admissibility of resolutions.
45. Motion and withdrawal of resolutions.
46. Limits of discussion.
47. Amendments.
48. Power of Dewan to disallow resolutions.
49. Copy to Government.
50. Discussion of matters of general public interest otherwise than on a resolution.

## PART X.—FINANCIAL BUSINESS.

51. The Budget.
52. Demands for grants.
53. Stages of the Budget debate.
54. General discussion.
55. Moving of resolutions.
56. Disallowance of resolutions.
57. Effect of resolutions.
58. Voting of grants.
59. Motions at this stage.
60. Power to disallow motions.
61. Presentation of Budget in parts.
62. Excess grants.
63. Supplementary or additional grants.
64. Schedule of authorised expenditure.

**PART XI.—REPRESENTATIONS.**

65. Notice of representations.
66. Restrictions on subject matter of representations.
67. Content of representations.
68. Admissibility of representations.
69. Power of Dewan to disallow representations.
70. Copy to Government.

**PART XII.—MISCELLANEOUS.**

71. Disallowed resolutions and questions.
  72. No questions, etc., on disallowances by the Dewan.
  73. Giving of notice.
  74. Constitution of Committee on Public Accounts.
  75. Functions of Committee on Public Accounts.
  76. Presentation of report of Committee on Public Accounts.
-

## PART VI.—PRESIDENT, DEPUTY PRESIDENT AND MINISTERS.

- 25. Resolution for removal of President.
- 26. Resignation of Ministers.

## PART VII.—GENERAL PRINCIPLES OF PROCEDURE.

- 27. Quorum.
- 28. Limitations on debate.
- 29. Decision on points of order.
- 30. Irrelevance or repetition.
- 31. Power to order withdrawal of member.

## PART VIII.—LEGISLATION.

- 32. Previous sanction of the Dewan.
- 33. Procedure for placing non-official Bills in the Assembly.
- 34. Powers of the Assembly in respect of Bills.
- 35. Procedure for non-official Bills in the Council.
- 36. Publication of Bills before introduction.
- 37. Publication.
- 38. Persons by whom motions in respect of Bills may be made.
- 39. Despatch of copies of statement issued under section 26 of the Act.
- 40. Effect of dissolution on pending Bills.

## PART IX.—RESOLUTIONS.

- 41. Notice of resolutions.
- 42. Restrictions on subjects for discussion.
- 43. Form and contents of a resolution.
- 44. Admissibility of resolutions.
- 45. Motion and withdrawal of resolutions.
- 46. Limits of discussion.
- 47. Amendments.
- 48. Power of Dewan to disallow resolutions.
- 49. Copy to Government.
- 50. Discussion of matters of general public interest otherwise than on a resolution.

## PART X.—FINANCIAL BUSINESS.

- 51. The Budget.
- 52. Demands for grants.
- 53. Stages of the Budget debate.
- 54. General discussion.
- 55. Moving of resolutions.
- 56. Disallowance of resolutions
- 57. Effect of resolutions.
- 58. Voting of grants.
- 59. Motions at this stage.
- 60. Power to disallow motions.
- 61. Presentation of Budget in parts.
- 62. Excess grants.
- 63. Supplementary or additional grants.
- 64. Schedule of authorised expenditure.

**PART XI.—REPRESENTATIONS.**

65. Notice of representations.
66. Restrictions on subject matter of representations.
67. Content of representations.
68. Admissibility of representations.
69. Power of Dewan to disallow representations.
70. Copy to Government.

**PART XII.—MISCELLANEOUS.**

71. Disallowed resolutions and questions.
  72. No questions, etc., on disallowances by the Dewan.
  73. Giving of notice.
  74. Constitution of Committee on Public Accounts.
  75. Functions of Committee on Public Accounts.
  76. Presentation of report of Committee on Public Accounts.
-



**PART VI.—PRESIDENT, DEPUTY PRESIDENT AND MINISTERS.**

- 25. Resolution for removal of President.
- 26. Resignation of Ministers.

**PART VII.—GENERAL PRINCIPLES OF PROCEDURE.**

- 27. Quorum.
- 28. Limitations on debate.
- 29. Decision on points of order.
- 30. Irrelevance or repetition.
- 31. Power to order withdrawal of member.

**PART VIII.—LEGISLATION.**

- 32. Previous sanction of the Dewan.
- 33. Procedure for placing non-official Bills in the Assembly.
- 34. Powers of the Assembly in respect of Bills.
- 35. Procedure for non-official Bills in the Council.
- 36. Publication of Bills before introduction.
- 37. Publication.
- 38. Persons by whom motions in respect of Bills may be made.
- 39. Despatch of copies of statement issued under section 26 of the Act.
- 40. Effect of dissolution on pending Bills.

**PART IX.—RESOLUTIONS.**

- 41. Notice of resolutions.
- 42. Restrictions on subjects for discussion.
- 43. Form and contents of a resolution.
- 44. Admissibility of resolutions.
- 45. Motion and withdrawal of resolutions.
- 46. Limits of discussion.
- 47. Amendments.
- 48. Power of Dewan to disallow resolutions.
- 49. Copy to Government.
- 50. Discussion of matters of general public interest otherwise than on a resolution.

**PART X.—FINANCIAL BUSINESS.**

- 51. The Budget.
- 52. Demands for grants.
- 53. Stages of the Budget debate.
- 54. General discussion.
- 55. Moving of resolutions.
- 56. Disallowance of resolutions
- 57. Effect of resolutions.
- 58. Voting of grants.
- 59. Motions at this stage.
- 60. Power to disallow motions.
- 61. Presentation of Budget in parts.
- 62. Excess grants.
- 63. Supplementary or additional grants.
- 64. Schedule of authorised expenditure.

**PART XI.—REPRESENTATIONS.**

65. Notice of representations.
66. Restrictions on subject matter of representations.
67. Content of representations.
68. Admissibility of representations.
69. Power of Dewan to disallow representations.
70. Copy to Government.

**PART XII.—MISCELLANEOUS.**

71. Disallowed resolutions and questions.
72. No questions, etc., on disallowances by the Dewan.
73. Giving of notice.
74. Constitution of Committee on Public Accounts.
75. Functions of Committee on Public Accounts.
76. Presentation of report of Committee on Public Accounts.



# THE MYSORE LEGISLATIVE RULES, 1941.

## PART I—Preliminary.

1. (1) These rules may be called the Mysore Legislative Rules.

Short title  
and com-  
mencement.

(2) They shall come into force on a day to be appointed by the Government of His Highness the Maharaja.\*

2. (1) In these rules—

Definitions.

“the Act” means the Government of Mysore Act, 1940;

“Assembly” means the Representative Assembly;

“Chamber” or “Chambers” means the Representative Assembly or the Legislative Council or both, as the case may be;

“clear days” includes Sundays and holidays.

“Council” means the Legislative Council;

“Gazette” means the *Mysore Gazette*;

“member” means a member of either Chamber;

“Minister” means a member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under these rules;

“non-official member” means an elected member or a nominated member of either Chamber not holding any office in the civil or military service of His Highness the Maharaja under clause (a) of sub-section (1) of section 20 of the Act;

“resolution” means a motion for the purpose of discussing a matter of general public interest;

“standing order” means a standing order of either Chamber; and

---

\* The Rules came into force from the 29th of March, 1941: Vide Notification No. RI. 3382—R. A. 28-40-4, dated 29th March 1941.

“Secretary” means the Secretary to either Chamber, and includes any person for the time being performing the duties of the Secretary.

(2) The words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

Interpreta-  
tion.

3. If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the Dewan shall be final.

## PART II--Council Officials.

Election of  
President by  
the Council.

4. (1) When, owing to the expiration of the term of office of the appointed President of the Council, or the existence of any vacancy in the office of an elected President thereof, it is necessary to choose a member as President, the Dewan shall fix a date for the holding of the election, and the Secretary shall thereupon send to every member notice of the date so fixed.

(2) At any time before one o'clock in the afternoon on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder, and stating—

- (a) the name of the member nominated, and
- (b) that the proposer has ascertained that such member is willing to serve as President, if elected.

(3) On the date fixed for election, the person presiding shall read out to the Council the names of the members who have been duly nominated, together with those of their proposers and seconds, and if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Council shall proceed to elect a President by ballot.

(4) For the purposes of sub-rule (3), a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation as members of the Council.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(6) Where at any ballot any of two or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by drawing of lots in such manner as the person presiding may direct.

(7) No member who has been elected President and whose election has not been approved by His Highness the Maharaja shall be nominated as a candidate during the continuance of the same Council.

5. (1) After the members have been sworn in at the beginning of each new Council, the Council shall elect one of its members to be a Deputy President. Election of  
Deputy  
President.

(2) At any time before one o'clock in the afternoon on the day preceding the date fixed by the Dewan for the election of the Deputy President, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as the proposer and by a third member as seconder and stating—

- (a) the name of the member nominated, and
- (b) that the proposer has ascertained that such member is willing to serve as Deputy President, if elected.

(3) The President, or the person presiding, shall read out to the Council the names of the members who have been duly nominated, together with those of their proposers and seconders, and if only one member has been so nominated shall declare that member to be elected. If more than one member has been so nominated, the Council shall proceed to elect a Deputy President by ballot.

(4) The provisions of sub-rules (4), (5) and (6) of the last preceding rule shall apply to such election.

(5) If a vacancy in the office of the Deputy President occurs during the life of a Council or if His Highness the Maharaja withholds his approval to any election, a fresh election shall be held in accordance with the procedure hereinbefore mentioned :

Provided that a member whose election has not been approved by His Highness the Maharaja shall not be proposed as a candidate during the continuance of that Council.

Panel of  
Chairmen and  
temporary  
Chairman of  
the Council.

6. (1) At the commencement of every new Council, the President shall nominate from amongst the members of the Council a panel of not more than four Chairmen, any one of whom may preside over the Council in the absence of the President and Deputy President, when so requested by the President, or in his absence, by the Deputy President.

(2) If at any time the office of President is vacant and there is no person authorised and able to preside over the Council, His Highness the Maharaja shall appoint from amongst its members a Chairman to preside until a President has been duly elected and the approval of His Highness the Maharaja to the election has been announced to the Council.

(3) A Chairman nominated under sub-rule (1) shall hold his office until a new panel of Chairmen is nominated.

Power of persons presiding.

7. The Deputy President and any Chairman of the Council and any person appointed by His Highness the Maharaja to preside over the Council in the absence of the President shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding.

### PART III—Arrangement of Business.

Allotment of time for non-official business and precedence of business.

8. The Dewan, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible, compatibly with the public interest for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business of that class shall have precedence. On other days, no business other

than Government business shall be transacted except with the consent of the Dewan.

#### PART IV—Questions.

9. (1) Subject to the provisions of these rules, a question may be asked for the purpose of obtaining information on a matter of public concern: Subject matter of questions.

Provided that no question shall be asked in regard to any of the following subjects, namely:—

- (a) the Ruling Family of Mysore;
- (b) the relations of His Highness the Maharaja with His Majesty the King-Emperor or the Crown Representative;
- (c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja;
- (d) the provisions of the Act;
- (e) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja.

(2) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1), the Dewan shall decide the point, and his decision shall be final.

10. A member who wishes to ask a question shall give notice at least fifty clear days in the case of the Assembly, and thirty clear days in the case of the Council, before the date of the commencement of the session at which he desires to put the question and shall together with the notice, submit a copy of the question he wishes to ask: Notice of questions.

Provided that the President may, with the consent of the Minister in charge of the department to which the question relates, allow a question to be put at shorter notice.

Provided also that no member shall, unless he has obtained the special permission of the President, be permitted to send in notice for one session of more than one question if he is a member of the Assembly, and of eight questions if he is a member of the Council.

