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PART-I

NOTIFICATION

Dated Kohima, the 4th Feb 2019

HFW(A)/10/5/2014/447:: In continuation to this Department’s Order of even No. dated the 10/12/2018 and in the interest of Public Service, the Governor of Nagaland is pleased to Promote and transfer the under mentioned 4 (four) seniormost Food Safety Officers against the upgraded post in the Pay Band of Rs.15600-39100/- with Grade Pay Rs.5700/- (Pay level-14) plus all other allowances as are admissible under rules in force from time to time with immediate effect.

1. Shri Sendongkaba Jamir, FSO, DHFW is promoted to Assistant Food Safety Commissioner and retained at DHFW Kohima.

2. Shri Peterson Pongen, FSO Mon is promoted to Designated Officer of Food Safety and transferred and posted at CMO Office Kohima.

3. Shri Merelemba Ao, FSO, Mokokchung is promoted to Designated Officer of Food Safety and retained at CMO Office Mokokchung.

4. Shri Holongba Sangtam, FSO, Tuensang is promoted to Designated Officer of Food Safety and transferred and posted at CMO Office, Dimapur (vide upgraded FSO post of Kiphire to Designated Officer and transferred to CMO Office Dimapur).

Sd/-

I.HIMATO ZHIMOMI
Commissioner of Food Safety & Principal Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima the 13th February 2019

NO.COP-263/90-91 (Pt): In the interest of public service, the Governor of Nagaland is pleased to transfer and posting of the following officers under the establishment of the Registrar of Cooperative Societies, Nagaland, Kohima with immediate effect:-

1. Kum. Bharati Chhinal, SRCS is transferred and posted at the Office of SRCS, Pfitsero.

2. Smti. Imtila Ozukum, SRCS is transferred and posted at the Office of SRCS, Satakha.

The Officers transferred and posted to the two Sub-Divisional Offices shall draw their pay & allowances from the Office of the Registrar of Cooperative Societies, Nagaland, Kohima.

Sd/-

L. AKATO SEMA, IAS
Secretary to the Govt. of Nagaland
ORDER  
Dated Kohima, the 6th Feb 2019  
NO.DoWR/ESTT/T&P/01/2019/160:: In the interest of Public Service, the Governor of Nagaland is pleased to order transfer and posting of the following officers under the Department of Water Resources, Nagaland with immediate effect.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name &amp; Designation</th>
<th>Present posting</th>
<th>Transferred &amp; Posted at</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Er. J Lanu Longchar, E.E</td>
<td>Mokokchung</td>
<td>Kohima vice Er. Sutemo Kikon transferred.</td>
</tr>
<tr>
<td>2.</td>
<td>Er. A Roland Jami, E.E</td>
<td>Wokha</td>
<td>O/o SE Circle-I Dimapur</td>
</tr>
<tr>
<td>4.</td>
<td>Er. S Benrio Kithan, E.E</td>
<td>Longleng</td>
<td>Wokha Division on promotion.</td>
</tr>
<tr>
<td>7.</td>
<td>Er. Dichusie Pojar, SDO</td>
<td>Mon</td>
<td>Kiphire against existing vacancy.</td>
</tr>
<tr>
<td>11.</td>
<td>Er. Ahoto Chishi, SDO</td>
<td>Zunheboto</td>
<td>O/o SE Circle-I Dimapur against existing vacancy.</td>
</tr>
<tr>
<td>12.</td>
<td>Shri. Tsaseba Sangtam, SDO</td>
<td>Investigation Cell Dimapur</td>
<td>Agriculture Department vice Er. Imliwapang Ao transferred.</td>
</tr>
<tr>
<td>15.</td>
<td>Er. Zhato Yhoshu, SDO</td>
<td>Investigation Cell Dimapur</td>
<td>Retained on promotion</td>
</tr>
<tr>
<td>17.</td>
<td>Shri. Mhatham Ezung, JE</td>
<td>Kohima</td>
<td>Wokha</td>
</tr>
</tbody>
</table>

Handing/taking over should be completed within 7 days from the date of issue of this order.

Sd/-
KEKHRIESELIE MEPHU-O
Under Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 8th February, 2019

NO. POL/ ESTT-6/ 2/ 2019 :: On the recommendation of the Nagaland Public Service Commission vide letter No.NPSC/C-34/2008 dated 11th January, 2019 and in the interest of Public Service, the Governor of Nagaland is pleased to appoint Smti. Yinglong H Phom, to the post of Medical Officer (Class – I Gazetted) under Home Department in the Pay Matrix Level – 13 (Rs. 56100-177500/-) plus all other allowances as are admissible under rules from time to time with effect from the date of joining the post.

