

¹[(e)being a relative of a person in employment with or under or by or on behalf of the Corporation.]

Guj. 23
of 1986.

²[(3) A person who at any time during the term of his office is disqualified under the Gujarat Provisions for Disqualification of Members of Local Authorities for Defection Act, 1986 for being a councillor shall cease to hold office as such councillor.]

³[(4) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 16D, subject to the decision in appeal, if preferred under section 16E.]

11. A councillor shall cease to hold office as such if at any time during his term of office he—

Disabilities from continuing as councillor.

(a) becomes disqualified for being a councillor by reason of the provisions of section 10;

(b) absents himself during three successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation;

(c) absents himself from ⁴[* * *] the meetings of the Corporation during six successive months from any cause whatever, whether approved by the corporation or not; or

(d) acts as a councillor or as a member of any committee of the Corporation by voting on or taking part in the discussion of, or asking any question concerning any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person.

12. (1) If any doubt or dispute arises whether a councillor has ceased to hold office as such under section 11, such councillor or any other councillor may, and, at the request of the Corporation, the Commissioner shall, refer the question to the Judge.

Questions as to disqualification to be determined by the Judge.

(2) On a reference being made to the Judge under sub-section (1) such councillor shall not be deemed to be disqualified until the Judge after holding an inquiry in the manner provided by or under this Act determines that he has ceased to hold office.

13. (1) The ⁵[State] Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of councillors, remove from office with effect from such date as may be specified in the order of removal any councillor elected under this Act, if it is satisfied that such councillor has been guilty of misconduct in the discharge of his duty or of any disgraceful conduct or has become incapable of performing his duties as a councillor:

Liability of councillors to removal.

Provided that no recommendation shall be made by the Corporation under this section unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) A person who has been removed from office under sub-section (1) shall be disqualified for being elected and for being a councillor for a period of five years from the date of his removal unless the ¹[State] Government relieves him of the disqualification by an order which it is hereby empowered to make.

Election of Councillors

⁶**[14.**(1) The superintendence, direction and control of the preparation of electoral roll for, and conduct of, all the elections of the Corporations shall be vested in the State Election Commission.

Election by State Election Commission.

(2) The State Election Commission shall hold the election as per the rules made by the State Government.

Bom. of
1904.

(3) The provision of section 7 of the Bombay General Clauses Act, 1904 shall not apply to anything done or suffered under the provision repealed or substituted by the Bombay Provincial Municipal Corporations (Gujarat Second Amendment) Act, 1993 (hereinafter referred to as “the said Act”).

Guj. 16 of
1993.

1. Clause (e) was inserted by Guj. 17 of 1968, s. 3(3).

2. Sub-section (3) was added by Guj. 23 of 1986, s. 9.

3. Sub-section (4) was added by Guj. 22 of 2015, s. 2.

4. The words “or is unable to attend” were deleted by Guj. 1 of 1979, s. 4.

5. This word was substituted for the word “ Provincial” by the Adaptation of Laws Order, 1950.

6. Section 14 was substituted for the original by Guj. 16 of 1993, s. 10.