

CHAPTER : 2 – RULES OF EXECUTIVE BUSINESS

(2.1)

GOVERNMENT OF NAGALAND OFFICE OF THE CHIEF SECRETARY

No.NGO-146/92

Kohima, the 5th May, 1993.

OFFICE MEMORANDUM

The undersigned is directed to draw the attention of all Administrative Secretaries of the Departments to the provisions of the Rules of Executive Business in which procedure for transaction of Government business had been defined. The attention of the Secretaries is specially invited to Rules 13 to 19 read with 29(6)(a) where procedure for the Cabinet has been prescribed and Rule 34(1) and (2) where certain cases shall have to be submitted to the Chief Minister and the Governor has been listed.

2. The first part pertains to procedures in the Cabinet and the second part pertains to procedures for the disposal of various cases including appointments and postings, Centre State relations, Inter-State relations, matters relating to Raj Bhavan and also Supreme Court, High Courts, the Government of Myanmar (Burma) etc.

3. The undersigned is constrained to observe that, of late, procedures as prescribed in the Rules of Executive Business are not being strictly followed by the Secretaries of the Department. The undersigned has also received Cabinet Memos signed by the Under Secretaries or Deputy Secretaries. Under no circumstances Cabinet Memo should be signed by any other Officer than the Secretary/Addl. Secretary (independent charge of the Department). While submitting Cabinet Memo it is ensured that the matter has been approved by the Chief Secretary, Minister-in-charge and the Chief Minister. Before any matter is submitted to the Cabinet the views of the Finance, Law, Planning and P&AR should also be obtained wherever necessary and the views given by these departments should be enclosed as an annexure. If the Cabinet so decides to review its earlier decision the date on which the Cabinet sat etc. should also be enclosed as annexure.

4. Rule 34 (1) and (2) prescribes that any matter which involves questions of policy including constitutional matters, appointment/promotion and posting of all Class-I, Gazetted Officers and above should be routed through the Chief Secretary to the concerned Minister and the Chief Minister and the Governor wherever required. Secretaries are the custodian of Rules and regulations and it is expected of them to guide and advise the Ministers properly so that no action of the Govt. would cause confusion or misunderstanding.

5. It is, therefore, impressed upon all Secretaries and the Addl. Secretaries in charge of Department to strictly follow the procedures as laid down in the Rules of Executive Business. This will avoid delay, confusion, embarrassment etc.

All Secretaries are requested to acknowledge receipt of this Memo.

Sd/- T.C.K.LOTHA
Chief Secretary, Nagaland

(2.2)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

OFFICE MEMORANDUM

NO.AR-12/1/89

Dated, Kohima, the 5th October'1995

Sub:- Restriction of Tour outside the State.

It is observed that despite restrictions Commissioner & Secretary/Secretaries and Heads of Department are going of the State without prior approval of Chief Secretary. This restriction was made in view of the poor financial position of the State. It is also seen that many officers go out of the State without proper and defined duties.

Further it is advisable that officers going to Delhi should have prior appointment of the matters to be discussed with the concerned officers with the Government of India. Since we are having telephone connection with Delhi Officers should always make appointment with the officers in Delhi and make out definite tour programme.

After careful consideration, it is once again reiterated that henceforth no officer should go out of the State without definite indication of programme either in Delhi or any other place. Secondly, it is impressed that Ministers may not take Secretaries and Directors with them without any specific duty.

Please acknowledge.

Sd/- T.C.K.LOTHA

Chief Secretary to the Government of Nagaland

(2.3)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

OFFICE MEMORANDUM

Dated Kohima, the 31st March, 1997.

No.AR-12/44/81 : : Instances have come to light when important notifications, Office Memorandum, Circulars and other instructions issued by various Departments of the Government, were not endorsed to the Governor's Secretariat her Department's for their information & record.

It is therefore, impressed upon all Administrative Heads of Department's to ensure that the important Notification etc. issued by the Government are endorsed to the Governor's Secretariat as well as other Departments. While endorsing such Communications care may be taken to observe the correct Order of Precedence notified vide No.CON-67/77 (pt) dated 24/9/82*.

Sd/- L. COLNEY

Chief Secretary to the Govt. of Nagaland

**Refer Chapter 24.5*

(2.4)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

OFFICE MEMORANDUM

Dated Kohima, the 6th June' 1997.

