

ASSAM MUNICIPAL (AMENDMENT) ACT, 1935

Short title. ASSAM ACT 1935. THU ASSAM, MUNICI PAL (AMENDMENT) ACT, 1935. I Published in tho, Assan Gazette Of the 11th December 1935.] An Act further, to amend the Assam Municipal Act, 1923. WUEREAS it is expedient further to amend tfie Assam Act r oj 1923. Assam Municipal Act, 1923 And wher(hs . the previouxs 'sanction of the Governor (General has been. obtained under j sub- Goo. v, c, 57; and O and 10 section (3) of sc»tfon, 80A of 'the Goveroment of Geo. v, c

101. India Act to the passing Of this Bet ; It is hereby enacted' as follows 9-- 1. This Act may be called the Assam Municipal '(Amendment) Act, 1935< Amendment -2. The second " proviso to section 13 Of. the Assam Act 1 01 section 13 or Assam Municipal Act; 192b (hereinafter referred 1023. Assam Act r of to as the principal Act) shall be deleted

1023. After section of the it•incipal Acv -tbé Insertion ot new eectiong 13A, 18 1i3ã)d following sections shall be inscrted, namely : and H.1:3A, If the Validity of any eleation of' a Proceedings to 30t aside au member is brought in question by an unsuecegsful election. candidate person qualified to vote ab the election to which suab question refers, such person may, at any time withim twent y•one ' days after the date of 'Che deglaration of the result of the election, file a petition in the prescribed nqanner before the District Judge of the district within ,whieb the election has been or should have been held in the case of the Shillong Municipality to the Judge, Assam Valley Districts, and ghall at same time deposit fifty !upeqs in Courl ag security for Ohe costs likely to,lpe incuyred Provided that , the validity: of such election shall •not be questioned fin any such petition— (a) on" the ground that the name of aay person qualified to vote has been omitted from the electmal roll ; or (b) the. ground, tbat the name or any person not, qualified to. vote has been inserted in the electoral roll. .13B.9 (l) heren petition has been filed Procedure and Judge under section 1.3 A ' the, District Judge, or ' any roldlng enquiry. judicial officer subordinaée to' him and not below the rank of a Subordinate Judge other than an officer exer€ using the powers of a Subordinate Price ld. English.] [Indian anna 1. t, 2 Judge eat-officio (hereinafter referred to in this chapter as the whom the District Judge may transfer tl e petition, may after holding such inquiry as he -deélns necessarv, in accordance with the prc scribed procedure and subject to the provisions of sections 13C and 131), pass an order confirming or amending the declared result of the election or setting tlw election aside. (2) For the purposes of the said inquiry the J udge may summon and enforce the attendance of witnesses and compel them to give evidence as if he wore a Civil Court, and may also direct by whom the whole or any part of the costs of such inquiry shall be, paid, and such costs shall be recoverable as if they had been awarded in a Aot V of 1908. suit under the Code of Civil Procelure, 1908. (3) The Judge may, at any stage Of the proceedings, require the itioner to deposit in Court a further sum as the costs incurred or likely to, be incurred by any respondent, to give security, or further' security, for the payment of the same, and if, within the time fixed by him, or within such furtbet time as he may allow, such costs are not deposited or such further security is not furnished, as the case may be, maya dismiss the petition. (4) An appeal shall lie to the District Judge from any decision or order of a Subordinate Judge, and a decision or order of the District Judge, either when he has himself made the enquiry Or on appeal, shall be final. 't13C. The Judge, if be is satisfied that the Stung Mide Ot election. election ought to be set aside for any reasons for which an election might be rendered void nnder the Assam Electoral Rules, shall set aside the election, and if the election ig set aside for any cause which is the result of acts of a candidate or his agents may declare that candidate to be disqualified for the purpose of such fresh election as may be held under section 13G, Scrutiny 13D. If, in any case to which section 13C ot gotoø and decla• rution In other does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after scrutiny and computation of the votes recorded in favour of each each candi- date, declare the candidate who is found to have the greatest number of valid votes in his favour to have been clply elected : Provided that for the purpose of such com- putation no vote shall be reckoned as valid if the Judge finds that any corrupt practice wag com- mitted by any person, known or unknown, in giving or obtainmg it. 13E• If •Judge aside an election tton of persona trom being under section 13C, he may, if he thinks fit, corrupt declare any person by whom a corrupt practice has practicog. i, Saving Ot ber before election is *Side. in his opinion been committed to be disqualified from being a candidate for election in that or any other municipality for a period not exceeding five years, from the date of decision, and the Judge's decision shall be final :

Provided, however, that the Local Government may, by order at any time, remove such disqualifi- cation. 'C I:BF. Where a candidate, who has been elected acts to be a member, is declared by the Judge not to have been duly elected, acts done by him in execution of the office before the time when the decision is communicated to the Board shall not be invalidated by reason of that declaration. 13G. If an election is set aside by Judge, (lection *hen election a date shall forthwith be fixed and the necessary steps taken for holding a fresh election for fill* ing 'up the vacancy, as though it had been a .casual vacancy. to inter• 13M. No election of a member shall be called in question in any Court, except under the pro- cedure provided by this Act, and no order passed in any proceeding under sections 13A to 13B (both inclusive), shall be called in question in any Court and no Court shall grant an Injunction— (i) to postpone an election, or (ii) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of a Municipal Board of which he has been elected a member, or (iii) to prohibit the members formally elected or appointed to a Municipal Board from entering upon their duties." Amendment of 4. In sub-section 2 (i) of section 296 of the section 296 R) of the principal Act, for the words "determine the authority who shall decide disputes relating to such elections" the words "regulate and deter- mine the procedure to be followed by a Judge in inquiring into election petitions" shall be substituted. A. G. P. (Leg.) No,

