



**The Nagaland Salaries, Allowances and Other Facilities of The Chief Minister,
Other Ministers, Speaker, Leader of Opposition, Deputy Speaker,
Parliamentary Secretaries and Other Members of The Nagaland Legislative
Assembly and Pension for Ex-Members Act,**

Act 8 of 2005

Keyword(s):

**Chief Minister, Deputy Speaker, Ex-Member, Facilities, Leader of Opposition,
Legislative Assembly, Life of a Legislative Assembly, Minister, Parliamentary
Secretary, Speaker, Term for the Purpose of Pension**

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THE NAGALAND SALARIES, ALLOWANCES AND OTHER FACILITIES OF THE CHIEF MINISTER, OTHER MINISTERS, SPEAKER, LEADER OF OPPOSITION, DEPUTY SPEAKER, PARLIAMENTARY SECRETARIES AND OTHER MEMBERS OF THE NAGALAND LEGISLATIVE ASSEMBLY AND PENSION FOR EX-MEMBERS ACT, 2005

(Act No.8 of 2005)

Received the assent of the Governor on 29.10. 2005 and published in the Nagaland Gazette Extra-Ordinary dated 25.11. 2005

An

Act

to consolidate all Acts and rules relating to the salary, allowances, pension and other facilities of Chief Minister, other Ministers, Speaker, Leader of Opposition, Deputy Speaker, Parliamentary Secretaries and other Members of the Nagaland Legislative Assembly and pension for ex-Members.

Be it enacted by the Nagaland Legislative Assembly in the fifty-sixth year of the Republic of India as follows:

Short title and commencement :

1. (1) This Act may be called the Nagaland Salaries, Allowances and other Facilities of the Chief Minister, other Ministers, Speaker, Leader of Opposition, Deputy Speaker, Parliamentary Secretaries and other Members of the Nagaland Legislative Assembly and Pension for ex-Members Act, 2005.
- (2) All sections in this Act, except the provision relating to Hospitality Allowances of the Leader of Opposition in Schedule I, shall come into force with effect from the 1st October, 2005.
- (3) The provision relating to Hospitality Allowances of the

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Leader of Opposition in Schedule I shall be deemed to have come into force with effect from the 14th March, 2003:

Provided that the Hospitality Allowances payable to the Leader of Opposition from the 14th March, 2003 to the 30th September, 2005 shall be restricted to Rs. 2,500 p.m.

Definitions :

2. In this Act, the following words shall have the meaning assigned to them as under :
 - (1) "Assembly Secretariat" means the Nagaland Legislative Assembly Secretariat;
 - (2) "Chief Minister" means Chief Minister of Nagaland so appointed by the Governor under article 164 of the Constitution of India;
 - (3) "Constitution" means the Constitution of India;
 - (4) "Deputy Speaker" is a member of the Nagaland Legislative Assembly so chosen under article 178 of the Constitution of India;
 - (5) "ex-Member" for the purpose of Pension, if alive, and family Pension, if not alive, means and includes a person, regardless of the office he held during the life of the Legislative Assembly-
 - (i) who has made oath or subscribed to affirmation as a member of the Nagaland Legislative Assembly as required under article 188 of the Constitution; and

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- (ii) who had been a member of the Interim Body constituted under the Nagaland (Transitional Provisions) Regulations, 1961; but does not include a member of the Nagaland Legislative Assembly
- (iii) whose election has finally been set aside by a competent Court;
- (iv) who has been disqualified by the Governor or the Speaker under any provision of the Constitution of India or a law in force, for being a member of the House;
- (v) whose seat has been declared vacant under article 190(4) of the Constitution of India; and
- (vi) who has voluntarily resigned from his membership of the House excepting a member who has resigned his membership of the House to assume the office of (i) member of Lok Sabha, or (ii) member of Rajya Sabha, or (iii) member of any State Legislature or (iv) Minister in the Union or any State Government or (v) Governor or (vi) Vice President of India or (vii) President of India or any other analogous Constitutional or statutory office or post;
- (6) "facilities" includes all provisions made by the State Government or the Assembly Secretariat under this Act that are not provided in cash, like bungalow, telephone, vehicle etc.
- (7) "Leader of Opposition" means a member of the "Nagaland Legislative Assembly so appointed by the Speaker of the Nagaland Legislative Assembly, by notification, on request