No.AR-5/1/88(PT) : : Certain instances have come to light where in a Department put up matters to the Cabinet for approval without consulting the competent Department. The Rules of Executive Business issued vide Notification No.AR-11/4/77 dated 28/7/80 clearly prescribe consultation/ concurrence of the Finance, Law, P&AR or Planning Department as the case may be for certain matters.

It is, therefore urged upon all Heads of Department in the Secretariat to ensure that no proposal is put up to the Cabinet for consideration without necessary concurrence required under the Rules of Executive Business.

The attention of all Heads of Departments in the Secretariat is also drawn to Rule 24(2) quoted below: Quote "A case in which under these Rules consultation with any other Department is required shall not be submitted to the Minister unless that Department has been consulted. In submitting the case to the Minister, the Secretary shall specifically invite the attention of the Minister-in -charge to the views of the Department" Unquote.

It is therefore, urged that case requiring consultation with any other Department should not be submitted to the Minister-in-charge unless that Department has been consulted.

Sd/- R. EZUNG

Joint Secretary to the Govt. of Nagaland.

(2.5)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

NO.AR-6/4/78

Dated, Kohima, the 12th May, 2004.

OFFICE MEMORANDUM

It has been observed that many files are endorsed to the Chief Minister without routing them through the Chief Secretary. In this connection the-attention of all concerned is drawn to the Rule 29 (6) (a) of the Nagaland Rules of Executive Business reproduced below for strict compliance.

"All papers relating to any matter, that may have to be submitted thorough the Chief Secretary, who will then forward the same with his comments, if any. The Chief Secretary also may, on the orders of the Chief Minister or of any Minister or his own motion, ask to see paper relating to any case in any Department and any such request by him shall be complied with by the Secretary of the Department concerned".

Sd/- R.S PANDEY

Chief Secretary to the Govt. of Nagaland

(2.6)

**Government of Nagaland
Department of Personnel and Administrative Reforms
(Administrative Reforms Branch)**

NOTIFICATION

Dated, Kohima, the 26th July, 2004.

NO. AR-6/4/78 : In exercise of powers conferred by clauses (2) and (3) of Article 166 of the constitution of India, the Governor of Nagaland is pleased to make the following amendments to the Rules of Executive Business of the Government of Nagaland as notified in Notification NO.AR-11/4/77 Dated the 28th July, 1980 and amended from time to time;

1. Rule 5 of the Rules of Executive Business
In Rule 5, after clause (2), the following shall be inserted, namely: -
'(30 The Chief Minister or any other Minister may discharge the functions of the Departments under his control with the assistance of one or more Parliamentary Secretaries, who shall be appointed and administered oath of secrecy by the Chief Minister.'
2. Rule 20 of the Rules of Executive Business:
In Rule 20, after clause (6), the following shall be inserted, namely: -
'(6A) When required, a Parliamentary Secretary attached to the Chief Minister or a Minister may be invited to a Cabinet meeting as a Special Invitee.'
3. New Rule 22A in the Rules of Executive Business:-
After the existing Rule 22, the following rule shall be inserted, namely:-
'(22A) Where in a Department a Parliamentary Secretary is attached to the Chief Minister or a Minister, all matters pertaining to that Department shall be submitted through the Parliamentary Secretary to the Chief Minister or the Minister concerned, as the case may be, who shall pass final orders,
4. First Schedule to the Rules of executive Business:
Under the heading 'I. Home Department' and under the sub-heading (B) Cabinet Cell.'
After the entry at (iii), the following entry shall be inserted, namely:
(iii)(a) appointment, removal and resignation of Parliamentary Secretaries.'
5. First Schedule to the Rules of Executive Business.
Under the heading '4. Justice, Law and Parliamentary Affairs Department' under the sub-heading '(B) Parliamentary Affairs Branch', after the entry at (xi), the following entry shall be inserted, namely:-
'(xi) (a) powers, functions, pay, allowances and other amenities of the Parliamentary Secretaries'.
6. The above amendments shall come into force with immediate effect.
7. This Notification is issued by Order and in the name of the Governor.

Sd/- V.N.GAUR.

Principal Secretary to the Government of Nagaland.

(2.7)

**Government of Nagaland
Department of Parliamentary Affairs**

NOTIFICATION

NO.PARLI-101/2004

Dated, Kohima, the 26th July, 2004.