11. In order that a question may be admissible it must satisfy the following conditions, namely— Form and contents of questions.

- (a) it shall relate to a single matter;



- (b) it shall be so framed as to be merely a request for information ;
- (c) it must not bring in any name or statement not strictly necessary to make the question intelligible ;
- (d) if it contains a statement, the member asking the question must make himself responsible for the accuracy of the statement ;
- (e) it must not ask whether certain things, such as statements made in a newspaper, are true ;
- (f) it may ask for an explanation of the intentions of the Government in respect of a matter of immediate concern, provided that the question is not in substance a suggestion for any particular action in a matter raised by the member asking the question ;
- (g) it must not contain arguments, inferences, ironical expressions or defamatory statements ;
- (h) it must not ask for an expression of opinion or the solution of a hypothetical proposition ;
- (i) it must not refer to the character or conduct of any person except in his official or public capacity ;
- (j) it must not be of excessive length ; and
- (k) it must not refer to any matter which is under adjudication by a court of law having jurisdiction in any part of Mysore.

Matters to which questions must relate.

12. A question addressed to a non-official member must relate to a Bill, resolution or other matter connected with the business of the Chamber for which such member is responsible.

President to decide admissibility of questions.

13. The President shall decide whether a question is or is not admissible under these rules and may disallow any question when in his opinion—

- (a) it is an abuse of the right of questioning at the expense of the Chamber and its time ; or
- (b) is calculated to obstruct or prejudicially affect the procedure of the Chamber ; or
- (c) is in contravention of these rules or the standing orders.

Power of Dewan to disallow questions.

14. The Dewan may, at any time before a question is put, inform the President that he disallows the question, or any part of the question, on the ground that it cannot

be answered without detriment to the public interest, and, if he does so, the question or part of the question shall not be placed on the list of business, or if it has been placed on the list of business, the President shall decline to allow the question to be put.

15. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :

Supplementary questions.

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject matter of questions.

16. The member to whom a supplementary question is addressed may decline to answer it without notice, in which case the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Chamber.

Member may decline to answer supplementary questions without notice.

17. The President, at the request of a Minister, may direct that an answer to a question which has been called may be given on the ground of public interest, even though the question is not put or the member in whose name it stands is absent.

Answer to question on the ground of public interest.

18. No discussion shall be permitted in respect of any question or of any answer given to a question.

Discussion on questions.

## **PART V—Motions for adjournment for purposes of debate.**

19. A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

Motions for adjournment.

20. The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

Restrictions on power to make motion.

- (i) not more than one such motion shall be made at the same sitting ;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same session ;

- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and
- (v) the motion must not deal with a matter on which a resolution could not be moved.

Time and method of asking leave.

**21.** A member desiring to ask for leave to move a motion for adjournment of business must, before the commencement of the sitting of the day, leave with the Secretary a written statement of the matter proposed to be discussed.

Procedure to be followed.

**22.** If the President is of the opinion that the matter proposed to be discussed is in order, and it has not been disallowed under these rules, he shall read the statement to the Chamber and ask whether the member has the leave of the Chamber to move the adjournment. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty members in the case of the Council and not less than sixty members in the case of the Assembly rise accordingly, he shall intimate that leave is granted and that the motion will be taken at 4 P.M. or, if the President with the consent of the Minister in charge of the department to which the motion relates so directs, at any earlier hour at which the business of the day may terminate. If less than twenty members or sixty members, as the case may be, rise, the President shall inform the member that he has not the leave of the Chamber.

Limit of discussion.

**23.** (1) On a motion to adjourn for the purpose of discussing a matter of urgent public importance, the only question that may be put shall be "That the Chamber do now adjourn":

Provided that the debate on the motion, if not earlier concluded, shall terminate at 6 o'clock, and thereafter no question shall be put.

(2) No speech during the debate shall, except with the permission of the President, exceed fifteen minutes in duration.

(3) Save as herein provided, the provisions regulating the discussion of resolutions shall apply to the discussion of such motions.

24. The Dewan, at any time after notice has been given of a motion for adjournment, may, notwithstanding the consent of the President, or before such consent has been given, take cognizance of such motion and disallow it on the ground that it cannot be moved without detriment to the public interest, and, if he does so, the adjournment shall not be permitted by the President, and no further discussion of the motion shall take place.

Power of Dewan to disallow motion for adjournment.

### PART VI—President, Deputy President and Ministers.

25. Any resolution for the removal from office of the elected President or Deputy President of the Council of which the notice as required by sub-section (4) of section 16 of the Act has been given shall be read to the Council by the President, who shall then request the members who are in favour of leave being granted to move the resolution to rise in their places and if not less than fifteen members rise accordingly, the President shall allow the resolution to be moved. If less than fifteen members rise, the President shall inform the member who may have given the notice that he has not the leave of the Council to move it.

Resolution for removal of President.

26. (1) A member who has resigned the office of Minister may, with the consent of the President, make a personal statement in explanation of his resignation.

Resignation of Ministers

(2) Such statement shall be made after questions and before the business for the day is entered upon.

(3) On such statement no debate shall be allowed :

Provided that a Minister shall be entitled, after such member has made his statement, to make a statement pertinent thereto.

### PART VII—General Principles of Procedure.

27. In the case of the Council, the presence of at least one-half the total number of members, and in the case of the Assembly the presence of at least eighty members shall be necessary to constitute a meeting of the Council and the Assembly, respectively, for the exercise of its powers.

Quorum.

28. (1) The matter of every speech must be strictly relevant to the matter before the Chamber.

Limitations on debate.

(2) A member while speaking must not—

- (i) refer to any matter of fact on which a judicial decision is pending ; or
- (ii) make a personal charge against a member ; or
- (iii) use offensive expressions regarding the conduct or proceedings of the other Chamber ; or
- (iv) reflect upon His Highness the Maharaja, the members of the Ruling Family, His Majesty the King-Emperor, His Excellency the Crown Representative, the Hon'ble the British Resident, the Ruler of any foreign State, the Governor of any Province in British India or any court of law in the exercise of its judicial functions ; or
- (v) utter treasonable, seditious or defamatory words ; or
- (vi) use his right of speech for the purpose of wilfully or persistently obstructing the business of the Chamber ; or
- (vii) reflect on any determination of the Chamber except on a motion for amending or rescinding it ; or
- (viii) discuss any ruling or direction of the President or any order disallowing a question, resolution or motion.

Decision on points of order.

**29.** (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so, shall confine himself to stating the point.

Irrelevance or repetition.

**30.** The President, after having called the attention of the Chamber to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Power to order withdrawal of member.

**31.** (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decision on all points of order.

(2) He may direct any member, whose conduct is in his opinion grossly disorderly, to withdraw immediately from the Chamber, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any

member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meetings of the Chamber for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Chamber, suspend any sitting for a time to be named by him.

### PART VIII—Legislation.

**32.** The previous sanction required under the provisions of section 27 of the Act for the placing of non-official Bills before the Assembly shall be obtained by submitting to the Secretary to Government, Law Department, a copy of the Bill together with a statement of the principles of the Bill and a statement of objects and reasons and asking for permission of the Dewan to place the Bill before the Assembly.

Previous sanction of the Dewan.

**33.** If the previous sanction of the Dewan in respect of a Bill has been obtained by—

Procedure for placing non-official Bills in the Assembly.

- (a) a member of the Council, the Government shall at the request of the member, place the Bill before the Assembly at the next following session ;
- (b) a member of the Assembly, he may place the Bill before the Assembly at the next following session provided that :
  - (i) notice has been given at least fifty clear days before the commencement of the session at which he desires to place the Bill before the Assembly ; and
  - (ii) a copy of the Bill together with a statement of the principles of the Bill and a copy of the Dewan's sanction has been submitted with the notice.

**34.** The discussion in the Assembly in respect of every Bill shall be confined to the principles of the Bill as contained in the statement and its general provisions. The details of the Bill shall not be discussed further than may be necessary to explain its principles.

Powers of the Assembly in respect of Bills.

**35.** (1) Every non-official Bill, the general principles of which have been approved by the Assembly with or

Procedure for non-official Bills in the Council.

without amendment, shall, at the request of the member concerned, be laid by the Government on the table at the next following session of the Council:

Provided that, if the principles of a Bill have been amended in the Assembly, the Bill shall not be so laid unless such amendment has been embodied in the Bill.

(2) At any time after the Bill has been laid on the table, any member of the Council may give notice of his intention to move for leave to introduce the Bill.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen clear days.

(4) On the day on which the motion is set down in the list of business, the member giving notice may move for leave to introduce the Bill.

(5) If the motion for leave to introduce the Bill is carried, the Bill shall be introduced and the standing orders of the Council regulating the subsequent procedure in regard to the passing of Bills shall apply.

Publication  
of Bill- before  
introduction.

**36.** The Dewan may order the publication of any Bill (together with the statement of objects and reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill in the Council. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

Publication.

**37.** As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

**38.** (1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.

(2) For the purposes of this rule "member in charge of the Bill" means, in the case of a Government Bill, any member acting on behalf of the Government, and in any other case, the member who has given notice of his intention to move for leave to introduce the Bill.

Persons by  
whom motions  
in  
respect of  
Bills may be  
made.

39. A copy of the statement issued by the Government under the provisions of the proviso to sub-section (2) of section 26 of the Act shall be despatched to every member of the Council at least fifteen days before the commencement of the session at which the Bill to which the statement relates is to be introduced in the Council.

Despatch of copies of statement issued under section 26 of the Act.

40. On the dissolution of either Chamber, all Bills which have been introduced in the Chamber which has been dissolved, or have been laid on the table under rule 35 and which have not been passed, shall lapse.

Effect of dissolution on pending Bills.

### PART IX—Resolutions.

41. A member who wishes to move a resolution shall give at least fifty clear days' notice if he is a member of the Assembly, and thirty clear days' notice if he is a member of the Council, before the commencement of the session at which he desires to move the resolution and shall, together with the notice, submit a copy of the resolution he wishes to move:

Notice of resolutions.

Provided that no member shall, unless he has obtained the special permission of the President, be permitted to send in notice for one session of more than one resolution if he is a member of the Assembly and of two resolutions if he is a member of the Council.

Provided further that the President, with the consent of the Minister to whose department the resolution relates, may allow it to be entered on the list of business with shorter notice.

42. (1) No resolution shall be moved in regard to any of the following subjects, namely:—

Restrictions on subjects for discussion.

- (a) the Ruling Family of Mysore;
- (b) the relations of His Highness the Maharaja with His Majesty the King-Emperor or the Crown Representative;
- (c) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja;
- (d) the provisions of the Act;
- (e) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja;
- (f) any matter which is under adjudication by a court of law having jurisdiction in any part of Mysore.



(2) The decision of the Dewan on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final, and on communication of his decision the resolution shall not be entered in the list of business or, if it has been so entered, the President shall decline to allow the resolution to be moved.

(3) The provisions of sub-rule (1) shall, so far as may be, apply to all motions for an adjournment for the purpose of discussing any matter of urgent public importance.

Form and contents of a resolution.

**43.** Subject to the provisions of these rules, any member may move a resolution relating to a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be in the form of a specific recommendation addressed to the Government ;
- (b) it shall be clearly and precisely expressed and shall raise substantially one definite issue : and
- (c) it shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

Admissibility of resolutions.

**44.** The President shall decide on the admissibility of a resolution and may disallow any resolution when in his opinion it does not comply with these rules.

Motion and withdrawal of resolutions.

**45.** (1) A member in whose name a resolution appears on the list of business shall, when called on, either—

- (a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect, or
- (b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn :

Provided that the President in his discretion, may allow another member to move such resolution, or may postpone it.

46. The discussion of a resolution shall be strictly limited to the subject of the resolution and shall not extend to any matter as to which a resolution may not be moved. Limits of discussion.