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being made in that behalf to him by a Leader of a Legislature Party in Opposition to the Government in the Nagaland Legislative Assembly which has not less than 10 members in the House; (on the Legislature Party losing the said strength in the House, the Speaker shall forthwith relieve him, by notification, from the office of the Leader of Opposition);

- (8) “Legislative Assembly” means the Nagaland Legislative Assembly;
- (9) “Life of a Legislative Assembly” for the purposes of this Act and in respect of a Member, regardless of the office he holds, means the duration from the date of making oath or subscribing to affirmation under article. 188 of the Constitution till the date of (i) dissolution of the Legislative Assembly or (ii) the death or the Member or (iii) voluntary resignation covered by the exceptions mentioned in the definition to the word “ex-Member” above;
- (10) “Minister” means a Minister in the Government of Nagaland so appointed by the Governor on the advice of the Chief Minister, under article 164 of the Constitution of India;
- (11) “Other Members” or “Members” are those Members of the Nagaland Legislative Assembly who do not hold the offices of Chief Minister, Minister; Speaker, Deputy Speaker or Parliamentary Secretary but include the Chairmen of Committees of Nagaland Legislative Assembly.
- (12) “Parliamentary Secretary” is a member of the Nagaland

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Legislative Assembly so appointed by the Chief Minister under the provisions of the Rules of Executive Business of the Government of Nagaland and the Notifications issued in this regard by the Department of Parliamentary Affairs of the Government of Nagaland;

- (13) “Speaker” means and includes
- (i) a member of the Nagaland Legislative Assembly so chosen under article 178 of the Constitution’ of India;
 - (ii) Deputy Speaker of the Nagaland Legislative Assembly performing the duties of the office of the Speaker under article 180 (1) of the Constitution of India; and (iii) a member of the Nagaland Legislative Assembly appointed by the Governor to perform the duties of the office of the Speaker;
- (14) “State Government” means, unless specified in this Act, “Department- of the Government of Nagaland authorized by the Government of Nagaland to carry out the purposes of this Act; and
- (15) “term for the purpose of Pension” and family Pension under this Act, has the same meaning assigned to the words “life of a Legislative Assembly”.

Salary, allowances and other facilities

3. (1) The salary, allowances and other facilities of the Chief Minister, other Ministers, Speaker, Leader of Opposition, Deputy Speaker, Parliamentary Secretaries and other Members of the Nagaland Legislative Assembly shall be as shown

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in Schedule I.

- (2) The State Government shall be responsible' for making payment and providing facilities to the Chief Minister, other, Ministers and Parliamentary Secretaries in accordance with Schedule I.
- (3) The Assembly Secretariat' shall be responsible for making: payment and providing facilities to the Speaker, the Leader of Opposition, the Deputy Speaker and other Members of the Nagaland Legislative Assembly in accordance with Schedule I.

Pension and family pension of ex-members.

4. (1) The pension and family pension of ex-Members shall be as shown in Schedule II.
- (2) Pension to an ex-member, regardless of the offices he held when he was a member of the Legislative Assembly, shall be paid from the date he becomes an ex member.
- (3) In the case of the-Speaker, who, under the second proviso to article 179 of the Constitution, continues in office despite dissolution of the Legislative Assembly until the first meeting of the newly elected Legislative Assembly, on becoming an ex-Member, pension shall be paid to him from the date of demission of office of Speaker.
- (4) On the death of a Member, at any time during the life of the Legislative Assembly to which he was elected or on the death of an ex-Member at any time, family pension shall

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be paid, from the date of death, to the surviving spouse of the deceased, failing which, it shall be paid to the dependent and if the dependent is a minor, to the guardian until the minor attains the age of 18 years.

- (5) The State Government, from time to time, may issue necessary instructions in regard to forms to be filled, declarations to be made etc., by the claimants and recipients of pension and family pension.