The appointment is on provisional basis and in case the character and antecedents of the candidate is found not verified or any false information is given by the candidate in her self-declaration, the provisional appointment will be cancelled forthwith and other criminal/legal action will be taken, as a consequence.

Confirmation of the provisional appointment will be subject to fulfilment of the laid down criteria as per P&AR OM No.AR-3/GEN-336/16 dated 13/06/2017 and amendments, if any, from time to time in this regard.

The individual is directed to submit the joining report to the Director General of Police, Nagaland, Kohima, within 30 (thirty) days from the date of issue of this notification and on expiry of which the appointment shall be treated as cancelled unless extension of joining report is notified.

Sd/-
T. ROY, IAS
Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 13th Feb 2019

NO. AGR/ESTT-01/2019/699:: In the interest of public service, the Governor of Nagaland is pleased to promote Shri. M. Ben Vauthan, Additional Director as Director (C-I Gazetted) under Agriculture Department in the Level 13 (123600-198300) of the Pay Matrix plus all other allowances as are admissible under Rules from time to time from the date of taking of over of charge.

2. The officiating promotion is made against the retirement of Shri. G.Ikuto Zhimomi, Director of Agriculture, retired on 30th November, 2018.

3. The officiating promotion is made purely on temporary basis and subject to regularization by the Departmental Promotion Committee.

4. This issues with the approval of the P&AR relaxation of qualifying length of service vide their U.O No.867 dated 06-02-2019.

Sd/-
T. IMKONGLEMBAO AO, IAS
Principal Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 13th Feb, 2019

No. EDS/ESTT-16/2010/131 In the interest of public service and in pursuance to the Rule 4(b) of the All Nagaland Directorate and District Stenographers Service Rule, 2018, the Governor of Nagaland is pleased to order the promotion of the following Stenographers from Grade-III to Grade-II (Class-II Gazetted) on having been declared successful in the speed test conducted by the NPSC vide their Notification No. NPSC/CON-17/2004 dated 8th December, 2017 under the establishment of the Directorate of School Education in the Level 11 of the Pay matrix (Rs. 40,800-1,29,200) with immediate effect.

i. Smti. Keveirino, Steno Grade -II
ii. Smti. Lhoubetuo, Steno Grade -II

2. The post is personnel to the incumbents.

3. This issues with the concurrence of the P & AR Department vide UO No. 899 dated 24/01/2019.

Sd/-
THEJANGUSANO SAVINO
Under Secretary to the Govt. of Nagaland

NOTIFICATION

Dated: Kohima, the 13th Feb. 2019

No. EDS/ESTT-16.2010/131 In the interest of public service and in pursuance to the Rule 4(b) of the All Nagaland Directorate and District Stenographers Service Rule, 2018 and on having been declared successful in the speed test conducted by the NPSC vide their Notification No. NPSC/CON-17/2004 dated 8th December, 2017, the Governor of Nagaland is pleased to order the promotion of Smti. Seyiekhrieu Sekhose, Grade-II (Jr) to Stenographer Grade-II (Class-II Gazetted) under the establishment of the Directorate of School Education in the Level 11 of the Pay matrix (Rs. 40,800-1,29,200) with immediate effect.

2. The post is personnel to the incumbent.

3. This issues with the concurrence of the P & AR Department vide UO No. 899 dated 24/01/2019.

Sd/-
THEJANGUSANO SAVINO
Under Secretary to the Govt. of Nagaland

NOTIFICATION

Dated : Kohima, the 18th Feb, 2019.

NO.HTE/13-5/2019 In the interest of public service, the Governor of Nagaland is pleased to cross-transfer the officials mentioned below on mutual understanding with immediate effect:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name &amp; designation</th>
<th>Department</th>
<th>Present posting place</th>
<th>New posting place</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Smti. Buno Angami,</td>
<td>Tenyidie</td>
<td>Kohima College, Kohima</td>
<td>Dimapur Govt. College</td>
</tr>
<tr>
<td></td>
<td>Asst. Prof.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Shri. Mhasivilie Zhale,</td>
<td>Tenyidie</td>
<td>Dimapur Govt. College</td>
<td>Kohima College, Kohima</td>
</tr>
<tr>
<td></td>
<td>Asst. Prof.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This issues with the approval of the Minister, Higher & Technical Education Department.