*d—24th October 1941.*

mem  
move

dent  
resol  
detrin  
resol  
the l  
busin

4  
by th  
any  
mend.

overnment of Mysore Act, 1940, the  
to direct that the following further  
ules, 1941, namely :  
e shall be added :—  
ition or an amendment to a resolution  
it by leave of the Chamber ;

ition for leave to withdraw except

ith the leave of the Chamber no  
ostantially the same question shall be

50. (1) Save in so far as is otherwise provided by these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with these rules, except with the consent of the President and of the Minister to whose department the motion relates. Discussion of matters of general public interest otherwise than on a resolution.

(2) It shall not be permissible to the President or to the Minister to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved, and the decision of the Dewan whether any motion is or is not within the restrictions imposed by these rules shall be final.

(3) The Dewan may disallow any motion, or part of a motion, on the ground that it cannot be moved without detriment to the public interest, and, if he does so, the motion or part of the motion shall not be placed on the list of business or if it has been placed on the list of business, it shall not be moved.

## PART X—Financial Business.

51. A statement of the estimated annual expenditure and revenue of the State (hereinafter referred to as "the The Budget.

*The Council*

*Rajasaheb/* Budget") shall be presented to ~~each Chamber~~ on such day or days as the ~~Dewan~~ may appoint.

*Demand for grants.*  
 52. (1) A separate ~~demand~~ <sup>*proposal*</sup> shall ordinarily be made in respect of the grant proposed for each department of the Government, provided that the Government may in its discretion include in one ~~demand~~ <sup>*proposal*</sup> grants proposed for two or more departments, or make a ~~demand~~ <sup>*proposal*</sup> in respect of expenditure which cannot readily be classified under particular departments.

(2) Each ~~demand~~ <sup>*proposal*</sup> shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules, the Budget shall be presented in such form as the ~~Government~~ <sup>*Finance Member*</sup> may consider best fitted for its consideration by the Council.

Stages of the Budget debate.

53. The Budget shall be dealt with by the ~~Chambers~~ in two stages, namely,—

(i) a general discussion; and

(ii) the moving of resolutions in the ~~Assembly and~~ <sup>*cut motion*</sup> the voting of demands for grants in the Council.

General discussion.

*Rajasaheb/ Dewan* 54. (1) On a day or days to be appointed by the ~~Dewan~~ subsequent to the day on which the Budget is presented and for such time as the ~~Dewan~~ <sup>*Rajasaheb*</sup> may allot for this purpose, each ~~Chamber~~ <sup>*The Council*</sup> shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage.

(2) ~~Any Minister designated by the Dewan for the purpose or the Secretary to Government, Finance Department,~~ <sup>*The Finance Member*</sup> shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time limit for speeches.

Moving of resolutions.

55. (1) The moving of resolutions on the Budget shall take place on such days as the Dewan may allot for the purpose.

(2) Every resolution shall be in the form of a specific recommendation addressed to the Government.

(3) Every resolution shall be confined to the general principles and policy underlying the Budget or of any of the major heads of expenditure included therein, and shall not have reference to particular grants or particular provisions, or to any excluded head of expenditure.

(4) The decision of the Dewan on the point whether any resolution relates to an excluded head of expenditure or not shall be final.

**56.** (1) The President may disallow any resolution which does not comply with any of the provisions of the last preceding rule. Disallowance of resolutions.

(2) The Dewan may at any time disallow any resolution, or part of a resolution, on the Budget on the ground that it cannot be moved without detriment to the public interest, and, if he does so, the resolution or part of the resolution shall not be placed on the list of business, or if it has been placed on the list of business, it shall not be moved.

**57.** A resolution passed by the Assembly shall have effect only as a recommendation to the Government. Effect of resolutions.

**58.** (1) The voting of demands for grants in the Council shall take place on such days not exceeding four as the Dewan may allot for the purpose : Voting of grants.

Provided that at least two days shall elapse between the first day of the presentation of the Budget and the first day of the voting of demands.

(2) Of the days so allotted, not more than one day shall be allotted by the Dewan to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the days allotted under sub-rule (1) for the voting of demands for grants, no other business shall be taken up before 5 P.M., except with the consent of the President :

Provided that nothing in this sub-rule shall be deemed to prohibit the asking and answering of questions during the time allotted under these rules.

(4) On the last day of the allotted days at five o'clock, the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants ; and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

Motions at  
this stage.

59. (1) ~~No motion for appropriation can be made except on the recommendation of the Government communicated to the Council.~~

(2) <sup>After a general discussion of the Budget, motions</sup> ~~Motions~~ may be moved at this stage to omit or reduce any grant or any item in a grant, but not to increase a grant or to alter the destination of a grant.

(3) Where a motion is for a cut of a substantial amount to a head of a ~~demand~~ <sup>the Budget</sup>, the object of the motion shall be deemed to be the reduction of the grant and discussion will proceed on the merits thereof. But where <sup>The Budget</sup> a motion is for a cut of a nominal amount to a head of demand with a view to raise a discussion on the policy of a department or to draw the attention of the Government to any matter connected with the object of the grant, it shall indicate the particular point on which discussion is intended to be raised or to which the member desires to draw the attention of the Government.

A motion shall not bring up for discussion a matter which has been disallowed when brought up as a question or as a resolution or which is otherwise inadmissible.

(4) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(5) <sup>(2)</sup> The discussion of a motion referred to in sub-rule (3) shall be limited to the subject of the motion, the subsequent speakers confining their observations to the point raised by the mover and no other.

(6) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been

(7) The Raji  
of a cut motion  
can't be made

detriment to the public  
motion or part of the motion shall not be placed on the list of business, or if it has been placed on the list of business, it shall not be moved.

61. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to each Chamber in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with the foregoing rules as if it were the Budget.

Presentation of Budget in parts.

62. If in respect of any financial year money has been spent on any service for which the vote of the Council is necessary in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Government and shall be dealt with in the same way by the Council as if it were a demand for a grant.

Excess grants.

63. (1) An estimate shall be presented to the Council for a supplementary or additional grant when—

Supplementary or additional grants.

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.

(2) An estimate may be presented to the Council for an additional or supplementary grant in respect of any demand to which the Council has previously refused its assent, or the amount of which the Council has reduced.

(3) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

64. The schedule of the authorised expenditure of the State shall be laid before the Council in pursuance of sub-section (2) of section 34 of the Act on such day as the Dewan may appoint for the purpose.

Schedule of authorised expenditure.

## PART XI—Representations.

65. A member of the Assembly who wishes to submit representation for the consideration of the Government shall give notice at least fifty clear days before the date of the commencement of the session at which he wishes to submit the representation and shall together with the notice send a copy of the representation which he wishes to submit:

Notice of representations.

Provided that the President may allow it to be entered on the list of business with shorter notice than fifty days.

Provided further that no member shall, unless he has obtained the special permission of the President, be permitted to send notice of more than one representation during one session of the Assembly.

Restrictions on subject matter of representations.

**66.** (1) No representation shall be submitted on any of the subjects specified in section 29 or sub-section (3) of section 32 of the Act.

(2) The decision of the Dewan on the point whether any representation is or is not within the restriction imposed by sub-rule (1) shall be final.

Content of representations.

**67.** No representation shall be admissible which does not comply with the following conditions, *viz.*—

(a) the subject matter shall be clearly and precisely expressed and shall relate substantially to a single matter;

(b) it shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity;

(c) it shall not relate to any subject falling within the scope of the powers of a Municipal Council, District Board or other local body.

Admissibility of representations.

**68.** The President shall decide on the admissibility of a representation and may disallow any representation when in his opinion it does not comply with the rules.

Power of Dewan to disallow representations.

**69.** The Dewan may at any time disallow any representation, or part of a representation, on the ground that it cannot be submitted without detriment to the public interest, and, if he does so, the representation or part of the representation shall not be placed in the list of business, or if placed on the list of business, it shall not be submitted.

Copy to Government.

**70.** A copy of every representation submitted in the Assembly with the reply of the Government thereon shall be forwarded to the Government.

## PART XII—Miscellaneous.

Disallowed resolutions and questions.

**71.** A resolution or question that has been disallowed shall not be entered in the proceedings of the Chamber.

72. No question shall be asked, nor shall any resolution or motion be moved or any representation submitted in respect of the disallowance by the Dewan of any question, resolution, motion or representation under the provisions of these rules.

No questions etc., on disallowances by the Dewan.

73. (1) Every notice required by these rules shall be given in writing; addressed to the Secretary and may be posted or left at the office of the Chamber which shall be open for this purpose between the hours of 11 and 3 o'clock on every day except Sunday or on a public holiday.

Giving of notice.

(2) Notices left or delivered by post when the office is closed shall be treated as given on the next day.

(3) Notices shall be given in such form and manner as the President may determine.

74. (1) As soon as may be after the commencement of the ~~first session of the Council~~ <sup>each financial year</sup>, a Committee on Public Accounts shall, ~~subject to the provisions of these rules,~~ be constituted for the purpose of dealing with the appropriation accounts of the Government and the report of the audit officer thereon and such other matters as the Government may refer to the Committee.

Constitution of Committee on Public Accounts.

(2) The Committee on Public Accounts shall consist of six members, excluding the Chairman, who shall be ~~a Minister designated by the Dewan.~~ <sup>the Minister in charge of the Public Accounts</sup> Two-thirds of the members shall be elected by the Council from among its members ~~according to the principle of proportional representation by means of the single transferable vote in accordance with the rules made by the Government in that behalf.~~ <sup>and the</sup> The remaining one-third shall be nominated by the Government. ~~The term of office of the members of the Committee shall be one year, but any member shall be eligible for re-election.~~

(3) Casual vacancies in the Committee shall be filled as soon as possible after they occur by election or nomination in the manner aforesaid according as the member who has vacated his seat was an elected or nominated member and any person so elected or nominated shall hold office for the period for which the person in whose place he is elected or nominated would, under the provisions of this rule, have held office.

(4) In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.



Functions of  
Committee on  
Public  
Accounts.

75. (1) In scrutinising the <sup>and the report of the</sup> ~~audit and~~ <sup>audit officer thereon,</sup> appropriation accounts of the Government, it shall be the duty of the Committee to satisfy itself that ~~the~~ money voted by ~~the Council~~ <sup>has been spent within the scope of the demand</sup> ~~granted by the Council.~~

(2) It shall be the duty of the Committee to bring to the notice of the Council—

(i) every reappropriation from one grant to another grant; and

*to be made* (ii) every reappropriation within a grant which is not made in accordance with the rules regarding reappropriation, or which has the effect of increasing the expenditure on an item, the provision for which has been specifically reduced by a vote of the Council.

Presentation  
of report of  
Committee on  
Public  
Accounts.

76. The report of the Committee on Public Accounts on the accounts of the Government and the report of the audit officer thereon shall be presented to the Council by the Chairman of the said Committee.

(iii) all expenditure which the Finance Member has requested shall be brought to the notice of the Council.

---

## NOTIFICATION.

*No. R. L. 432—R. A. 18-41-2, dated Bangalore,  
the 19—20th August 1941.*

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Mysore Legislative Rules, 1941, namely :

After Rule 76, the following rule shall be added:  
“ House Committee :—

77(a) There shall be appointed a House Committee for the Representative Assembly and a House Committee for the Legislative Council to consider and advise upon all matters connected with the convenience and comfort of the members of the Representative Assembly and the Legislative Council, respectively.

(b) The House Committee shall consist—

- (i) in the case of the Representative Assembly, of one of the Vice-Presidents of the Assembly appointed by the Dewan who shall be the Chairman of the Committee and eight members to be elected by the Representative Assembly. In addition, two members may be nominated to the Committee by the Dewan at his discretion, and
- (ii) in the case of the Legislative Council, of the Deputy President, who shall be the Chairman of the Committee, and four members to be elected by the Legislative Council. In addition, two members may be nominated to the Committee by the President at his discretion.