Ineligibility to Pension

5. (1) Where any person entitled to pension under this Act,-
- (i) is elected to the office of President or Vice President or is appointed to the office of the Governor of any State of the Administrator of any Union territory; or
 - (ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under the Delhi Administration Act 1966; or
 - (iii) becomes Minister in the Union or any State Government; or
 - (iv) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled, by the Central Government, or any State Government or any local authority, or becomes otherwise entitled to any remuneration from such Government; Corporation

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or local authority, such person shall not be entitled to any pension under this Act for the period during which he continues to hold such office or be such member, or is so employed or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or where the remuneration referred in sub-clause (iii) payable to such person is, in either case, less than the pension payable, to him under this Act, such person shall be entitled to receive only the difference between such salary or remuneration and the pension as ex-Member under this Act.

- (2) Where any person entitled to pension under this Act, is also entitled to any other pension, from the Central Government or State Government or any Corporation owned by such Government or local authority or under any law or otherwise, then,-
 - (i) if the any other pension is equal or in excess of the pension to which the ex-member is entitled to under this Act, the ex-Member shall not be paid any pension under this Act;
 - (ii) and if the any other pension is less than the pension to which the ex-Member is entitled to under this Act, the ex-Member shall be paid only the amount constituting the difference between the any other pension and the pension to which the ex-Member is entitled under this Act.
- (3) The provisions in sub-sections (1) and (2) shall *mutatis mutandis*, apply to the claimants of family pension under

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this Act.

Ex-gratia payment

6. When a sitting member is killed in a terrorist act, the spouse or the dependent of the deceased member or the next of his kin may be granted an *ex gratia* payment of Rs.5 lakhs by the State Government.
7. When a sitting member dies, the spouse or the dependent of the deceased member or the next of his kin may be granted an *ex gratia* payment of Rs. 2 lakhs by the State Government.

Ex-members Welfare Fund

8. (1) There shall be constituted a Fund called the ex-Members' Welfare Fund to provide assistance to ex-Members in extreme contingencies.
- (2) The State Government shall, contribute a one-time assistance of Rs.25 lakhs to the Fund within one year from the commencement of this Act.
- (3) From the salary of the Chief Minister, every Minister, the Speaker, the Leader of Opposition, the Deputy Speaker, every Parliamentary Secretary and every other Member of the Nagaland Legislative Assembly, a sum of Rupees one thousand per mensem shall be deducted and credited to the Fund.
- (4) The Assembly Secretariat shall be responsible for the operation of the Fund.

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- (5) A report regarding the receipts into and expenditure from, the Fund as well as the manner in which the fund has been applied, shall be, made to the Legislative Assembly at the end of every financial year.
- (6) The Fund shall be audited by Accountant General, Nagaland.

Periodic review of salaries, allowances, other facilities and pension

9. (1) The State Government shall constitute a Commission comprising persons of eminence in the field of social service, politics, administration etc., for studying the structure of pay and facilities provided for in this Act and to make suitable recommendations to the Government.
- (2) The first such Commission shall be constituted after the lapse of 5 years from the date of commencement of this Act and subsequent Commissions shall be constituted every five years.
- (3) All the recommendations and reports of the House Committee of the Nagaland Legislative Assembly received by the government in regard to the salaries and allowances of Members of the Nagaland Legislative Assembly and all other proposals of the State Government in this regard, shall be duly placed before the Commission constituted in the aforesaid manner which shall study the reports of the House Committee and the proposals of the State Government for appropriately recommending actions to be taken

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by the Government and while doing so, the Commission shall keep the general state of financial health of the State and the considered opinion of the members of the public.

- (4) The report of the Commission shall be laid before the Legislative Assembly as soon as it has been received by the Government along with the Action Taken Report on the recommendations:

Provided nothing herein shall be construed as restricting the powers and functions of the House Committee constituted by the Speaker under the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Claim and surrender of facilities

10. (1) A Member, on assumption of office of Chief Minister, other Minister, Leader of Opposition, Speaker, Deputy Speaker or Parliamentary Secretary, shall be entitled to the salaries and allowances attached to the newly assumed office from the date of appointment to the office.
- (2) It shall be the responsibility of the State Government or the Assembly Secretariat, as the case may be, to provide the Member as referred in sub-section (i) above, with all other facilities to which he is entitled to, within 15 days of the date of appointment to the office.
- (3) The Chief Minister, other Ministers, Leader of Opposition, Speaker, Deputy Speaker or Parliamentary Secre-

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taries, on demission of their office and becoming ordinary Members of the Legislative Assembly, shall only be entitled to the salaries and allowances attached to the office of an ordinary Member from the date of demission of the office.

