

**Karnataka Municipalities And Certain Other Law
(Amendment) Act, 2009**

17 of 2009

[25 August 2009]

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An Act further to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976. Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Sixtieth year of the Republic of India, as follows:-

1. Short Title And Commencement :-

- (1) This Act, may be called the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force with effect from Twenty Eighth day of May, 2009.

2. Amendment Of Karnataka Act 22 Of 1964 :-

In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964),-

- (1) in section 36,-

- (a) in the heading after the words "ballot papers" the words "or

voting machine" shall be inserted;

(b) in sub-section (1), after the words "ballot paper", the words "or voting machine" shall be inserted; and

(c) in sub-section (3), after the words "ballot paper" the words "or voting machine" shall be inserted.

(2) in section 37,-

(i) in sub-section (1), in clauses (c), (d) and (f), after the words "ballot paper"

wherever they occur, the words "or voting machine" shall be inserted; and

(ii) in sub-section (3), after the words "ballot paper" the words "or voting machine"

shall be inserted.

(3) in section 38, in sub-section (2), in clause (j), after sub-clause (vi), the following shall be inserted, namely:-

"(via) the manner of giving and recording of votes by voting machines;"

(4) after section 38A, the following shall be inserted, namely:-

"38B. Voting machine at elections.-

Notwithstanding anything contained in this Act or the rules made thereunder, the giving or recording of votes by voting machines may be adopted in such constituency or constituencies as the State Election Commission may having regard to the circumstances of each case specify.

Explanation.- For the purpose of this section voting machine means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used in any election."

3. Amendment Of Karnataka Act 14 Of 1977 :-

In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(1) in section 52,-

(a) in the heading, after the words "ballot papers", the words "or voting machine" shall be inserted;

(b) in sub-section (1), after the words "ballot paper", the words "or voting machine" shall be inserted; and

(c) in sub-section (3), after the words "Any ballot paper", the words

"or voting machine" shall be inserted.

(2) in section 53, in sub-section (1),-

(a) in clause (c), after the words " ballot paper or " in two places where they occur, the words "voting machine" shall be inserted;

(b) in clause (d), after the words "ballot paper" wherever they occur, the words "or voting machine" shall be inserted;

(c) in clause (f), for the words "ballot box or ballot papers", the words "ballot box, ballot papers or voting machine" shall be substituted.

(3) in section 55, in sub-section (2), in clause (h), after sub-clause (vi), the following shall be inserted, namely:-

"(via) the manner of giving and recording of votes by voting machines;"

(4) after section 55, the following shall be inserted, namely:-

"55A. Voting machines at elections.-

Notwithstanding anything contained in this Act or the rules made thereunder, the giving or recording of votes by voting machines may be adopted in such constituency or constituencies as the State Election Commission may having regard to the circumstances of each case specify.

Explanation.- For the purpose of this section voting machine means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, construed as including a reference to such voting machine wherever such voting machine is used in any election".

4. Repeal And Savings :-

(1) The Karnataka Municipalities and Certain Other Law (Amendment) Ordinance, 2009 (Karnataka Ordinance No.1 of 2009) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.