(c) The election to the Committee of either Chamber shall be held on such date as may be fixed by

the Dewan or the President, as the case may be, according to the principle of proportional representation by means of the single transferable vote.

(d) The Committee of either Chamber shall hold office for one year or until the next Committee is appointed, whichever is later.

(e) The Secretary of the Representative Assembly and the Legislative Council, shall be the *ex-officio* Secretary of both the Committees."

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,  
Law Department.*

Price: 0-0-3

## RULES FOR THE ELECTION OF THE MEMBERS OF THE COMMITTEE ON PUBLIC ACCOUNTS.

(Sub-rule (2) of Rule 74.)

1. In these rules—

Definitions.

- (1) "continuing candidate" means any candidate not elected and not excluded from the poll;
- (2) "first preference" means the figure "1,"  
"second preference" means the figure "2,"  
"third preference" means the figure "3,"  
set opposite the name of any candidate, and so on;
- (3) "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to be a non-transferable paper in any case in which—

- (a) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or
- (b) the name of the candidate next in order of preference (whether continuing or not) is marked—
  - (i) by a figure not following consecutively after some other figure on the ballot paper; or
  - (ii) by two or more figures;\*
- (4) "original vote" in regard to any candidate means a vote derived from a ballot paper on

---

\* The fact that a voter has not marked every preference correctly does not invalidate the whole of his preferences. His paper is only treated as non-transferable when the wrongly marked preference is reached. The following are examples:—

A 1	A 1
B 2	B 2
(1) C 3	(2) C 3
D 3	D 5
E 4	E 6
	F ...

In case (1), the preferences for A and B would be valid. If the third preference were reached, the paper would be treated as non-transferable, as it would be impossible to say for which candidate the voter really intended to give his third preference. In case (2), the preferences for A, B and C would be valid, but not the later ones, whether D had been elected or excluded or was still a continuing candidate. It is possible that the voter meant to give a fourth preference for some other candidate, e. g., F, but omitted to do so. It would not be possible to treat 5 as being meant to be 4.

which a first preference is recorded for that candidate;

- (5) "surplus" means the number of votes by which the total number of the votes original, and transferred, credited to any candidate, exceeds the quota;
- (6) "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate;
- (7) "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

Conduct of election.

2. The Returning Officer shall, subject to these rules, do all things necessary for the conduct of the election.

Ballot paper.

3. The voting shall be by ballot. The Polling Officer shall ascertain that the person desiring to vote is an elector who has not already voted, and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and hand it to the elector. Every ballot paper shall contain the names of all the candidates for election arranged alphabetically in the form annexed to these rules.

Method of voting.

4. (1) Every elector shall have one vote only.
- (2) An elector in giving his vote—
  - (a) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes;
  - (b) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference.

Invalid ballot papers.

5. A ballot paper shall be invalid—
  - (a) upon which a member signs his name or writes any word, or makes any mark by which it becomes recognizable; or
  - (b) on which the figure 1 is not marked; or
  - (c) on which the figure 1 is set opposite the name of more than one candidate; or

- (d) on which the figure 1 and some other figure is set opposite the name of the same candidate; or
- (e) which is unmarked or void for uncertainty.

6. (a) After the close of the poll, the Polling Officer, if he is also the Returning Officer, shall forthwith have the voting papers scrutinised and the votes counted and announce the results, provided that where this is not practicable or the ballot box has to be sent to the Returning Officer who is elsewhere for counting, the Polling Officer shall have the box sealed with his own seal, as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody and thereafter take up, at the appointed time and place, the scrutiny and counting of votes or despatch the box to the Returning Officer.

Scrutiny and arrangement of ballot papers.

(b) The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to the candidates or their election agents.

(c) The box or boxes aforesaid shall be opened in a place to which the candidates or their agents shall have access.

(d) The Returning Officer shall, examine the ballot papers and, after rejecting any that are invalid, shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

7. The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

Counting of votes.

8. The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient so secure the return of a candidate (hereinafter called the "quota").

Ascertainment of quota.

9. If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

Candidates with quota elected.

Transfer of  
surplus.

10. (1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being next in order of the voters' preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-paragraph last received by the elected candidates and shall arrange the transferable papers therein in further sub-parcels according to the next preference recorded thereon.

(c) In either case, the Returning Officer shall make a separate sub-paragraph of the non-transferable papers and shall ascertain the number of papers in each sub-paragraph of transferable papers and in the sub-paragraph of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the Returning Officer shall transfer from each sub-paragraph the number of papers which bears the same proportion to the number of papers in the sub-paragraph as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-paragraph shall be ascertained by multiplying the number of papers in the sub-paragraph by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than

the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(e) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(5) (a) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(b) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide by lot which surplus shall be dealt with first.

(c) The Returning Officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

11. (1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred), and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

Exclusion of candidates lowest on the poll.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation.



(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide by lot which shall be excluded.

Disposal of  
papers after  
any transfer.

12. (1) Whenever any transfer is made under any of the preceding rules, each sub-paragraph of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in rule 10 before any other candidate is excluded.

Filling  
the last  
vacancies.

13. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When the last vacancies can be filled under this rule, no further transfer of votes need be made.

Provision for  
recounts.

14. Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the Returning Officer

shall forthwith re-examine and recount the same accordingly. The Returning Officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

15. The Returning Officer shall prepare and certify a return setting forth—

Return to be prepared by Returning Officer.

(i) the number of valid votes given to each candidate;

(ii) the number of votes declared invalid and rejected;

(iii) the names of the persons declared elected.

16. If any question arises as to the interpretation and working of these rules otherwise than in connection with an election enquiry held under the rules thereof, the question shall be referred for the decision of Government and that decision shall be final.

Interpretation in case of doubt.

## FORM I.

## Form of Ballot Paper.

Election for.....

Counterfoil

No.

Serial Number	Names of candidates	Symbol	Mark order of preference in spaces below
Number of Polling Station.	A		
Number of elector on electoral roll.	B		
	C		
	D		
	E		
	F		

## Instructions to electors.

A. Each elector has one vote and one vote only.

B. The elector votes—

(a) by placing the figure "1" opposite the name of his first choice.

He is also invited to place—

(b) the figure "2" opposite the name of his second choice ;

(c) the figure "3" opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies.

*N. B.*—The vote will be spoilt, if the figure "1" is placed opposite the name of more than one candidate.

## I.

EXAMPLE OF AN ELECTION CONDUCTED ON THE SYSTEM  
OF THE SINGLE TRANSFERABLE VOTE SET OUT  
ABOVE.

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I, K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1. Arrangement  
of ballot  
papers  
[Rule (6) (d)].

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him. Counting  
the votes  
[Rule 7].

The result of the count may be supposed to be as follows:—

						Votes
A	...	...				2,009
B	...	...				952
C	...	...				939
D	...	...				746
E	...	...				493
F	...	...				341
G	...	...				157
H	...	...				152
I	...	...				118
K	...	...				93
				Total	...	6,000

*The Quota.*

It is found that the total of all the valid votes is 6,000. This total is divided by six (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 1,001 (*i.e.*, the quotient 1,000 increased by one) is the "quota," or the number of votes sufficient to elect a member. Ascertain-  
ment of  
quota  
[Rule 8].

A's votes exceed the quota and he is declared elected. Candidate  
with quota  
elected  
[Rule 9].

*First Transfer.*

Transfer of surplus votes of elected candidate (Rule 10).

A has 1,008 surplus votes (*i.e.*, A's total 2,009 less the quota 1,001), and it is necessary to transfer this surplus. [Rule 10 (1).]

All A's 2,009 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon. [Rule 10 (2) (a)].

A separate sub-parcel is also formed of those papers on which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable. [Rule 10 (2) (c).]

The result is found to be as follows:—

A next available preference is shown for D on 257 papers.			
Do	do	E on	11
		F on	28
Do	do	G on	1,708
			<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>
	Total of transferable papers	...	2,004
	Total of non-transferable papers	...	5
			<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>
	Total of A's papers	...	2,009
			<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>

Proportion of papers to be transferred. [Rule 10 (4) (a).]

Since the total number of transferable papers (2,004) exceeds the surplus (1,008), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

How numbers to be transferred are ascertained. [Rule 10 (4) (b).]

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 1,008 (the surplus), and dividing the result by 2,004 (the total number of transferable papers).

The process is as follows:—

D's sub-parcel contains 257 papers and his share of the surplus is therefore—

$$257 \times \frac{1,008}{2,004} \text{ or } 129 \frac{540}{2,004}$$

E's sub-parcel contains 11 papers and his share of the surplus is therefore—

$$11 \times \frac{1,008}{2,004} \text{ or } 5 \frac{1,068}{2,004}$$

F's sub-parcel contains 28 papers and his share of the surplus is therefore—

$$28 \times \frac{1,008}{2,004} \text{ or } 14 \frac{168}{2,004}$$

G's sub-parcel contains 1,708 papers and his share of the surplus is therefore:—

$$1,708 \times \frac{1,008}{2,004} \text{ or } 859 \frac{228}{2,004}$$

$$\text{Total} \quad \dots \quad \underline{1,008}$$

The number of papers to be transferred as determined by the preceding process contain fractions, and, since only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the *whole* numbers determined above amount to only 1,007, *viz.*,

Treatment of fractions in transferring surplus votes [Rule 10 (4) (e).]

(129+5+14+859), or one short of the surplus 1,003 the largest fraction  $\frac{1,068}{2,004}$  is reckoned as unity, and the numbers of papers to be transferred are as follows:—

To D	...	...	129 papers.
To E	...	...	6 ..
To F	...	...	14 ..
To G	...	...	859 ..
Total being A's Surplus			<u>1,008</u> ..

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

Selection and marking of papers to be transferred [Rule 10 (4) (d) and (e).]

These papers are added in separate sub-parcels to the parcels of D, E, F, and G.

Disposal of papers after transfer [Rule 12 (1).]

The totals of the votes credited to these candidates then become—

	Votes.		
D	...	...	746 + 129 = 875
E	...	...	493 + 6 = 499
F	...	...	341 + 14 = 355
G	...	...	157 + 859 = 1,016

Quota of  
papers of  
elected  
candidate set  
aside [Rule 12  
(1).]

The remainders of the papers in the sub-parcels (*i.e.* those papers not transferred), together with the papers of which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1001), and these papers are set aside as finally dealt with. The parcel is made up as follows:—

The remainder of D's sub-parcel,	257 less 129 =	128
Do of E's do	11 less 6 =	5
Do of F's do	28 less 14 =	14
Do of G's do	1,708 less 859 =	849
Non-transferable papers	...	5
Total being A's quota	...	<u>1,001</u>

The operations involved in this transfer are summarised in the following table:—

*Transfer of A's Surplus.*

Surplus	...	...	1,008
Number of transferable papers	...	...	2,004
Proportion to be transferred	$\frac{\text{Surplus}}{\text{No. of transferable papers}}$		$\frac{1,008}{2,004}$

	Names of candidates marked as the next available preferences	Number of original papers	Number of papers transferred	Number of papers retained for A's quota
B	...	...	...	...
C	...	...	...	...
D	...	257	129	128
E	...	11	6	5
F	...	28	14	14
G	...	1,708	859	849
H	...	...	...	...
I	...	...	...	...
K	...	...	...	...
Total number of transferable papers.		2,004	1,008	996
Number of non-transferable papers.		5	...	5
Totals		2,009	1,008	1,001

The state of the poll on the conclusion of the transfer is as follows:—

			Votes.
A	...	...	1,001 elected.
G	...	...	1,016
B	...	...	952
C	...	...	93J
D	...	...	875
E	...	...	49J
F	...	...	355
H	...	...	152
I	...	...	118
K	...	...	93
Total			6,000

State of p 11  
after first  
transfer.