- (4) It shall be the responsibility of the State Government or the Assembly Secretariat, as the case may be, to take back all the facilities from the then office holder as referred in sub section (3) above, to which he is not entitled to, within 15 days of the date of demission of the office.

Application of rules relating to Government servants

11. (1) In cases of insufficient provision in this Act in regard any entitlement under this Act, the rules that are applicable to the Senior Class I Government servants of the State Government shall be applied *mutatis mutandis* for dealing with such insufficiencies.
- (2) Without prejudice to the generality of the above provision and in particular, the rules relating to eligibility of family pension in respect of Government servants, shall be followed for determining the eligibility of family pension under this Act, in the absence of specific provisions in the Act.

Removal of doubts

12. (1) The State Government shall issue necessary orders for removing doubts in regard to implementation of the Act in respect of Chief Minister, other Ministers and Parliamentary Secretaries.

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- (2) The Assembly Secretariat shall issue necessary orders for removing doubts in regard to implementation of the Act in respect of Speaker, Leader of Opposition, Deputy Speaker and other Members of the Nagaland Legislative Assembly.
- (3) Neither the State Government nor the Assembly Secretariat shall issue any order for, removing doubts in regard to implementation of the Act without consulting each other.
- (4) No such order issued either by the State Government or the Assembly Secretariat shall have the effect of amending any of the provision in this Act but only in the nature of clarification and guidance for the smooth implementation of this Act and the decisions of the State Government, whether an order issued under this section is an order having the effect amending this Act or not shall be final.
- (5) It shall be the responsibility of the Department of Parliamentary Affairs to publish annually all such orders issued both by the State Government and the Assembly Secretariat for reference and use.

Repeal and savings

13. (1) The following Acts and rules made thereunder are hereby repealed:
 - (i) The Nagaland Ministers' Salaries and Allowances Act, 1964;
 - (ii) the Nagaland Speaker's Salaries and Allowances, Act,

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1964;

- (ii) the Nagaland Speaker's Salaries and Allowances, Act, 1964;
 - (iii) The Salary and Allowances of Leader of Opposition in the Nagaland Legislative Assembly Act, 1992;
 - (iv) The Nagaland Deputy Speaker's Salary and Allowances Act, 1964 and
 - (v) The Nagaland Legislative Assembly Members' Salaries, and Allowances and Pension Act, 1964.
- (2) Notwithstanding such repeal,
- (i) all pending acts to be done or omitted to be done under the said Acts and rules, in so far as these are not inconsistent with this Act, shall continue to be done or omitted to be done, as though the said Acts and rules have not been repealed; and
 - (ii) nothing shall be done, while carrying out the purposes of this Act, which has the effect of depriving the rights of any one particularly the recipients of pension and family pension under the Acts repealed herein, except for proceeding against acts of commission and omission under the Acts and rules so repealed which would be construed as illegalities if the Acts and rules so repealed would have continued in force.

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SCHEDULE -1
[See section 3]