Sd/-
ANIMI LOTHAG
Under Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 16th Feb, 2019.

NO.SERI/ESTT-28/2007(Vol-II)/324 :: The Governor of Nagaland is pleased to order officiating promotion to the Under Mentioned Officer against the resultant vacant post of Assistant Sericulture Officer, (Class – II) Gazetted mentioned each under the establishment of the Directorate of Sericulture, Nagaland, in the following scale of pay, plus all other allowances as are admissible under the rule enforce from time to time from the date of issue of this order.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of the Officer with Designation</th>
<th>Promoted to the post of</th>
<th>Post vacated by</th>
<th>Scale of Pay</th>
<th>Place of Posting</th>
</tr>
</thead>
</table>

The officiating promotion is purely on temporary basis and is subject to regularization by the Departmental Promotion Committee (DPC).

This issues with the clearance of P&AR OM Branch vide U.O. NO. 894, Dated 15-02-19.

Sd/-
LUNGHEISING
Joint Secretary to the Govt. of Nagaland.

NOTIFICATION

Dated Kohima the 17th December, 2018

No. LRD/ESTT-8/2010:- In the interest of public service the Government of Nagaland is pleased to order transfer and posting of the following DPO/APO, under Land Resources Department as shown below :-

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name</th>
<th>Post held/ Present place</th>
<th>New place of posting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri. Hekato N.</td>
<td>DPO, Dimapur</td>
<td>Transferred and posted as Project Officer, attached to Directorate, Land Resources Department.</td>
</tr>
<tr>
<td>2.</td>
<td>Shri. I. Acato Chishi</td>
<td>DPO, Longleng</td>
<td>Transferred and posted as DPO, Dimapur vice Shri. Hekato N, DPO who is transferred to Directorate, Land Resources Department.</td>
</tr>
<tr>
<td>3.</td>
<td>Shri. Kughalu Chishi</td>
<td>APO, Mon</td>
<td>Transferred and posted as APO, Longleng vice Shri. I. Acato Chishi, APO who is transferred. He shall hold the charge of DPO and shall look after the projects under Longleng District.</td>
</tr>
</tbody>
</table>

Handing and taking over charge shall be completed on or before 10/01/2019.

Sd/-
W. RAVUNGO LOTHA
Deputy Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 18th February, 2019.

PAR-4/24/2009 (CSB) PT-II (B): In the interest of public service the Governor of Nagaland is pleased to order transfer and posting of the following NCS officers with immediate effect:

