

(4) The State Election Commissioner shall be appointed within two months of the coming into force of the said Act.

(5) The State Government shall when so required by the State Election Commission, make available to it the staff as may be necessary for the discharge of the function conferred it by clause (1) of article 243K of the Constitution of India.

(6) The State Election Commissioner appointed immediately after the commencement of the said Act shall commence the work of delimitation of the constituencies to be known as wards within one month from the date of his appointment as per the last published census figures.

(7) Notwithstanding anything contained in the principal Act or in any decree, order or direction of any court, the election of the Corporation shall be held in accordance with the provisions of the Consitution (Seventy-fourth Amendment) Act, 1992 on Municipalities and the provisions of the Bombay Provincial Municipal Corporations Act, 1949 as amended by the said Act and the rules made by the State Government in this behalf.]

Bom. LIX  
of 1949.

Casual vacancies  
how to be filled.

**15.** (1) In the event of non-acceptance of office by a person elected to be a councillor, or of the death, resignation, disqualification or removal of a councillor during his term of office, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled as soon as conveniently may be, and, in any case, within <sup>1</sup>[six months] of the date on which it is known that such vacancy has occurred, by the election of a person thereto, who shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold it if the vacancy had not occurred:

Provided that no election shall be held for the filling of a casual vacancy if general elections are due to be held within six months of the occurrence of the vacancy:

<sup>2</sup>[Provided, however, that such vacancy of a councillor in any Corporation, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other Corporations whose term are due to expire.]

(2) The provisions of section 18 shall apply to an election hold for the filling of a casual vacancy.

Election petitions.

**16.** (1) If the qualification of any person declared to be elected a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper rejection or refusal of a vote, or by reason of a material irregularity in the election proceedings corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may at any time within ten days after the result of the election has been declared, submit an application to the Judge for the determination of the dispute or question.

(2) The <sup>3</sup>[State] Government may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed, by order in writing, authorise any officer to make an application to the Judge at any time within one month after the result of the election has been declared for a declaration that the election of the returned candidate or candidates is void.

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

*Explanations.—* For the purposes of this section —

(1) “corrupt practice” means one of the following practices, namely :—

1. These words were substituted for the words “three months” by Guj. 23 of 2014, s. 3.
2. This proviso was added by Guj. 22 of 2015, s. 3.
3. This word was substituted for the word “ Provincial” by the Adaptation of Laws Order, 1950.