Sub:- Powers functions and facilities of Parliamentary Secretaries.

The undersigned is directed to say that the Parliamentary Secretaries in the Government of Nagaland will be appointed and removed by the Chief Minister of Nagaland.

1. Only a member of the Nagaland Legislative Assembly, who is not a Minister of any rank, can be appointed as a Parliamentary Secretary.
2. The Chief Minister shall administer the oath of secrecy to Parliamentary Secretary before he enters upon his office in the format of oath of secrecy in the Third Schedule to the Constitution meant for a Minister for a State, with appropriate modifications.
3. The Chief Minister may assign work to a Parliamentary Secretary pertaining to any Department of the Government of Nagaland, which is either under his control or under the control of any other Minister.
4. The Secretary-in-charge of the Department concerned shall route all files through the Parliamentary Secretary concerned.
5. A Parliamentary Secretary may have access to papers, file documents etc, of the Government while discharging his functions.
6. While attending to the work assigned to him, a Parliamentary Secretary shall submit matters to the Chief Minister or the Minister concerned for final decision.
7. A Parliamentary Secretary may handle work in the Legislative Assembly with respect to work assigned to him, after due authorization by the Chief Minister or the Minister concerned.
8. A Parliamentary Secretary may be invited by the Chief Minister to a Cabinet meeting as a Special Invitee.
9. The entitlement of Parliamentary Secretary will be as follows:

A. Entitlements as an MLA being paid by the Assembly Secretariat:

- (1) Salary of an MLA
- (2) Two personal aides @ ` 1000 P.M for each (fixed) (tenure posts)
- (3) One driver @ ` 2000 P.M (fixed) (tenure posts)
- (4) One Vehicle with vehicle maintenance allowance, POL and tyres as admissible to an MLA.

(B) **Entitlements to be paid by the Chief Minister's Secretariat:**

- (1) One Vehicle with vehicle maintenance allowance of Rs 3,000/- pm and POL of Rs 4,950/- pm.
 - (2) Entertainment allowance of Rs 2,500 pm for residence Rs 1,500/- pm for office.
 - (3) Accommodation: A house/bungalow with free water and electricity.
 - (4) Telephone: one telephone each with STD in office and at residence.
 - (5) Personnel: One Private Secretary and one LDA from the Home Department.
 - (6) TA/DA on official tour: As per entitlement of a Class I officer.
10. Matters relating to the appointment, removal and resignation of Parliamentary Secretaries will be dealt with by the Cabinet Cell and matters relating to their powers, functions and facilities will be dealt with by the Department of Parliamentary Affairs.
11. This issues with the approval of the Chief Minister.

Sd/- R.KOTHANDARAMAN
Secretary to the Government of Nagaland.

(2.8)

Government of Nagaland
Department of Parliamentary Affairs

NOTIFICATION

No.PARLI-10/1/2004

Kohima, the 22nd July, 2005.

Sub: - Powers, facilities and facilities of Parliamentary Secretaries-revised Notification.
Appointment and removal

Parliamentary Secretaries in the Government of Nagaland will be appointed and removed by the Chief Minister of Nagaland. Only a member of the Nagaland Legislative Assembly can be appointed as a Parliamentary Secretary,

Resignation

2. A Parliamentary Secretary may resign from his office any time by addressing a letter in that regard to the Chief Minister.

Oath of Secrecy

3. A Parliamentary Secretary shall make an oath of Secrecy before the Chief Minister before he enters upon his office, in the form of oath of secrecy in the Third Schedule to the Constitution of India meant for a Minister for a State, with necessary modifications.

Powers and functions

4. The Chief Minister may assign work to a Parliamentary Secretary pertaining to any Department of the Government of Nagaland which is either under his control or under the control of any other Minister.
5. The Secretary-in-charge of the Department concerned shall route all files through the Parliamentary Secretary concerned.

6. A Parliamentary Secretary may have access to papers, files, documents etc, of the Government while discharging his functions.
7. A Parliamentary Secretary while discharging his functions shall submit matters to the Chief Minister or the Minister concerned for final decision.
8. A Parliamentary Secretary may handle work in the Legislative Assembly with respect to work assigned to him, after due authorization from the Chief Minister or the Minister concerned.
9. A Parliamentary Secretary may be invited by the Chief Minister to a Cabinet meeting as a Special Invitee.

