

PART-V

NOTIFICATION

Dated Kohima, the 12th November, 2024.

NO.LAW/ACT/23-43/2024 : : The Disqualification on Ground of Defection in Urban Local Bodies Act, 2024 Act No. 10 of 2024 duly assented by the Hon'ble Governor on 19th Oct. 2024 is hereby published for general information.

Sd/-

THEJANGU-U KIRE
Secretary to the Govt. of Nagaland.

**DISQUALIFICATION ON GROUND OF DEFECTION IN URBAN
LOCAL BODIES, ACT, 2024**

(Act No 10 of 2024)

An Act to make provisions relating to disqualification on ground of defection in the Urban Local Bodies.

Be it enacted by the Nagaland Legislative Assembly in the Seventy Fifth Year of the Republic of India as follows:-

CHAPTER -1

PRELIMINARY

1. Short Title and commencement:-

(1) This Act may be called the Disqualification on Ground of Defection in Urban Local Bodies, Act, 2024.

(2) The provisions of this Act shall come into effect forthwith.

CHAPTER – 2

- 2. Disqualification on ground of Defection:-** A member of a Council of the Urban Local Body belonging to any political Party shall be disqualified for being a member of the Council: –

- (a) If he/she has voluntarily given up his/her membership of such political party by which he/she was set up as a candidate for Election as such member;
 - (b) If he/she votes or abstains from voting in such Council contrary to any direction issued by the political party to which he/she belongs or by any person or Authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or Authority and such voting or abstention has not been condoned by such political party, person or Authority within fifteen days from the date of such voting or abstention.
3. **Disqualification on ground of defection not to apply in case of merger**—(1) A member of a Council shall not be disqualified under section 2 above where not less than two thirds of the members of his/her political party have decided to merge with another political party in the Council.
- (2) For the purpose of this section 3, the merger of the original political party of a member of a Council shall be deemed to have taken place with another political party, if not less than two thirds of the members of the political party concerned have agreed to such merger with another political party in the Council.
4. **Decision on questions as to disqualification on ground of defection**—If any question arises as to whether a member of a Council has become subject to disqualification under this Act, the question shall be referred for decision of the Chairperson of the Urban Local Body concerned and his/her decision shall be final:

Provided that where the question which has arisen is as to whether the Chairperson of an Urban Local Body has become subject to such disqualification, the question shall be referred for the decision of such member of the Council as the Council may elect in this behalf and his/her decision shall be final.

5. **Rules** – (1) The Chairperson of the Urban Local Body concerned may make rules, subject to the approval of the State Government, for giving effect to the provisions of this Act and in particular and without prejudice to the generality of the foregoing, such rules may provide for:-
- (a) the maintenance of Registers or other records as to the political party, if any, to which different members of the Council belong;
 - (b) the report which the leader of a political party in relation to a member of the Council shall furnish with regard to a condonation of the nature referred to in section 2(b) in respect of such member, the time within which and the Authority to whom such report shall be furnished;
 - (c) the report which a political party shall furnish with regard to admission to such political party of any members of the Council and the officer of the Council to whom such report shall be furnished;
 - (d) the procedure for deciding any question referred to in section 4 including the procedure for any inquiry which may be made for the purpose of deciding such question;
- (2) The rules made by the Chairperson of the Urban Local Body shall be publicised for the information of all members of the Council and shall come into effect from the date of such publication.

STATEMENT OF OBJECTS AND REASONS

Taking into consideration, the expectations and aspirations of the people of the State, the bill to be known as **Disqualification on Ground of Defection in Urban Local Bodies, Bill, 2024** is hereby proposed through this bill.

Sd/-

NEIPHIU RIO

Hon'ble Chief Minister of Nagaland

and Minister in charge of

Urban Development & Municipal Affairs Department

KOHIMA

August 22, 2024

DISQUALIFICATION ON GROUND OF DEFECTION IN URBAN LOCAL BODIES, BILL, 2024.

(As passed by the Nagaland Legislative Assembly on the 29th August, 2024)

This Bill was passed by the Nagaland Legislative Assembly on 29.08.2024.

Kohima,
The 29-08-2024

Sd/-
SHARINGAIN LONGKUMER
SPEAKER
Nagaland Legislative Assembly

I assent to this Bill

Kohima,
The 19-10-2024

Sd/-
LA GANESAN
GOVERNOR