G now has 1,016 votes, a number which is more than the quota. He is accordingly declared elected.

Election of  
candidate as  
a result of  
transfer  
(Rule 9).

### *Second Transfer.*

G's surplus (1016 less 1001, or 15) would have to be transferred were it not for the provision of Rule 10 (5) (c). Under the latter rule, the Returning Officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two candidates, even if the whole surplus were transferred to the lowest candidate. In this case, the difference between I and K, the two lowest candidates, is 25 (118 less 93), and therefore G's surplus need not be transferred.

Surplus not  
transferred in  
special cases  
[Rule 10 (5)  
(c)].

The Returning Officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is therefore examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Transfer of  
votes of  
candidate  
lowest on the  
poll [Rule 11  
(1)].

Therefore 89 papers are transferred to F and 4 to C, being marked so as to indicate the transfer [Rule 10 (4) (e)].

The poll now stands as follows:—

			Votes.
A	...	...	1,001 elected.
G	...	...	1,016
B	...	...	952
C	...	...	943
D	...	...	875
E	...	...	499
F	...	...	444
H	...	...	152
I	...	...	118
Total			6,000

State of poll  
after second  
transfer.



*Third Transfer.*

Transfer in special case of the votes of the two lowest candidates in one operation [Rule 11 (2).]

The poll shows that as a result of the second transfer, no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

The difference between I and H (152 less 118, *i.e.*, 34) exceeds G's surplus (15), which therefore, is still allowed to remain untransferred [Rule 10 (5) (e)].

Candidate I is lowest on the poll, and his papers have to be distributed in the same manner as K's [Rule 11 (1)]. But as the combined totals of H and I together with G's surplus ( $152 + 118 + 15 = 285$ ) are less than 444, the total of F, the next highest candidate, the Returning Officer avails himself of Rule 11 (2), and distributes the papers of both H and I in one operation.

The papers (152 + 118, or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

B is marked next preference on	119	papers
D	107	"
Non-transferable papers	44	"
	270	"
Total	270	"

It should be stated that on some papers some or one of the candidates A, G, I, H, and K, may have been marked as next in order of preference on the papers examined, but as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers duly marked [Rule 10 (4) (e)] to B, and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The poll now stands as follows:—

	\	\	Votes.
A	...	...	1,001 elected.
G	...	...	1,016 "
B	...	...	1,071
D	...	...	982
C	...	...	943
E	...	...	499
F	...	...	444
Non-transferable papers.			44
Total	...	...	6,000

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

Election of candidate as the result of a transfer [Rule 9].

#### Fourth Transfer.

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is therefore necessary to distribute it.

Transfer of surplus votes arising from a previous transfer [Rule 12 (3)].

For this purpose, only the sub-parcel of papers last transferred, containing 119 papers is taken into account.

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged) with the following result:—

Sub-parcel of votes last transferred, examined [Rule 10 (2) (b)].

A next preference is shown for E on 84 papers.

No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70), and the proportion to be transferred is  $\frac{70}{84}$ . But there is only one candidate, E, entitled to participate in the transfer. E accordingly receives the whole of the surplus and the 70 papers last filed in E's sub-parcel are, therefore, transferred to him, after being marked so as to indicate their transfer from B to E [Rule 10 (4) (e)].

The remainder of the papers in E's sub-parcel, together with the non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota and these papers are set aside as finally dealt with [Rule 12 (1)].

B's quota is made up as follows:—

Original parcel	...	952
Remainder of E's sub-parcel	...	14
Non-transferable papers	...	35
		<hr/>
Total	...	1,001

The poll now stands as follows:—

	Votes.
A	... 1,001 elected.
G	... 1,016 ..
B	... 1,001 ..
D	... 982
C	... 943
E	... 569
F	... 444
Non-transferable papers	44
	<hr/>
Total	... 6,000

State of poll after fourth transfer.

*Fifth Transfer.*

No candidate is elected as the result of the transfer, and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates [Rule 10 (5) (c)].

F is lowest and his papers have to be distributed.

On examination it is found that of F's 444 papers, 353 show a next preference for C, and the remainder 91, contain no further preference.

The operation is completed by the transfer of 353 papers duly marked [Rule 10 (4) (e)] to C, whilst the 91 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The polls now stand as follows:—

State of poll  
after fifth  
transfer.

					Votes.
A	...	...	...	...	1,001 elected
G	...	...	...	...	1,016 do
B	...	...	...	...	1,001 do
C	...	...	...	...	1,296
D	...	...	...	...	982
E	...	...	...	...	569
Non-transferable papers				...	135
				Total	...
					<u>6,000</u>

C has now 1,296 votes, a number which exceeds the quota, and he is accordingly declared elected.

No further transfer is necessary, for, even if all C's surplus (295) and all G's surplus (15) were transferred to E, his total would only amount to 859.

But D's total (982) exceeds this number and he is therefore declared elected [Rule 13 (2)].

The final result is that A, G, B, C and D are elected.

The details of the various operations in this election are shown in the subjoined form of public notice or "result sheet."

Candidate  
elected as a  
result of trans-  
fer (Rule 9).  
Filling the  
last vacancy  
[Rule 13 (2)].

Final result.

Result sheet  
(Rule 15).



## III.

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE  
VOTER IN VOTING.

The voter will go into one of the compartments, and, with the pencil provided there, mark his ballot paper by writing the number 1 opposite the name of the candidate for whom he votes. He may also write the figures 2, 3 and so on, in accordance with the order of his choice or preference opposite the names of other candidates (that is to say) :—

He must write 1 in the square space opposite to the name of the candidate for whom he votes.

He may also write 2 in the square space opposite to the name of the candidate he likes second best, and 3 in the square space opposite to the name of the candidate he likes third best.

And so on.

If the voter does not mark the figure 1 on his ballot paper, or marks the figure 1 opposite more than one name, or marks the figure 1 and some other figure opposite the same name, or places any mark on the paper by which he may be identified, his ballot paper will be invalid and will not be counted.

After marking the ballot paper, the voter will put the paper into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

*Note.*—These directions shall be illustrated by examples of valid ballot papers, such as the following.—

Examples of ballot papers validly marked.

A

Mark	Order of preference in spaces below	Names of candidates
	3	A
	4	B
	2	C
	5	D
	1	E
	6	F

B

Mark Order of preference in spaces below	Names of candidates
	A
1	B
	C
	D
	E
	F

C

Mark Order of preference in spaces below	Names of candidates
	A
3	B
	C
1	D
	E
2	F

which a first preference is recorded for that candidate ;

- (5) "surplus" means the number of votes by which the total number of the votes original, and transferred, credited to any candidate, exceeds the quota ;
- (6) "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate ;
- (7) "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

Conduct of election.

2. The Returning Officer shall, subject to these rules, do all things necessary for the conduct of the election.

Ballot paper.

3. The voting shall be by ballot. The Polling Officer shall ascertain that the person desiring to vote is an elector who has not already voted, and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and hand it to the elector. Every ballot paper shall contain the names of all the candidates for election arranged alphabetically in the form annexed to these rules.

Method of voting.

- 4. (1) Every elector shall have one vote only.
- (2) An elector in giving his vote—
  - (a) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes ;
  - (b) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference.

Invalid ballot papers.

- 5. A ballot paper shall be invalid—
  - (a) upon which a member signs his name or writes any word, or makes any mark by which it becomes recognizable ; or
  - (b) on which the figure 1 is not marked ; or
  - (c) on which the figure 1 is set opposite the name of more than one candidate ; or

- (d) on which the figure 1 and some other figure is set opposite the name of the same candidate; or
- (e) which is unmarked or void for uncertainty.

6. (a) After the close of the poll, the Polling Officer, if he is also the Returning Officer, shall forthwith have the voting papers scrutinised and the votes counted and announce the results, provided that where this is not practicable or the ballot box has to be sent to the Returning Officer who is elsewhere for counting, the Polling Officer shall have the box sealed with his own seal, as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody and thereafter take up, at the appointed time and place, the scrutiny and counting of votes or despatch the box to the Returning Officer.

Scrutiny and arrangement of ballot papers.

(b) The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to the candidates or their election agents.

(c) The box or boxes aforesaid shall be opened in a place to which the candidates or their agents shall have access.

(d) The Returning Officer shall, examine the ballot papers and, after rejecting any that are invalid, shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

7. The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

Counting of votes.

8. The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient so secure the return of a candidate (hereinafter called the "quota").

Ascertainment of quota.

9. If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

Candidates with quota elected.



10. (1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being next in order of the voters' preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidates and shall arrange the transferable papers therein in further sub-parcels according to the next preference recorded thereon.

(c) In either case, the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the Returning Officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than

the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(e) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(5) (a) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(b) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide by lot which surplus shall be dealt with first.

(c) The Returning Officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

11. (1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred), and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

Exclusion of candidates lowest on the poll.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide by lot which shall be excluded.

Disposal of papers after any transfer.

12. (1) Whenever any transfer is made under any of the preceding rules, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in rule 10 before any other candidate is excluded.

Filling the last vacancies.

13. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When the last vacancies can be filled under this rule, no further transfer of votes need be made.

Provision for recounts.

14. Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the Returning Officer

shall forthwith re-examine and recount the same accordingly. The Returning Officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

15. The Returning Officer shall prepare and certify a return setting forth—

Return to be prepared by Returning Officer.

(i) the number of valid votes given to each candidate ;

(ii) the number of votes declared invalid and rejected ;

(iii) the names of the persons declared elected.

16. If any question arises as to the interpretation and working of these rules otherwise than in connection with an election enquiry held under the rules thereof, the question shall be referred for the decision of Government and that decision shall be final.

Interpretation in case of doubt.

## FORM I.

## Form of Ballot Paper.

Election for.....

Counterfoil

No.

Serial Number	Names of candidates	Symbol	Mark order of preference in spaces below
Number of Polling Station.	A		
Number of elector on electoral roll.	B		
	C		
	D		
	E		
	F		

## Instructions to electors.

A. Each elector has one vote and one vote only.

B. The elector votes—

(a) by placing the figure "1" opposite the name of his first choice.

He is also invited to place—

(b) the figure "2" opposite the name of his second choice;

(c) the figure "3" opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies.

*N. B.*—The vote will be spoilt, if the figure "1" is placed opposite the name of more than one candidate.

## 1.

**EXAMPLE OF AN ELECTION CONDUCTED ON THE SYSTEM OF THE SINGLE TRANSFERABLE VOTE SET OUT ABOVE.**

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I, K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1.

Arrangement of ballot papers [Rule (6) (d)].

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him.

Counting the votes [Rule 7].

The result of the count may be supposed to be as follows:—

			Votes
A	...	...	2,009
B	...	...	952
C	...	...	939
D	...	...	746
E	...	...	493
F	...	...	341
G	...	...	157
H	...	...	152
I	...	...	118
K	...	...	93
<b>Total</b> ...			<b>6,000</b>

*The Quota.*

It is found that the total of all the valid votes is 6,000. This total is divided by six (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 1,001 (*i.e.*, the quotient 1,000 increased by one) is the "quota," or the number of votes sufficient to elect a member.

Ascertainment of quota (Rule 8).

A's votes exceed the quota and he is declared elected.

Candidate with quota elected (Rule 9).

*First Transfer.*

Transfer of surplus votes of elected candidate (Rule 10).

A has 1,008 surplus votes (*i.e.*, A's total 2,009 less the quota 1,001), and it is necessary to transfer this surplus. [Rule 10 (1).]

All A's 2,009 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon. [Rule 10 (2) (a).]