Salary, allowances and other facilities

10. The salary, allowances and other facilities of the Parliamentary Secretaries shall be regulated by the Nagaland Ministers' Salaries and Allowance Act, 1964 and the Rules made there under. Their entitlement to personal staff shall be regulated by Home Department's Memorandum No.SAB-12/43 (Pt.III) dated 28.1.2002.
11. As per provisions in the Rules of Executive Business, the matters relating to the appointment removal and resignation of Parliamentary Secretaries will be dealt with by the Cabinet Cell and matters relating to their powers, functions and facilities will be dealt with by the Department of Parliamentary Affairs.
12. This issues with the approval of the Chief Minister.
13. This notification supersedes the earlier Notifications of even numbers dated the 26th July, 2004 and the 21st August, 2004.

Sd/- R.KOTHANDARAMAN
SECRETARY

(2.9)
Government of Nagaland
Department of Personnel & Administrative Reforms
(Vigilance Branch)

NOTIFICATION

Dated Kohima, the 18th August, 2006.

NO. PER/VIG/2/68/96 (Pt) : Whereas as per the Rules of Executive Business, Nagaland 1980, under Rule-4 First Schedule (E) (xiii) all Vigilance Clearance in respect of Gazetted Government Servants due for promotion, confirmation and crossing of Efficiency Bar, sanction of pension and extension of service, re-employment etc. of Gazetted Government servants are the subject to be dealt by Vigilance Branch of Personnel & Administrative Reforms Department.

2. And whereas the State Vigilance Commission has been issuing the same which is not in accordance with the said rules of State Executive Business.

3. It has been decided that henceforth, Vigilance Clearance in respect of all Gazetted Officers shall be issued by the Vigilance Branch of Personnel & Administrative Reforms Department. For the being, the State Vigilance Commission shall continue to issue Vigilance Clearance in respect of Non- Gazetted Government Employees.

Further, the State Vigilance Commission shall intimate the Personnel & administrative Reforms Department whenever any case(s) is/are pending against any Gazetted Officer(s). This shall be done Quarterly.

Sd/- LALHUMA, IAS
Chief Secretary to the Govt. of Nagaland

(2.10)

**Government of Nagaland
Finance Department
Expenditure Branch**

No.FIN/EXP(A)/1-6/2002

Dated Kohima, the 18th May, 2007

OFFICE MEMORANDUM

Sub: Obtaining of the concurrence of Finance Department before submitting any matter to the Cabinet involving financial implications for the State.

The undersigned is directed to draw the attention of all concerned to the provisions of Rule 10 of the Rules of Executive Business which says, inter alia, that “No Department shall, without previous consultation with the Finance Department, authorise any orders (other than orders pursuant to any general delegation made by the Finance Department) which either immediately or by their repercussion will affect the Finance of the State.....

1. Attention of all concerned is also drawn to the provisions of Rule 40 of the Rule of Executive Business which says, inter alia, that ‘Where consultation with the Finance Department is necessary under the Rules or under these instructions it shall take place before the issue of orders or submission of the case to the Cabinet.
2. Instances have come to notice that matters effecting the Finances of the State have been submitted to the Cabinet (and orders on the Cabinet decision have been issued subsequently) without prior consultation with the Finance Department, in violation of the provisions of the Rules.
3. Inadvertent action of the Departments, as cited above, has given rise to complications at later stages as the decisions take/orders issued were found to be injudicious/impracticable. In many cases, the Finance Department has been compelled to accord ex-post facto concurrence, which is not describable.
4. In view of the facts stated above, all the Administrative Departments are once again urged to obtain the concurrence of the Finance Department on any matter effecting, or likely to effect, the Finances of the State before submitting such matters to the Cabinet for a decision or before issuing orders consequent upon such decision.

Sd/- H.K.KHULU, IAS
Finance Commissioner.

(2.11)

Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

NO.AR-6/4/78

Dated, Kohima, the 4th March, 2008.

