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**THE NAGALAND GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 184 Kohima

Monday, July 15, 2024

Ashadha 24, 1946 (Saka)

NOTIFICATION

Dated Kohima, the 15th July, 2024.

NO.LAW/BILL/23-28/2024 : : The Disqualification on ground of defection in Urban Local Bodies Ordinance, 2024, No. 2 of 2024 duly assented by the Hon'ble Governor on 15th July 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 ORDINANCE, 2024**

No. 2 of 2024

Promulgated by the Governor in the Seventy Fifth Year of the Republic of India

Whereas an Ordinance to make provisions relating to disqualification on ground of defection in the Urban Local Bodies.

And whereas the Nagaland Legislative Assembly is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action to give effect to the provisions relating to disqualification on ground of defection in Urban Local Bodies.

Now, therefore, in exercise of the powers conferred by Clause 1 of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:

CHAPTER -1**PRELIMINARY**

Short Title,	1(1) This Ordinance may be called the Disqualification on Ground of Defection in Urban Local Bodies Ordinance, 2024.
Commencement	1(2) The provisions of this Ordinance shall come into effect forthwith.

CHAPTER - 2

2. **Disqualification on ground of defection** – A member of a House of the Urban Local Body belonging to any Political Party shall be disqualified for being a member of the House –
 - (a) If he has voluntarily given up his membership of such political party by which he was set up as a candidate for Election as such member;
 - (b) If he votes or abstains from voting in such House contrary to any direction issued by the political party to which he 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 House shall not be disqualified under Paragraph 2 above where not less than two thirds of the members of his legislature party have decided to merge with another legislature party in the House.

(2) For the purpose of this sub-paragraph 3, the merger of the original political party of a member of a House shall be deemed to have taken place with another political party, if not less than two thirds of the members of the legislature party concerned have agreed to such merger with another legislature party in the House.

4. **Decision on questions as to disqualification on ground of defection**—If any question arises as to whether a member of a House has become subject to disqualification under this Law, the question shall be referred for decision of the Chairman of the Urban Local Body concerned and his decision shall be final.

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

5. **Rules** - (1) The Chairman 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 Law 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 House belong;
 - (b) the report which the leader of a political party in relation to a member of the House shall furnish with regard to a condonation of the nature referred to in Paragraph 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 House and the officer of the House to whom such report shall be furnished;
- (d) the procedure for deciding any question referred to in Paragraph 4 including the procedure for any inquiry which may be made for the purpose of deciding such question;
- (2) The rules made by the Chairman of the Urban Local Body shall be publicised for the information of all members of the House and shall come into effect from the date of such publication.

Sd/-
LA.GANESAN
GOVERNOR

Dated 15th July, 2024

Sd/-
THEJANGU-Ü KIRE
Secretary to Government of Nagaland
Department of Law and Justice