1. Sh. Hiazu Meru, NCS, Dy. Secy, Finance Department is transferred and posted as ADC, Mon.
2. Sh. Albert Ezung, NCS, ADC, Dimapur is transferred and posted as ADC, Peren.
3. Sh. Sharon Longchari, NCS, Deputy Secretary, Social Welfare Department is transferred and posted as ADC, Dimapur.
4. Sh. Warren Holohon Yepthomi, NCS, ADC, Tizit is transferred and posted as Dy. Secretary, H & TE.
5. Sh Pakon Phom, NCS, SDO (C) Manyakshu (designate) is transferred and posted as SDO(C), Tizit. He may be allowed to hold charge of ADC, Tizit.
6. Er. Namang Sepong Chang, SDO (C) Zunheboto is transferred and posted as posted as SDO (C) Phek.
7. Sh. Vekuto Vero, NCS, SDO (C) Phek is transferred and posted as SDO (C), Wokha.
8. Sh. Chomgjenthung Ezung, NCS, SDO (C), Wokha is transferred and posted as SDO (C) Tuensang.
9. Sh. Relise Sangtam, NCS, SDO (C), Mon is transferred and posted as SDO(C), Zunheboto.
10. Sh. Asungsba Walling, NCS, SDO (C), Mangkolemba is transferred and posted as SDO (C), Manyakshu.
11. Sm. Nyempo Wallim, NCS, SDO(C) Dimapur is transferred and posted as SDO (C), Wokha.
12. Sh. Vekusheyi Rhakho, NCS, Under Secy, G&M is transferred and posted as SDO(C), Seychung.
13. Sh. Vejoyo Swuro, NCS, SDO(C) Seychung is transferred and posted as SDO(C), Peren.
14. Sh. Vinieko Tetso, NCS, EAC, Kohima is transferred and posted as EAC, Mokokchung.
15. Sh. R. Daniel Angami, NCS, EAC, Kohima is transferred and posted as EAC, Namsang.
16. Sh. Dzesunguuo Mere, NCS, EAC Kohima is transferred and posted as EAC, Sungro.
17. Sm. Avonuo Kire, NCS, EAC, Kohima is transferred and posted as EAC, Dimapur.
18. Sh. Seyiekhrrietuo Solo, NCS, EAC Kezocha is transferred and posted as EAC, Aitepyong.
19. Sh. Tensuchuba Jamir, NCS, EAC Mokokchung is transferred and posted as EAC, Champang.
20. Sm. Limakumla Pongener, NCS, EAC Mokokchung is transferred and posted as EAC, Akuluto.
21. Sh. Pukha Lam, NCS, EAC Tuensang is transferred and posted as EAC, Lephory.
22. Sh. Sakurchingmak, NCS, EAC Tuensang is transferred and posted as EAC, Satakha.
23. Sh. Kihomong Yimchunger, NCS, EAC Sotokur is transferred and posted as EAC, Wokha.
24. Sm. Luchui Fithu, NCS, EAC Phek is transferred and posted EAC, Pughubotto.
25. Sh. Nuhuta Tunyi, NCS, EAC Pughubotto is transferred and posted as EAC, Ghatashi.
26. Sh. Turben Tsanglao, NCS EAC Wokha is transferred and posted as EAC, Chingmei.
27. Sh. Arhomo Yanthan, NCS, EAC, Wokha is transferred and posted as EAC, Yongya.
28. Sh. T. Sulanthung, NCS, EAC, Bhandari is transferred and posted as EAC, Tening with addl charge of EAC, Nsong.
29. Sh. James Renbi Kikon, NCS, EAC, Sanis is transferred and posted as EAC, Zunheboto.
30. Sh. Echungbemo Erui, NCS, EAC, Englan is transferred and posted as EAC, Aghunato.
31. Sh. Bendang Longkumer, NCS, EAC, Dimapur is transferred and posted as EAC, Peren.
32. Sh. Kupeusing Meru, NCS, EAC, Chare is transferred and posted as EAC, Kubulong.
33. Sh. Nockpai Konyak, NCS, EAC, Satakha is transferred and posted as EAC, Chare.
34. Sh. L. Monge Khimiungan, NCS, EAC, Zunheboto is transferred and posted as EAC, Kezocha.
35. Sh. Trongdiba Tongpi T. Sangtam, NCS, EAC, Ongpangkong is transferred and posted as EAC, Lotsu.
36. Sh. Imliakum Sanglir, NCS, EAC, Chukitong is transferred and posted as EAC, Phek.
37. Sm. Abeinuo Jasmin Ashao, NCS, EAC Pfutsero is transferred and posted as EAC, Sakraba vice Sm. Kelenguuo Solo relieved.

Sd/-

S. ATISHANGLA
Under Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 18th February, 2019

PAR-4/24/2009 (CSB) PT-II (C): In the interest of public service the Governor of Nagaland is pleased to post the following NCS Probationers as under with effect from 01.03.19.

1. Sh. Riku Khutso, EAC (P) is posted as EAC, Bhandari.
2. Sh. Obangnener Jamir, EAC (P) is posted as EAC, Chazouba.
3. Sh. Litsenthung Kikon, EAC (P) is posted as EAC, Zunheboto.
4. Kum. Imtinungla Longkumer, EAC (P) is posted as EAC, Wokha.
5. Sh. Ihoilung Chuilo, EAC (P) is posted as EAC, Longleng.
6. Kum. Khiuza Kaurinta, EAC (P) is posted as EAC, Mokokchung.
7. Sh. Khietho Koza, EAC (P) is posted as EAC, Kiphire.
8. Er. Mechietso Koza, EAC (P) is posted as EAC, Zunheboto.
9. Sh. Keveitho Rose, EAC (P) is posted as EAC, Tuensang.
10. Sh. Vithwel Kwoho, EAC (P) is posted as EAC, Phek.
11. Sh. Chubasen Ozukum, EAC (P) is posted as EAC, Mon.
12. Sh. Moasune, EAC (P) is posted as EAC, Tuensang.
13. Sh. Sizin Rentah, EAC (P) is posted as EAC, Phek.
14. Sh. Menom, EAC (P) is posted as EAC, Naginimora.
15. Sh. Toking Yimchunger, EAC (P) is posted as EAC, Wokha.