A separate sub-parcel is also formed of those papers on which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable. [Rule 10 (2)(c).]

The result is found to be as follows:—

A next available preference is shown for D on 257 papers.			
Do	do	E on	11 ..
Do	do	F on	28 ..
Do	do	G on	1,708 ..
		<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>	
Total of transferable papers	...	2,004	..
Total of non-transferable papers	...	5	..
		<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>	
Total of A's papers	...	2,009	..
		<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>	

Proportion of papers to be transferred. [Rule 10 (4) (a).]

Since the total number of transferable papers (2,004) exceeds the surplus (1,008), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

How numbers to be transferred are ascertained. [Rule 10 (4) (b).]

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 1,008 (the surplus), and dividing the result by 2,004 (the total number of transferable papers).

The process is as follows:—

D's sub-parcel contains 257 papers and his share of the surplus is therefore—

$$257 \times \frac{1,008}{2,004} \text{ or } 129 \frac{540}{2,004}$$

E's sub-parcel contains 11 papers and his share of the surplus is therefore—

$$11 \times \frac{1,008}{2,004} \text{ or } 5 \frac{1,068}{2,004}$$

F's sub-parcel contains 28 papers and his share of the surplus is therefore—

$$28 \times \frac{1,008}{2,004} \text{ or } 14 \frac{168}{2,004}$$

G's sub-parcel contains 1,708 papers and his share of the surplus is therefore:—

$$1,708 \times \frac{1,008}{2,004} \text{ or } 859 \frac{228}{2,004}$$

Total ... 1,008

Treatment of fractions in transferring surplus votes [Rule 10 (4) (c).]

The number of papers to be transferred as determined by the preceding process contain fractions, and, since only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the *whole* numbers determined above amount to only 1,007, *viz.*,

(129+5+14+859), or one short of the surplus 1,003

the largest fraction  $\frac{1,068}{2,004}$  is reckoned as unity, and the

numbers of papers to be transferred are as follows:—

To D	...	...	129 papers.
To E	...	...	6 ..
To F	...	...	14 ..
To G	...	...	859 ..
Total being A's Surplus			<u>1,008</u> ..

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

Selection and marking of papers to be transferred [Rule 10 (4) (d) and (e).]

These papers are added in separate sub-parcels to the parcels of D, E, F, and G.

Disposal of papers after transfer [Rule 12 (1).]

The totals of the votes credited to these candidates then become—

				Votes.
D	...	...	746 + 129 =	875
E	...	...	493 + 6 =	499
F	...	...	341 + 14 =	355
G	...	...	157 + 859 =	1,016



Quota of  
papers of  
elected  
candidate set  
aside [Rule 12  
(1).]

The remainders of the papers in the sub-parcels (*i.e.*, those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1001), and these papers are set aside as finally dealt with. The parcel is made up as follows:—

The remainder of D's sub-parcel,	257 less 129=	128
Do of E's do	11 less 6=	5
Do of F's do	28 less 14=	14
Do of G's do	1,708 less 859=	849
Non-transferable papers	...	5
Total being A's quota	...	<u>1,001</u>

The operations involved in this transfer are summarised in the following table:—

*Transfer of A's Surplus.*

Surplus	...	...	1,008
Number of transferable papers	...	...	2,004
Proportion to be transferred	$\frac{\text{Surplus}}{\text{No. of transferable papers}} =$		$\frac{008}{2,004}$

	Names of candidates marked as the next available preferences	Number of original papers	Number of papers transferred	Number of papers retained for A's quota
B	...	...	...	...
C	...	...	...	...
D	...	257	129	128
E	...	11	6	5
F	...	28	14	14
G	...	1,708	859	849
H	...	...	...	...
I	...	...	...	...
K	...	...	...	...
Total number of transferable papers.		2,004	1,008	996
Number of non-transferable papers.		5	...	5
Totals	...	2,009	1,008	1,001

The state of the poll on the conclusion of the transfer is as follows:—

			Votes.
A	...	...	1,001 elected.
G	...	...	1,016
B	...	...	952
C	...	...	93J
D	...	...	875
E	...	...	49J
F	...	...	355
H	...	...	152
I	...	...	118
K	...	...	93
Total			6,000

State of p 11  
after first  
transfer.

G now has 1,016 votes, a number which is more than the quota. He is accordingly declared elected.

Election of  
candidate as  
a result of  
transfer  
(Rule 9).

### Second Transfer.

G's surplus (1016 less 1001, or 15) would have to be transferred were it not for the provision of Rule 10 (5) (c). Under the latter rule, the Returning Officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two candidates, even if the whole surplus were transferred to the lowest candidate. In this case, the difference between I and K, the two lowest candidates, is 25 (118 less 93), and therefore G's surplus need not be transferred.

Surplus not  
transferred in  
special cases  
(Rule 10 (5)  
(c)).

The Returning Officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is therefore examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Transfer of  
votes of  
candidate  
lowest on the  
poll [Rule 11  
(1)].

Therefore 89 papers are transferred to F and 4 to C, being marked so as to indicate the transfer [Rule 10 (4) (e)].

The poll now stands as follows:—

			Votes.
A	...	...	1,001 elected.
G	...	...	1,016
B	...	...	952
C	...	...	943
D	...	...	875
E	...	...	499
F	...	...	444
H	...	...	152
I	...	...	118
Total			6,000

State of poll  
after second  
transfer.

*Third Transfer.*

Transfer in special case of the votes of the two lowest candidates in one operation [Rule 11 (2).]

The poll shows that as a result of the second transfer, no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

The difference between I and H (152 less 118, *i.e.*, 34) exceeds G's surplus (15), which therefore, is still allowed to remain untransferred [Rule 10 (5) (c)].

Candidate I is lowest on the poll, and his papers have to be distributed in the same manner as K's [Rule 11 (1)]. But as the combined totals of H and I together with G's surplus ( $152 + 118 + 15 = 285$ ) are less than 444, the total of F, the next highest candidate, the Returning Officer avails himself of Rule 11 (2), and distributes the papers of both H and I in one operation.

The papers (152 + 118, or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

B is marked next preference on	119 papers
D	107 "
Non-transferable papers	44 "
Total	270 "

It should be stated that on some papers some or one of the candidates A, G, I, H, and K, may have been marked as next in order of preference on the papers examined, but as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers duly marked [Rule 10 (4) (e)] to B, and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The poll now stands as follows:—

	~	Votes.	
A	...	1,001	elected.
G	...	1,016	"
B	...	1,071	"
D	...	982	
C	...	943	
E	...	499	
F	...	444	
Non-transferable papers.		44	
Total	...	6,000	

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

Election of candidate as the result of a transfer [Rule 9].

*Fourth Transfer.*

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is therefore necessary to distribute it.

Transfer of surplus votes arising from a previous transfer [Rule 12 (2)].

For this purpose, only the sub-parcel of papers last transferred, containing 119 papers is taken into account.

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged) with the following result:—

Sub-parcel of votes last transferred, examined [Rule 10 (2) (b)].

A next preference is shown for E on 84 papers.  
No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70), and the proportion to be transferred is  $\frac{70}{84}$ . But there is only one candidate, E, entitled to participate in the transfer. E accordingly receives the whole of the surplus and the 70 papers last filed in E's sub-parcel are, therefore, transferred to him, after being marked so as to indicate their transfer from B to E [Rule 10 (4) (e)].

The remainder of the papers in E's sub-parcel, together with the non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota and these papers are set aside as finally dealt with [Rule 12 (1)].

B's quota is made up as follows:—

Original parcel	...	952
Remainder of E's sub-parcel	...	14
Non-transferable papers	...	35
		-----
Total	...	1,001

The poll now stands as follows:—

		Votes.
A	... ..	1,001 elected.
G	... ..	1,016 "
B	... ..	1,001 "
D	... ..	982
C	... ..	943
E	... ..	569
F	... ..	444
Non-transferable papers		44
		-----
Total	...	6,000

State of poll after fourth transfer.

*Fifth Transfer.*

No candidate is elected as the result of the transfer, and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates [Rule 10 (5) (c)].

F is lowest and his papers have to be distributed.

On examination it is found that of F's 444 papers, 353 show a next preference for C, and the remainder 91, contain no further preference.

The operation is completed by the transfer of 353 papers duly marked [Rule 10 (4) (e)] to C, whilst the 91 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The polls now stand as follows:---

				Votes.
A	...	...	...	1,001 elected
G	...	..	...	1,016 do
B	...	...	...	1,001 do
C	...	...	...	1,296
D	....	...	...	982
E	...	...	...	569
Non-transferable papers			...	135
			<b>Total</b>	<b>6,000</b>

C has now 1,296 votes, a number which exceeds the quota, and he is accordingly declared elected.

No further transfer is necessary, for, even if all C's surplus (295) and all G's surplus (15) were transferred to E, his total would only amount to 859.

But D's total (982) exceeds this number and he is therefore declared elected [Rule 13 (2)].

The final result is that A, G, B, C and D are elected.

The details of the various operations in this election are shown in the subjoined form of public notice or "result sheet."

The votes of the lowest candidate distributed [Rule 11 (1)].

State of poll after fifth transfer.

Candidate elected as a result of transfer (Rule 9). Filling the last vacancy [Rule 13 (2)].

Final result.

Result sheet (Rule 16).



## III.

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE  
VOTER IN VOTING.

The voter will go into one of the compartments, and, with the pencil provided there, mark his ballot paper by writing the number 1 opposite the name of the candidate for whom he votes. He may also write the figures 2, 3 and so on, in accordance with the order of his choice or preference opposite the names of other candidates (that is to say):—

He must write 1 in the square space opposite to the name of the candidate for whom he votes.

He may also write 2 in the square space opposite to the name of the candidate he likes second best, and 3 in the square space opposite to the name of the candidate he likes third best.

And so on.

If the voter does not mark the figure 1 on his ballot paper, or marks the figure 1 opposite more than one name, or marks the figure 1 and some other figure opposite the same name, or places any mark on the paper by which he may be identified, his ballot paper will be invalid and will not be counted.

After marking the ballot paper, the voter will put the paper into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

*Note.*—These directions shall be illustrated by examples of valid ballot papers, such as the following.—

Examples of ballot papers validly marked.

Mark	Order of preference in spaces below	Names of candidates
	3	A
	4	B
	2	C
	5	D
	1	E
	6	F

B

Mark Order of preference in spaces below	Names of candidates
	A
1	B
	C
	D
	E
	F

C

Mark Order of preference in spaces below	Names of candidates
	A
3	B
	C
1	D
	E
2	F





# STANDING ORDERS OF THE LEGISLATIVE COUNCIL.

## CONTENTS.

---

### DEFINITIONS.

1. Short title.
2. Definitions.

### SESSIONS OF THE COUNCIL

3. Summoning of Council.
4. Termination of session.
5. Time of meeting.
6. Arrangement of business.
7. List of business.
8. Business outstanding at the end of day.
9. Swearing in before taking seat.
10. Secretary's report.

### QUESTIONS.

11. Time for questions.
12. Procedure about asking starred questions.
13. Unstarred questions.
14. List of questions.
15. Questions how put.
16. Answers to withdrawn questions.

### MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

17. Time of asking leave for motion for adjournment.

### GENERAL RULES OF PROCEDURE.

18. Adjournment for failure of quorum.
19. Seating of members.
20. Members to rise when speaking.
21. Explanations.
22. Motions.
23. Repetition of motions.
24. Order of speeches and right of reply.
25. Rules as to amendments.
26. Closure.
27. Strangers.
28. Power to order withdrawal of strangers.

LEGISLATION.

