

PART-V

NOTIFICATION

NO.AS/LEG-19/Bill/Municipal Disqualification/2024/3379 **Dated Kohima, the 27th August, 2024.**

Disqualification on Ground of Defection in Urban Local Bodies Bill, 2024, together with the Statement of Objects and Reasons and the Financial Memorandum which was introduced in the Nagaland Legislative Assembly on Tuesday, the 27th August, 2024, is published for general information as required under Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-
KHRUOHITUONUO RIO
Secretary-In-Charge
Nagaland Legislative Assembly
Secretariat: Kohima

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

INDEX

Chapter-I

Sections:	Page No
1. Short title, extent and commencement	1

Chapter-II

2. Disqualification on ground of defection	1
3. Disqualification on ground of defection not to apply in case of merger	1-2
4. Decision on question as to disqualification on ground of defection	2-3
5. Rules	3

DISQUALIFICATION ON GROUND OF DEFECTION IN URBAN LOCAL BODIES, BILL, 2024 (Act No.....of 2024)

A bill 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.

KOHIMA
August 22, 2024.

Sd/-
NEIPHIU RIO
Hon'ble Chief Minister of Nagaland
and Minister in charge of
Urban Development & Municipal Affairs Department

FINANCIAL MEMORANDUM

The provisions to **Disqualification on Ground of Defection in Urban Local Bodies, Bill, 2024** do not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State. Hence this is not a Money Bill or a Financial Bill.

KOHIMA
August 22, 2024.

Sd/-
NEIPHIU RIO
Hon'ble Chief Minister of Nagaland
and Minister in charge of
Urban Development & Municipal Affairs Department