

Kerala Municipality (Third Amendment) Act, 2005

33 of 2005

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Kerala Municipality (Third Amendment) Act, 2005

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An Act further to amend the Kerala Municipality Act, 1994. WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 (20 of 1994) for the purposes hereinafter appearing; BE it enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Municipality (Third Amendment) Act, 2005.

(2) Sections 6, 7 and 8 of this Act shall be deemed to have come into force on the 1st day of September, 2000 and the remaining shall come into force at once.

2. Amendment Of Section 19 :-

In section 19 of the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), for sub-section (8) the following sub-section shall be substituted, namely:-

"(8) The Officer presiding over the meeting shall not speak on the merits and de-merits of the motion and shall not be entitled to vote.".

3. Amendment Of Section 22 :-

In the principal Act in clause (k) of sub-section (1) of section 22, in between the words "slum improvement," and "public distribution system", the words "poverty eradication" shall be inserted.

4. Amendment Of Section 90 :-

In sub-section (1) of section 90 of the principal Act, for clause (h) the following clause shall be substituted, namely:-

"(h) is employed as a paid legal practitioner on behalf of that municipality; or",

5. Amendment Of Section 91 :-

In clause (f) of section 91 of the principal Act, after the words, "or except as permitted by rules made under this Act." the following words shall be added, namely:-

"or enters into the contract or work with the Municipality as a Convener of the beneficiary committee which undertake the project or work of that municipality as per any rules made under this Act.".

6. Amendment Of Section 128 :-

In section 128 of the principal Act,-

(1) In subsection (1) after clause (a) the following clause shall be inserted, namely:-

"(aa) any voting machine develops a mechanical failure during the course of recording votes; or,";

(2) In clause (b) of sub-section (2) after the words, "error or irregularity" the words, "or the mechanical failure developed in the voting machine", shall be inserted.

7. Insertion Of New Section After Section 130 :-

In the principal Act, after section 130 the following section shall be inserted, namely:-

"130A. Use of voting machine in elections.- Notwithstanding anything contained in this Act or rules made thereunder, the system of giving vote and recording of vote by using voting machines as may be prescribed may be adopted in every election decided by the State Election Commission considering the circumstances in each region.

Explanation.- For the purpose of this section "voting machine"

means any electronic machine or any other machine used for giving or recording of votes and it shall also be construed that any reference as to ballot box or ballot paper in this Act or the rules made thereunder save as otherwise provided shall include the reference to a voting machine which is being used in any election."

8. Amendment Of Section 565 :-

In section 565 of the principal Act, after clause (a) of sub-section (2) the following clause shall be inserted, namely:-

"(aa) the manner of giving and recording of votes by using voting machine and the procedures in conducting polling in polling stations or places where such machines are used".

9. Validation :-

(1) Notwithstanding the cessation of operation of the Kerala Local Self Government Institution Laws (Amendment) Ordinance, 2001 (20 of 2001) on the 17th day of July, 2001.-

(a) anything done or deemed to have been done or any action taken or deemed to have been taken under sections 128, 130A and 565 of the principal Act, amended under the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act;

(b) anything done or any action taken after the cessation of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken under the principal Act amended under the said Ordinance had it not been ceased to operate, shall be deemed to have been done or taken under the principal Act as amended under this Act.

(2) The cessation of the said Ordinance shall not affect,-

(a) any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(b) any legal proceedings or remedy in respect of any such right, privilege, obligation or liability and such legal proceedings or remedy may be instituted, continued or enforced under the provisions of the principal Act as amended by this Act.