

THE ARUNACHAL PRADESH LOCAL AUTHORITIES (PROHIBITION OF DEFECTION) ACT, 2003
(ACT NO. 3 OF 2003)

[Assented by the Governor of AP on 22.03.2003 and published in AP EOG No 197 Vol XII Dtd 24-3-2003 [wef 24/03/2003]

1. Amended by the Arunachal Pradesh Local Authorities (Prohibition of Defection (Amendment) Act 2006 [Assented by the Governor of AP on 05.05.2006 and published in AP EOG No 42 Vol XIV Dtd 15.05.2006 [wef 5/5/2006]

AN

ACT

to prohibit defection by the Members of Zila Parishad, Anchal Samiti and Gram Panchayat from the political parties by which they were set up as candidates and matters connected therewith.

Whereas, it is expedient to prohibit defection by the Members of Zila Parishad, Anchal Samiti and Gram Panchayat from the political parties by which they were set up as candidates and matters connected therewith ;

BE it enacted by the Arunachal Pradesh State Legislature in the Fifty Fourth Year of the Republic of India as follows :

1. (i) This Act may be called the Arunachal Pradesh Local Authorities (Prohibition of Defection) Act, 2003.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In this Act, unless the context otherwise requires -

(i) "Zila Parishad" means Zila Parishad established under the Arunachal Pradesh Panchayat Raj Act, 1997 ;

(ii) "Anchal Samiti" means Anchal Samiti established under the Arunachal Pradesh Panchayat Raj Act, 1997 ;

(iii) "Gram Panchayat" means Gram Panchayat established under the Arunachal Pradesh Panchayat Raj Act, 1997;

(iv) "Member" means a member of Zila Parishad, Anchal Samiti and Gram Panchayat elected under the Arunachal Pradesh Panchayat Raj Act, 1997 ;

(v) "Political Party" in relation to a member means a political party recognised by the Election Commission of India as National Party or a State Party in the State of Arunachal Pradesh under the Election Symbols (Reservation and Allotment) Order, 1968 and to which he belongs for the purpose of sub-section (1) of Section-3.

3. (1) Subject to the provisions of Sections ¹[...omitted], 5 and 6, a member, belonging to any political party, shall be disqualified for being such member :

(a) if he has voluntarily given up his membership of such political party ; or

(b) if he votes or abstains from voting in, or intentionally remains absent from any meeting of the Zila Parishad or Anchal Samiti or Gram Panchayat contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf without obtaining the prior permission of such party, person or authority and such voting, abstention or absence has not been condoned by such political party, person or authority within fifteen days from the date of voting or such abstention or absence ;

Explanation:- For the purpose of this sub-section, a person elected as a member, shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member ;

Short title and Commencement.

Definitions.

Disqualification the ground of defection.

(2) A person elected as a member, otherwise than as a candidate set up by a political party, shall be disqualified for being a member if he joins any political party after such election.

²[4. omitted.]

5. (1) A member shall not be disqualified under sub-section (1) of Section 3, where his political party merges with another political party and he claims that he and any other members of his political party,

(a) have become members of such other political party, or as the case may be, of a new political party formed by such merge; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall deemed to be the political party to which he belongs for the purpose of sub-section (1) of Section 3 and to be his political party for the purposes of this section.

(2) for the purpose of sub-section (1) of this section:

(a) the merger of the political party or a Member shall be deemed to have taken place if, and only if, not less than two thirds of the members of the political party concerned have agreed to such merger;

(b) the expression "such other political party" and "new political party" shall include a political party whether such political party has been recognised or not by the Election Commission of India as a National Party or a State Party in the State of Arunachal Pradesh under the Election Symbols (Reservation and Allotment) Order, 1968.

6. (1) A complaint that a member has become subject to the disqualification under Section 3 may be made by a member or a political party to the Member Secretary of the concerned local authority:-

(a) in a case falling under clause (a) of sub section(1) after the Member gives up the membership of the political party ;

(b) in a case falling under clause (b) of sub section(1), after the expiry of fifteen days specified therein ;

(c) in a case falling under sub-section (2) after he joins the political party.

(2) Where a complaint under sub-section (1) is received by the Member Secretary of the concerned local authority, he shall, within twenty-four hours from the receipt of such complaint, refer the same for decision to the

³[Deputy Commissioner] who shall decide the question within thirty days after the receipt by him of the reference and his decision shall be final.

7. Notwithstanding anything contained in any law, no Court shall have any jurisdiction in respect of any matter connected with disqualification of a Member under this Act.

Disqualification on the ground of Defection not to apply in case of merger.

Decision on the question as to disqualification on the ground of defection.

Bar on Jurisdiction of Courts.

Power to make Rules.

8. The State Government may, by notification and after previous publication, make rules for carrying out the purpose of this Act.

Power to
make Rules.

Explanation : In this section ;-

(1) "Member Secretary" means :-

(a) in case of a Zila Parishad, the Member Secretary of the Zila Parishad ;

(b) in case of an Anchal Samiti, the Member Secretary of the Anchal Samiti.

(c) in case of a Gram Panchayat, the Member Secretary of the Gram Panchayat.

(2) "Local Authority" means the Zila Parishad, Anchal Samiti and the Gram Panchayat.

⁴[(3)Omitted].

NOTE:

¹[Omission of Fig '4' by 2006 Amendment Act. s2]

²[Omission of s 4 by 2006 Amendment Act. s3]

³[Substitution of word 'State Election Commissioner' by 'Deputy Commissioner' by 2006 Amendment Act. s4]

⁴[Omission of SL No 3 of the explanations below section 8 by 2006 Amendment Act. s5]