Sl. no.	Title of Facility (Salary, allowance etc.)	Chief Minister	Other Ministers	speaker	Leader of Opposition	Deputy Speaker	Parliamentary Secretaries (MLAs)	Other Members (MLAs)
1	Salary p.m.	Rs. 15,000	Rs. 13,000	Rs. 13,000	Rs. 13,000	Rs. 12,000	Rs. 11,000	Rs. 10,000
2	No. of Vehicles	3	2	3	2	2	2	1
3	Vehicle maintenance Allowance p.m. per vehicle (for minor repairs)	Rs. 2000	Rs. 2000	Rs. 2000	Rs. 2000	Rs. 2000	Rs. 2000	If constituency is within 150 Kms. from Kohima Rs. 2000; if Constituency is between 150 to 300 Kms from Kohima, Rs. 2500; if more
				from Kohima	Rs. 3000.	than 300 Kms.	Constituency is away	
4	Major repairs of vehicles	To be undertaken through Government workshop	To be undertaken through Government workshop	To be undertaken by Assembly secretariat	to be undertaken by Assembly Secretariat	To be undertaken by Assembly secretariat	To be undertaken through Government workshop	Rs. 20,000 p.a subject to production of bills etc.
5.	Tyres & Tubes p.a per vehicle	4 Nos. each	4 Nos. each	4 Nos. each	4 Nos each	4 Nos. each	4 Nos. each	4 Nos. each
6	POL p.m. per vehicle	Rs. 5000	Rs. 5000	rs. 5000	Rs. 5000	Rs. 5000	Rs. 5000	If constituency is within 150 Kms from Kohima 100 litres; if

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								Constituency is between 150 to 300 Kms from Kohima. 150 litres; if Constituency is more than 300 Kms. away from Kohima 200 litres.
7	Fixed Telephone	2 telephones in office and 2 telephones in residence with STD facility	1 telephone in office and 1 telephone in residence with STD facility	1 telephone in office and 1 telephone in residence with STD facility	1 telephone in office and 1 telephone in residence with STD facility	1 telephone in office and 1 telephone in residence with STD facility	1 telephone in office and 1 telephone in residence with STD facility	Telephone allowance of Rs. 3000 p.m.
8	Accommodation	A rent-free bungalow with free electricity, water and maintenance subject to availability	A rent-free bungalow with free electricity, water and maintenance subject to availability	A rent-free bungalow with free electricity, water and maintenance subject to availability	A rent-free bungalow with free electricity, water and maintenance subject to availability	A rent free bungalow with free electricity water and maintenance subject to availability	A rent-free bungalow with free electricity water and maintenance subject to availability	A rent free room in MLAs Hostel with free electricity water and maintenance subject to availability
9	Government personal Staff//Assembly Secretariat Staff (regular/ad hoc/casual)	As per orders issued by State Government from to time	As per orders issued by State Government from to time	As per orders issued by the Speaker from time to time	As per orders issued by the the Speaker from time to time	As per orders issued by the the Speaker from time to time	As per orders issued by State Government from from to time	Nil
10	Government/Assembly Secretariat Drivers (regular/ad hoc/casual)	3 Government drivers	2 Government drivers	3 Assembly Secretariat drivers	2 Assembly Secretariat drivers	2 Assembly Secretariat drivers	2 Government drivers	Nil
11	Private Staff Allowance p.m. for engaging driver and Staff	NIL	Nil	Nil	Nil	Nil	Nil	Rs. 8,000

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12	Hospitality Allowance p.m.	Rs. 4000	Rs. 4000	Rs. 4000	Rs. 4000	Rs. 4000	Rs. 4000	Rs. 3000
13	Newspaper/magazine Allowance p.m.	Rs. 500	Rs. 500	Rs. 500	Rs. 500	Rs. 500	Rs. 500	Rs. 500
14	DA for attending House	Nil	Nil	Nil	Rs. 500	Nil	Nil	Rs. 500
15	DA for attending Committees	Nil	Nil	Nil	Rs. 500	Nil	Nil	Rs. 500
16	DA for official tours outside Nagaland but within India	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>	<p><i>If State Guest House facility is availed</i></p> <p>Metropolis : Rs. 500 Class A cities Rs. 400 Others Rs. 300</p> <p><i>If State Guest House facility is not availed</i></p> <p>Metropolis : Rs. 800 Class A cities Rs. 600 Others Rs. 500</p>

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SCHEDULE-II
[See section 4]

Title of Facility	Amount of pension/family pension
<u>Pension</u>	
Pension p.m. for ex-Member for the first term served in the Nagaland Legislative Assembly	Rs. 8,000
Additional pension p.m. for every additional term served in the Nagaland Legislative Assembly	Rs. 500
<u>Family Pension</u>	
For the spouse or dependent of the ex-member	50% of the Pension last received by the ex-member