

Declaration of a voter to be a defaulter voter.

**16B.** (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Municipal Corporation after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

Valid and sufficient reasons for not voting.

**16C.** A qualified voter shall be exempted to vote at the election of the Municipal Corporation-

(1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or,

(2) if he is absent on the date of election from the country or State of Gujarat, or

(3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.

Notice.

**16D.** (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Municipal Corporation.

(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting alongwith supporting documents such as medical certificate, a copy of passport, etc.

(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

Appeal.

**16E.** (1) The voter who is aggrieved by the order of election officer under section 16D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission.]

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass as appropriate order. The order of the Appellate Officer shall be final.]

**17.** [ *Disqualification of voter for corrupt practice.* ] Deleted by Guj. 11 of 1994, s. 4.

Procedure of election fails or is set aside.

**18.** (1) If at any general elections or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to be elected in his or their place, <sup>1</sup>[ State Election Commission ] shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

(2) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 15.

Mayor and Deputy mayor.

**19.** (1) The Corporation shall at its first meeting after general elections and at its first meeting <sup>2</sup>[ on expiry of succeeding two and half years ] elect from amongst the councillors one of its member to be the Mayor <sup>3</sup>[ \* \* \* \* \* ].

<sup>4</sup>[(1AA) The Corporation shall, at its first meeting after general elections and at its first meeting on expiry of succeeding two and half years, elect from amongst the councillors one of its members to be the Deputy Mayor:

Provided that the term of the existing Deputy Mayor who is holding the post as such on the date of commencement of the Gujarat Provincial Municipal Corporations (Amendment) Act, 2017 shall be two and half years or till the remainder period of duration of the Corporation, whichever is earlier: Guj. 5 of 2017.

Provided further that the term of the Deputy Mayor, if any, who may be elected after the expiry of the term of the existing Deputy Mayor, shall be till the remainder period of duration of the Corporation.]

<sup>5</sup>[(1A) (a) The office of the Mayor in every Corporation shall be reserved by the State Government for Scheduled Castes, Scheduled Tribes, backward classes and women in the prescribed manner.

1. These words were substituted for the words "the Commissioner" by Guj. 16 of 1993, s. 11.

2. These words were substituted for the words "in the same month in each succeeding year" by Guj. 15 of 2000, s. 2 (1)(i).

3. The words "and another to be the Deputy Mayor" were deleted, *ibid.*, s.2 (1)(ii)

4. Sub-section (1AA) was substituted by Guj. 5 of 2017, s. 2 (1).

5. Sub-section (1A) was inserted by Guj. 16 of 1993, s. 12(1).