

- (ii) the grant-in-aid to the Councils from the Consolidated Fund of India;
- (b) the measures needed to improve the financial position of the Councils;
- (c) any other matter referred to the Finance Commission by the President of India in the interest of sound finances of the Councils.

CHAPTER X

MISCELLANEOUS

Election
petitions.

96. (1) If the validity of any election of a member of a Village Council or Island Council or the respective Captains is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the results of the election, apply to the District Judge in such form as may be prescribed for the determination of such question.

(2) Every petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the petition is presented to the District Judge.

Procedure for
hearing of elec-
tion petitions.

97. (1) Save as otherwise provided by this Regulation or by any rule made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall, in so far as it may be applicable, be followed in the hearing of election petition by the District Judge:

5 of 1908.

Provided that—

(a) two or more persons whose election is called in question may be made respondents to the same petition and their cases may be tried at the same time and any two or more election petitions may be heard together but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(b) the District Judge shall not be required to record or have recorded the evidence in full, but shall make a memorandum of evidence sufficient in his opinion for the purpose of deciding the case;

(c) the District Judge may, at any stage of the proceedings require the petitioner to give security or further security for the payment of all costs incurred or likely to be incurred by any respondent; and

(d) the District Judge, for the purpose of deciding any issue shall only be bound to require the production of or to receive such evidence, oral or documentary, as he may consider necessary.

(2) An order for the payment of costs, or an order for the realisation of a security bond for costs passed by the District Judge shall be executed in such manner as may be prescribed.

Findings of
District Judge.

98. (1) If the District Judge, after making such inquiry as he thinks necessary, finds, in respect of any person whose election is called in question by a petition that his election was valid, the petition shall be dismissed against such person with cost.

(2) If the District Judge finds that the election of any person was invalid, he shall either, —

(a) declare a casual vacancy to have arisen; or

(b) declare another candidate to have been duly elected,

whichever course appears, in the particular circumstances of the case, to be more appropriate, and in either case the District Judge may award costs at his discretion.

(3) In the event of the District Judge declaring a casual vacancy to have arisen, he shall direct the Election Commission to take proceedings for filling the vacancy.