(a) *Introduction of Bills.*

29. Motion for leave to introduce.

(b) *Motions after introduction.*

30. Motion after introduction.  
31. Discussion of principles of Bills.

(c) *Select Committees.*

32. Composition of Select Committees.  
33. Quorum of Select Committees.  
34. Report by Select Committees.  
35. Presentation of report.  
36. Printing and publication of reports.  
37. Procedure after presentation of report.

(d) *Consideration, amendment and passing of Bills.*

38. Proposal of amendments.  
39. Notice of amendments.  
40. Order of amendments.  
41. Submission of Bills clause by clause.  
42. Passing of Bills.  
43. Withdrawal of Bills.  
44. Authentication of Bills.  
45. Submission of Bills to His Highness the Maharaja.

RESOLUTIONS.

46. Notice of amendments.  
47. Order of amendments.  
48. Division of resolution.  
49. Resolution not discussed.  
50. Effect of motion, withdrawal and disallowance.

FINANCIAL PROCEDURE.

51. Despatch of copies of the Budget.  
52. Notice of motions.  
53. Despatch of copies of resolutions on the Budget.

PETITIONS RELATING TO PENDING BILLS.

54. Petitions relating to pending Bills.  
55. Presentation of petitions.  
56. Form of presentation.  
57. Nomination of Committee on Petitions.  
58. Reference to Committee.  
59. Examination and report by Committee.  
60. Printing, counter-signature and language of petitions.  
61. Authentication of signatories to petitions.  
62. Petitions to whom to be addressed.

AMENDMENT OF STANDING ORDERS.

63. Notice of proposal to amend standing orders.
64. Procedure.
65. Reference to Special Committee.
66. Subsequent procedure.

MISCELLANEOUS.

67. Council records.
68. Giving of notice.
69. Duties of Secretary.
70. General powers of President.
71. Suspension of standing orders.
72. Standing order repugnant to any rule.

SCHEDULE.

Ballot procedure for determining relative precedence of non-ficial Bills and resolutions.



# STANDING ORDERS OF THE LEGISLATIVE COUNCIL.

## Definitions.

1. (1) These standing orders may be called the Short title. Legislative Council Standing Orders.

(2) They shall come into force on a day to be appointed by the Government. \*

2. (1) In these standing orders, unless the context Definitions. otherwise requires:—

“clear days” includes Sundays and holidays;

“council” means the Legislative Council;

“Gazette” means the *Mysore Gazette*;

“member” means a member of the Council;

“Minister” means a member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under the rules or standing orders;

“motion” means a proposal made by a member for the consideration of the Council relating to any matter which may be discussed by the Council, and includes an amendment;

“non-official member” means an elected member or a nominated member of the Council not holding any office in the civil or military service of His Highness the Maharaja under clause (a) of sub-section (1) of section 20 of the Act.

“notification” means a notification in the *Mysore Gazette*;

“President” includes any Chairman of the Council for the time being presiding over the Council;

“resolution” means a motion for the purpose of discussing a matter of general public interest;

“rules” means the Mysore Legislative Rules;

“Secretary” means the Secretary of the Council, and includes any person for the time being performing the duties of the Secretary.

---

\* The Standing Orders came into force on 29th March, 1941.  
*Vide* Notification No. Rl. 3383—L. C. 31-40-2, dated 29th March, 1941.

(2) The words and expressions used in the Act and the rules and not defined in these standing orders shall have the meanings assigned to them in the Act and the rules, respectively.

### Sessions of the Council.

Summoning  
of Council.

3. (1) Whenever it appears to the Government that the Council should be summoned—

- (i) it shall cause a notification to be published in the Gazette fixing the time and place for a session of the Council,
- (ii) the Secretary shall thereupon send to each member a summons to attend the session.

(2) The Government may, either before the session commences or during the course of the session, extend the duration of the session by issuing a notification to that effect in the Gazette and in such a case no intimation of the extension need be issued to the members.

Termination  
of session.

4. (1) A session of the Council is terminated on the day appointed by the Government in that behalf.

(2) On the termination of a session all pending notices other than notices of intention to move for leave to introduce a Bill shall lapse, and fresh notice must be given for the next session.

(3) Bills which have been introduced shall be carried over to the pending list of business of the next session :

Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Council, on a motion by that member in the next session, makes a special order for the continuance of the Bill.

Time of  
meeting.

5. The meetings of the Council shall (subject to the direction of the President) ordinarily commence at 12 NOON and ordinarily terminate at 5 P.M.

Arrangement  
of business.

6. (1) At times when Government business has precedence, the Dewan may arrange that business in such order as he thinks fit.

(2) The relative precedence of notices of Bills and resolutions given by non-official members shall be determined by ballot in accordance with the procedure set out in the schedule :

Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.

(3) Bills introduced by non-official members shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order:—

- (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;
- (ii) Bills which have reached a stage at which the next motion is a motion that the Bill be taken into consideration;
- (iii) Bills in regard to which the next stage is the presentation of the report of the Select Committee;
- (iv) Bills the next stage of which is a motion that the Bill be referred to a Select Committee;

(4) The relative precedence of other non-official Bills which have been introduced but which have not been proceeded with as far as any of the stages set out above shall be determined by ballot to be held at such time and in such manner as the President may determine:

Provided that any Bills remaining over from the last session shall have priority in the order of the date of their introduction.

(5) A resolution of congratulation or condolence may, with the permission of the President and subject to the provisions regulating the discussion of resolutions, be moved at any time.

7. (1) A list of business for the session shall be prepared by the Secretary, and a copy thereof shall be sent to each member ten clear days before the session commences.

List of  
business.

(2) Save as otherwise provided in the rules or these standing orders, no business not included in the list of business for the session shall be transacted at any meeting without the leave of the President.

(3) Save as otherwise provided by the rules or standing orders, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

8. All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs, or until such other day in the session so

Business  
outstanding  
at the end  
of day.



available as the member in charge may desire, but non-official business so standing over shall have no priority on such day unless it has been commenced, in which case it shall only have priority over non-official business fixed for that day.

Swearing in  
before taking  
seat.

9. (1) At the beginning of each meeting, the President shall call upon new members desirous of taking their seats to do so.

(2) The Secretary shall then call the name of any new member desirous of taking his seat and such member, after taking the oath or making the affirmation in the manner prescribed in the Act, shall take his appointed seat.

Secretary's  
report.

10. After the new members have taken their seats, the Secretary shall report to the Council, the Acts which have received the assent of His Highness the Maharaja.

### Questions.

Time for  
questions.

11. After the Secretary's report and the elections of a President and of a Deputy President, if any, have taken place, a period of one hour at every meeting, except during voting of demands for grants when half an hour shall be allowed, shall be available for the asking and answering of questions.

Procedure  
about asking  
starred  
questions.

12. Any member who desires an oral answer to his question must, at the time of giving notice thereof, distinguish it by an asterisk. All such starred questions put in the Council shall be answered orally.

Unstarred  
questions.

13. A question in respect of which the member concerned does not expect to put supplementary questions should not be starred. Questions, not starred, will not be called in the Council but they will be printed with their answers and placed on the table. Oral supplementary questions cannot be asked as regards answers given to unstarred questions.

List of  
questions.

14. As soon as answers to questions, which have not been disallowed, are received by the Secretary, they shall be entered in the list of questions to be prepared as early as possible and in such manner as the President may determine, and the questions shall be put, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting. Any questions left over owing to time not being available shall be postponed to the next day of

meeting when they shall take precedence over other questions.

15. Questions shall be put and answers given in such manner as the President may determine. Questions how put.

16. If on a question being called it is not put or the member in whose name it stands is absent, the President, at the request of any member, may direct that the answer to it may be given. Answers to withdrawn questions.

### Motions for adjournment for purposes of debate.

17. Leave to make a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the business for the day is entered upon. Time of asking leave for motion for adjournment.

### General Rules of Procedure.

18. (1) If the President on a count taken either on his own motion or on the demand of a member, at any time during a meeting, ascertains that one-half of the total number of members are not present, he shall adjourn the Council till the next day on which it ordinarily sits or to a later hour on the same day to be named by him. Adjournment for failure of quorum.

Provided that no demand for a count to ascertain the presence of a quorum shall be made within one hour of any previous count.

(2) Nothing in sub-order (1) shall be deemed to require the President to take a count where he is of opinion that the demand therefor was made frivolously or for the purpose of obstructing or prejudicially affecting the procedure of the Council.

19. The members shall sit in such order as the President may appoint. Seating of members.

20. A member desiring to move any motion, or make any observations on any matter before the Council, shall speak from his place, shall rise when he speaks, and shall address the President. At any time if the President rises, or if a member rises to a point of order, any member speaking shall immediately resume his seat. Members to rise when speaking.

21. If while a member is speaking, a member desires to make an explanation or to ask an explanation from the member speaking, he shall rise in his place, and if called upon by the President, shall make or ask the explanation; Explanations.

if not called upon, he shall resume his seat. The President shall not call upon the member so rising unless the member speaking resumes his seat.

Motions.

**22.** (1) A motion shall be put by the President as a question for the determination of the Council.

(2) Votes may be taken by voices or division, and shall be taken by division, if any member so desires. The President shall determine the method of taking votes by division.

(3) The result of a division shall be announced by the President and shall not be challenged.

Repetition of motions.

**23.** A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

Order of speeches and right of reply.

**24.** (1) After the mover of a motion has spoken other members may, save as otherwise provided, speak to the motion in such order as the President may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate.

(2) Save in the exercise of a right of reply or as otherwise provided by the rules or the standing orders, no member shall speak more than once to any motion except, with the permission of the President, for the purpose of making a personal explanation, but, in that case, no debatable matter may be brought forward.

(3) The mover of a substantive motion may speak a second time on the conclusion of the debate by way of reply, and if the motion is moved by a non-official member, the Minister in charge of the department to which the matter relates shall have the right of speaking after the mover has replied (whether he has previously spoken in the debate or not).

Rules as to amendments.

**25.** (1) An amendment must be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or motion.

(4) An amendment in the alternative shall not be moved.

(5) An amendment to an amendment may be moved with the permission of the President.

(6) When an amendment to an amendment is moved the amendment sought to be amended shall, as long as the amendment by which it is sought to be amended is under discussion, be deemed to be the substantive proposition before the Council.

(7) After a decision has been given on an amendment to any part of a motion, an earlier part shall not be amended.

(8) The President may refuse to put an amendment which is, in his opinion, frivolous.

26. (1) At any time after a motion has been made, any member may move "That the question be now put", and, unless it appears to the President that the motion is an abuse of the rules or these standing orders, or an infringement of the rights of reasonable debate, the President shall put the motion "That the question be now put." Closure.

(2) At any time after a motion has been made in respect of a Bill promoted by a Minister, that Minister may request the President to put the question, and, unless it appears to the President that the request is an abuse of the rules or these standing orders, or an infringement of the rights of reasonable debate, the President shall then put the question.

(3) Where a motion is made under sub-order (1), or a request is made under sub-order (2), the motion, and if it is carried, the question, or as the case may be, the question, shall be put without amendment or debate:

Provided that the President may allow any member any right of reply which he may have under these standing orders.

27. The admission to the Council Chamber of — Strangers.

- (i) visitors to the Visitors' gallery;
- (ii) representatives of the Press to the Press gallery; and
- (iii) officials to the Official gallery.

during the sittings of the Council shall be regulated in accordance with orders made by the President with the approval of the Dewan.

28. The President, whenever he thinks fit, may order the Visitors' or Press gallery to be cleared. Power to order with drawal of strangers.

## Legislation.

### (a) Introduction of Bills.

**29.** If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion may, without further debate, put the question.

Motion for  
leave to  
introduce.

### (b) Motions after introduction.

**30.** (1) When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

Motion  
after  
introduction.

- (a) that it be taken into consideration by the Council either at once or at some future day to be then specified; or
- (b) that it be referred to a Select Committee; or
- (c) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made.