O R D E R

1. In exercise of the powers conferred by clauses (2) and (3) of the Article 166 of the Constitution of India, and in pursuance of the decision of the Executive Council dated 21/02/2008, the Governor of Nagaland is pleased to order certain re-allocation of the business of Government of Nagaland amongst the Departments as follows:
 - (i) The Cadre Management and control of the Nagaland Secretariat Service and the Nagaland Secretariat Stenographers Service shall stand transferred from the Home Department to P&AR Department;
 - (ii) The sub-allocation and coordination of utilization of grants received by the State Government from the Ministry of Tribal Affairs under Article 275(1) of the Constitution of India shall henceforth be dealt by Planning & Co-ordination Department.
 - (iii) It is hereby ordered that the files relating to the services of regular LDAs, UDAs and Stenographers of the Nagaland Secretariat may be transferred by Home Department, along with the concerned Dealing Assistants at the level of LDA and UDA. This process may be completed within the period of one week from the date of issue of this order.
 - (iv) However, the services of the contract/adhoc/fixed pay LDAs and Stenographers in the Secretariat shall continue to be dealt by the Home Department as before. The process of their proposed regularisation shall also continue to be dealt by the Home Department. As and when decisions are taken by the competent authority on the issue of regularisation of contract/fixed/pay scale LDAs/Stenographers, the relevant documents shall be transferred by Home Department for issue of necessary orders in this behalf.

Sd/- LALTHARA

Addl. Chief Secretary to the Govt. of Nagaland.

(2.12)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

NOTIFICATION

Dated, Kohima, the 7th Sept, 2013.

NO. AR-6/4/78 : In exercise of powers conferred by clauses (2) and (3) of Article 166 of the constitution of India, the Governor of Nagaland is pleased to make the following amendments to the Rules of Executive Business of the Government of Nagaland as notified in Notification NO.AR-11/4/77 Dated the 28th July, 1980 and amended from time to time:

1. Rule 5 of the Rules of Executive Business

The existing entries under clause (3) of Rule 5 shall be substitute by:-

‘(3) the following viz, the Chief Minister or any other Minister may discharge the functions of the Departments under his control with the assistance of one or more Parliamentary Secretaries/Advisers, who shall be appointed and administered oath of secrecy by the Chief Minister.’

2. Rule 20 of the Rules of Executive Business:

In Rule 20, after clause (6), the following shall be inserted, namely: -

‘(6A) When required, a Parliamentary Secretary/Adviser attached to the Chief Minister or a Minister may be invited to a Cabinet meeting as a Special Invitee.’

3. New Rule 22A in the Rules of Executive Business:-

After the existing Rule 22, the following rule shall be inserted, namely:-

‘(22A) Where in a Department a Parliamentary Secretary/Adviser is attached to the Chief Minister or a Minister, all matters pertaining to that Department shall be submitted through the Parliamentary Secretary/Adviser to the Chief Minister or the Minister concerned, as the case may be, who shall pass final orders,

4. First schedule to the Rules of executive Business:

Under the heading ‘I. Home Department’ and under the sub-heading ‘(B) Cabinet Cell.’

After the entry at (iii), the following entry shall be inserted, namely:

(iii) (a) appointment, removal and resignation of Parliamentary Secretaries/Advisers.’

5. The above amendments shall come into force with immediate effect.

6. This Notification is issued by Order and in the name of the Governor.

Sd/- ALEMTEMSHI JAMIR
Chief Secretary to the Government of Nagaland

(2.13)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

No. AR-6/4/78(Pt-1)

Dated, Kohima the 12th December, 2013

NOTIFICATION

Whereas a doubt has arisen whether approval of both the Chief Minister and the Governor need to be obtained in regard to the cases enumerated in Rule 34(2) of the Nagaland Rules of Executive Business:

Whereas the said Rules does not intend or mandate double approval of Chief Minister and Governor:

Whereas it has become necessary to remove doubt:

And therefore, in exercise of his powers in this behalf conferred on him by Rule 62 of the Nagaland Rules of Executive Business, the Chief Minister of Nagaland is pleased to order as under:

- (1) Matters enumerated under Rules 34(2) of the Nagaland Rules of Executive Business shall be submitted by the Departments (in the case of matters existed under Rule 34(2)(xxi) with the recommendation of the CSB/PEB in case of Administrative & Police officers) to the Chief Minister for the final approval of the Chief Minister.
- (2) The Secretary of the concerned Department shall submit orders of the Chief Minister in regard to matters enumerated under Rules 34(2) to the Governor through the Chief Secretary after the final approval of the Chief Minister, and;
- (3) Immediately after such submission for the information of the Governor, the orders will be issued for taking effect.

Sd/- ALEMTEMSHI JAMIR
Chief Secretary to the Government of Nagaland