

Compensation payable by offenders against this Act for damage caused by them.

402. (1) If, on account of any act or omission, any person has been convicted of an offence against this Act or against any rule, regulation or by-law, and, by reason of such act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

CHAPTER XXVI.

PROCEEDINGS BEFORE JUDGE, ¹[APPELLATE COURTS] AND MAGISTRATES.

I. Election Inquiries.

Procedure in election inquiries.

403. (1) If an application is made under section 16 for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all the candidates who were duly nominated for the seat or seats in the ward in question, whether or not the said candidates have been declared elected, and shall proceed against the candidate or candidates declared elected.

(2) The applicant shall, whenever so required by the Judge, deposit in the Court a sum of five hundred rupees in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.

(3) If, after making such inquiry as he deems necessary, the Judge finds that the election of a returned candidate has been procured or induced or the result of the election has been materially affected by any corrupt practice, or any corrupt practice has been committed in the interests of a returned candidate or the result of the election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote or by the reception of a vote which is void, or by any non-compliance with the provisions of this Act or any rules made thereunder relating to the election, or by any mistake in the use of any prescribed form, or 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, he shall declare the election of the returned candidate to be void and if he does not so find he shall confirm the election of the returned candidate.

(4) All applications received under section 16—

(a) in which the validity of the election of councillors elected to represent the same ward is in question shall be heard by the same Judge, and

(b) in which the validity of the election of the same councillor elected to represent the same ward is in question shall be heard together.

²[(5) (a) In an enquiry under sub-section (3) into an application made under section 16 for a declaration that a particular candidate shall be deemed to have been elected, the returned candidate or any other party thereto may give evidence to prove that the election of the person in whose favour such declaration is sought would have been void, if such person had been declared elected and an application had been presented calling in question his election;

1. These words were substituted for the words "District Judge" by Guj. 8 of 1968, s. 8 (1).

2. Sub-section (5) was substituted for the original by Guj. 13 of 1961, s. 2.