

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 realization 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.

Avoidance of  
Election.

99. (1) Notwithstanding anything contained in section 98, if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of the election proceedings, he shall pass a conditional order to this effect and give notice thereof to every candidate declared elected who has not already been made a party to the case, calling upon such candidate to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show cause, and may recall for the purpose of putting questions to him, any witness who had appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Election Commission to take measures for holding fresh election proceedings.

Disqualification  
for corrupt or  
illegal practice.

100. The District Judge may declare any candidate found to have committed any corrupt practice to be ineligible for being a member of Village General Body or for contesting an election under this Regulation or for being appointed or retained in any office or place in the Government or any local authority or for being registered as a member of any Village General Body for such period not exceeding five years as the District Judge may determine.