**31.** (1) On the day on which any such motion is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

(2) At this stage no amendments to the Bill may be moved, but—

Discussion  
of principles  
of bills.

- (a) if the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or

(b) if the member in charge moves that the Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction, and opinions are received thereon, the member in charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee, unless the President, in the exercise of his power to suspend this standing order, allows a motion to be made that the Bill be taken into consideration.

### (c) Select Committees.

32. (1) The Minister to whose department the Bill relates and the member who introduced the Bill shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for the appointment of such a Committee.

Composition  
of Select  
Committees.

(2) The other members of the Committee shall be appointed by the Council when the motion that the Bill be referred is made, or, in the case of a motion made by way of amendment under clause (a) of sub-order (2) of Standing Order 31, at any subsequent meeting.

(3) The Minister in charge of the department to which the Bill relates shall be the Chairman of the Committee. In the case of an equality of votes, the Chairman shall have a second or casting vote.

(4) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

33. (1) The presence of a majority of the members of the Committee including the member in charge of the Bill shall be necessary to constitute a meeting of the Committee.

Quorum of  
Select  
Committees.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members is not present, the Chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day.

(3) Where the Select Committee has been adjourned in pursuance of sub-order (2) on two successive dates fixed for meetings of the Committee, the Chairman shall report the fact to the Council.

Report by  
Select  
Committees.

**34.** (1) After publication in the Gazette of a Bill, as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon.

(2) Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Council orders the report to be made sooner :

Provided that the time limit referred to in this sub-order shall not apply in the case of Bills imposing taxation.

(3) Reports may be either preliminary or final.

(4) The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication directed by the rules has taken place, and the date on which the publication has taken place.

(5) If any member of a Select Committee desires to record a minute of dissent on any point, he must sign the report stating that he does so subject to his minute of dissent, and must at the same time hand in his minute.

Presentation  
of report.

**35.** (1) The report of the Select Committee on a Bill shall be presented to the Council by the member in charge of the Bill.

(2) In presenting a report the member in charge shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

Printing and  
publication  
of reports.

**36.** The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report, with the amended Bill, shall be published in the Gazette.

Procedure  
after  
presentation  
of report.

**37.** (1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee be taken into consideration: Provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail, unless the President

in the exercise of his power to suspend this standing order, allows the report to be taken into consideration ; or

(b) that the Bill as reported by the Select Committee be re-committed either—

- (i) without limitation, or
- (ii) with respect to particular clauses or amendments only, or
- (iii) with instructions to the Select Committee to make some particular or an additional provision in the Bill ; or

(c) that the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or re-circulated for the purpose of obtaining further opinion thereon.

#### (d) Consideration, amendment and passing of Bills.

38. When a motion that a Bill be taken into consideration has been carried, any member may propose an amendment of the Bill.

Proposal of amendments.

39. (1) If notice of a proposed amendment has not been given two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the amendment to be moved.

Notice of amendments.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed and a copy thereof to be made available for the use of every member.

40. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate ; and in respect of any such clause a motion shall be deemed to have been made "That this clause stand part of the Bill."

Order of amendments.

41. Notwithstanding anything in these standing orders, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted,

Submission of Bills clause by clause.



the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question: "That this clause (or, as the case may be, that this clause as amended) stand part of the Bill."

Passing of Bills.

42. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, any member may object to any motion being made, on the same day, that the Bill be passed, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal or consequential upon an amendment made after the Bill was taken into consideration.

Withdrawal of Bills.

43. The member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill; and if such leave is granted, no further motion may be made with reference to the Bill.

Authentication of Bills.

44. When a Bill is passed by the Council, a copy thereof shall be signed by the President.

Submission of Bills to His Highness the Maharaja.

45. When a Bill has been passed by the Council, the Secretary shall send the copy of the Bill signed by the President to the Government for submission to His Highness the Maharaja.

### Resolutions.

Notice of amendments.

46. (1) Any member desiring to move an amendment to a resolution shall give notice at least three clear days before the commencement of the session.

(2) The Secretary shall, if time permits, cause every amendment to be printed, and a copy thereof to be made available for the use of every member.

Order of amendments.

47. (1) When an amendment to any resolution is moved or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

48. When any resolution involving several points has been discussed, it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit.

Division of resolution.

49. If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn.

Resolution not discussed.

50. When a resolution—

(a) has been moved, or

(b) has been withdrawn with the leave of the Council, or

(c) has been disallowed under the rules,

Effect of motion, withdrawal and disallowance.

no resolution or amendment raising substantially the same question shall be moved within one year.

### Financial Procedure.

51. Copies of the Budget shall be despatched to the members of the Council on the same day on which it is presented to the Representative Assembly.

Despatch of copies of the Budget.

52. Any member desiring to move a motion to omit or reduce any grant shall give notice at least seven clear days before the commencement of the session.

Notice of motions.

53. A copy of every resolution which has been passed by the Representative Assembly on the Budget shall be despatched to each member of the Legislative Council as soon as practicable.

Despatch of copies of resolutions on the Budget.

### Petitions Relating to Pending Bills.

54. Petitions relating to a Bill pending in the Council may be presented or submitted in accordance with the standing orders.

Petitions relating to pending Bills.

55. Any such petition may either be presented by a member, or be forwarded to the Secretary, in which latter case, the facts shall be reported by him to the Chamber.

Presentation of petitions.

56. A member presenting a petition shall confine himself to a statement in the following form:—

Form of presentation.

“I present a petition signed by .....  
petitioners regarding .....  
Bill now pending in this Chamber.”

and no debate shall be permitted on this statement.

Nomination  
of Committee  
on petitions.

**57.** A Committee on petitions shall be constituted at the commencement of each Council, and shall consist of the Deputy President who shall be Chairman and four members nominated by the President. The President may, if he thinks fit, fill up any vacancies occurring in the Committee.

Reference to  
Committee.

**58.** Every petition shall, after presentation by a member or report by the Secretary, as the case may be, be referred to the Committee, and the Council shall not be considered to be seized of the petition till the Committee has reported thereon.

Examination  
and report by  
Committee.

**59.** The Committee shall examine every petition referred to it, and shall report to the Council stating the subject-matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the standing orders. If the petition complies with the standing orders, the Committee may, in its discretion, direct that it be circulated as a paper to the Bill to which it relates. The Committee shall, in its report, state whether circulation has or has not been directed, and where circulation has not been directed, the President may, in his discretion, direct that the petition be circulated. Such circulation shall be of the petition *in extenso* or of a summary thereof as the Committee or the President, as the case may be, may direct.

Printing,  
Counter-  
signature and  
language of  
petitions.

**60.** Every petition shall—

(i) either be in English and in print or, if not in English, be accompanied by an accurate English translation in print;

(ii) if presented by a member, be countersigned by him, and

(iii) be couched in respectful and temperate language.

Authentica-  
tion of  
signatories to  
petitions.

**61.** The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate, by his signature, and, if illiterate, by his thumb impression.

Petitions to  
whom to be  
addressed.

**62.** Every petition shall be addressed to the Legislative Council, and shall conclude with a definite prayer in regard to the Bill to which it relates.

### Amendment of Standing Orders.

Notice of  
proposal to  
amend stand-  
ing orders.

**63.** (1) Unless the President otherwise directs, not less than fifteen clear days' notice of a motion for leave to

amend the standing orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for such day as the President may direct.

64. When the motion is reached, the President shall read the draft amendments and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the President shall intimate that the member has the leave of the Council. If less than twenty-five members rise, the President shall inform the member that he has not the leave of the Council.

Procedure.

65. (1) Where a member has the leave of the Council to proceed, he shall move that the draft amendments be referred to a Special Committee.

Reference to Special Committee.

(2) If that motion is carried, the draft amendments shall be referred to a Special Committee of which the President shall be Chairman, and the Deputy President shall be a member. The remaining members, who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President.

66. After a draft has been referred to a Special Committee, the procedure in regard to Bills similarly committed shall, as far as may be, be followed with such variations as the President may consider necessary or convenient.

Subsequent procedure.

### Miscellaneous.

67. (1) Journals shall be kept in which all the proceedings of the Council shall be entered in the order in which they occur. The Journal of the Council shall be submitted after each meeting to the President for his confirmation and signature, and when signed shall be the record of the proceedings of the Council. The proceedings of each meeting of the Council shall be published as soon after the meeting as can be conveniently arranged.

Council records.

(2) All documents ordered to be printed or recorded shall be referred to in the Journal and after being authenticated by the signature of the Secretary, shall be kept with the records.

Giving of  
notice.

68. (1) Every notice required by these standing orders shall be given in writing addressed to the Secretary and may be posted or left at the office of the Council which shall be open for this purpose between the hours of 11 and 3 o'clock on every day except Sunday or on a public holiday.

(2) Notices left or delivered by post when the office is closed shall be treated as given on the next day.

(3) Notices shall be given in such form and manner as the President may determine.

Duties of  
Secretary.

69. The Secretary shall attend at every meeting of the Council and of a Select Committee and in addition to the other duties specially required by the rules or standing orders it shall be his duty--

- (a) to take charge of the records of the Council ;
- (b) to keep the journals of the Council and of the Select Committees ;
- (c) to write all letters ordered by the President of the Council ;
- (d) to superintend the printing of all bills and papers ordered to be printed ;
- (e) to assist, at all times, the Council and all Committees, in all work connected with their duty.

### General.

General  
powers of  
President.

70. The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the rules or the standing orders.

Suspension of  
standing  
orders.

71. The Council may, at any time, on a motion, suspend the operation of any of the standing orders.

Standing  
order  
repugnant to  
any rule.

72. Any standing order which is repugnant to the provisions of any rules shall, to the extent of that repugnancy, but not otherwise, be void.

## SCHEDULE.

### *Ballot procedure for determining relative precedence of non-official Bills and resolutions.*

1. A member giving notice of more than one Bill or of more than one resolution shall number his Bills or resolutions in the order in which he desires to introduce or move them: provided that he may alter such order at any time within the period of notice.

2. If a member fails to intimate to the Secretary of the Council the order of priority that he assigns to his Bills or resolutions, they will be given an order according to the following rules:—

(a) Bills carried over from the previous session will have priority over other Bills;

(b) new Bills or resolutions will be given the order in which they appear in the notice given of them by the member. If more than one notice is given by a member, the Bills or resolutions appearing in an earlier notice will have priority over those in a later notice.

3. The Secretary will keep separate numbered lists for Bills and for resolutions. On each list the name of each member who has given notice of a Bill or resolution, as the case may be, will be entered once.

4. There shall be separate ballots for Bills and resolutions.

5. On the twelfth day previous to the commencement of the session, the ballots will be held in the office of the Legislative Council before the Secretary, and any member who wishes to attend may do so.

6. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

7. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the numbered list the corresponding name which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

8. Priority on the list will entitle the member to priority in moving that resolution or Bill to which he himself has given priority under clause (1): provided

that if a resolution to which priority is given under clause (1) is disallowed, the next resolution standing in the member's name may be moved in its place.

9. Members will have the same priority as regards the Bills or resolutions to which they have given the second place under clause (1) as they have in respect of those to which they have given the first place.

### Illustration.

A, B, C, D and E give a notice of resolutions, A, B and C of 2 each, D and E of 1 each.

As their notices come in, their names are entered on the numbered list--

1. A.
2. B.
3. C.
4. D.
5. E.

Papers corresponding to the five numbers are put in in the box and drawn out one by one in the following order: 2, 3, 5, 1, 4; and the corresponding names are then entered in the priority list in that order--B, C, E, A, D.

In that order first choices will be moved. After D has moved his resolution, second choices will be moved in the same order, E and D going out as they have no second resolution.

The complete order for the 8 resolutions would be :

B-1, C-1, E, A-1, D, B-2, C-2, A-2.