Sd/-

S. ATHISANGLA
Under Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 18th February, 2019

PAR-4/24/2009 (CSB) PT-II (A): : : In the interest of public service the Governor of Nagaland is pleased to order transfer and posting of the following IAS and NCS officers with immediate effect:

1. Sh. Anoop Khinchi, IAS, Addl. Secretary, W&H is transferred and posted as DC, Kohima.
3. Sh. Sachin Jaiswal, IAS, Addl. Secretary, W&H is transferred and posted as DC, Phek.
4. Sh. Kumar Ramnikant, IAS, ADC, Mon on promotion is transferred and posted as DC, Kiphire.
5. Sm. Sarita Yadav, IAS, ADC, Peren on promotion is posted as Deputy Commissioner, Peren.
7. Sh. L. Jamithung Lotha, NCS, DC Tuensang is transferred and posted as Jt. Secy, Art & Culture.
8. Sh. Orenthung Lotha, NCS, DC Phek is transferred and posted as Jt. Secy, Social Welfare Dept.
10. Sm. S. Tainiu, NCS, DC, Peren is transferred and posted as Jt. Secy, N&RE.

Sd/-

S. ATHISANGLA
Under Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 20th Feb. 2019

NO.PHE-1/EST/18/2004(Pt./47) : In the interest of public service, the Governor of Nagaland is pleased to order transfer and posting of the following Sub-Divisional Officers and Junior Engineers appointed under Public Health Engineering Department with immediate effect:-

1. Shri Methaneilie Suokhrie, SDO, Office of the Chief Engineer, Nagaland, Kohima is hereby transferred and posted to SE Kohima Circle.
2. Shri Tinu Longchar, SDO, Office of the Chief Engineer, Nagaland, Kohima is hereby transferred and posted to SE Mokokchung Circle.
3. Shri Tinulemba, SDO (PHE) Pungro, is hereby transferred and posted to Mokokchung Division as SDO-I against the vacancy created due to the retirement of Shri Masachuba Ozukum, SDO (retired).
4. Shri Lichonthung Patton, on appointment as SDO is posted to the Office of the Chief Engineer, Nagaland, Kohima against existing vacancy.
5. Shri Vezhoyi Ringa, on appointment as SDO is posted to the Office of the Chief Engineer, Nagaland, Kohima against the vacancy of Shri Methaneilie Suokhrie, SDO transferred.
6. Shri Beto Jimo, on appointment as SDO is posted to the Office of the Chief Engineer, Nagaland, Kohima against the vacancy of Shri Tinu Longchar, SDO transferred.
7. Shri Kevichutuo Mephuo, Junior Engineer, Kohima Division (Urban) is hereby transferred and posted to SDO (PHE) Pungro with current charge of SDO (PHE) Pungro.
8. Shri Marwati Longchar, Junior Engineer, Kiphire Division is hereby transferred and posted to Kohima Division (Urban) against the vacancy of Shri Kevichutuo Mephuo, J.E. transferred.
9. Kumari Delimla K., on appointment as Junior Engineer is posted to Kiphire Division against the vacancy of Shri Marwati Longchar, J.E. transferred.

Handing/taking over charge should be completed on or before 28th Feb. 2019.

Sd/-

NIKESONO KEVICHUSA
Under Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima, the 18th Feb’ 2019

NO.AHV/PROMOTION/SUPDT/2003/II :: The Governor of Nagaland is pleased to order Officiating promotion to the following Ministerial staff under the Directorate of Animal Husbandry & Veterinary Services Department as indicated in the Table below, with effect from the date of taking-over charge.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name &amp; Designation</th>
<th>Promoted to</th>
<th>Pay Matrix</th>
<th>Vacancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri R Among, Superintendent</td>
<td>Registrar</td>
<td>PB 15600-39100, GP 5700 (Level 14)</td>
<td>Vice Zapori Lobe, retired</td>
</tr>
<tr>
<td>2.</td>
<td>Shri Vesota, Asst. Superintendent</td>
<td>Superintendent</td>
<td>PB 15600-39100, GP 5400 (Level 13)</td>
<td>Vice R. Among, promoted</td>
</tr>
</tbody>
</table>

2. The officiating promotion is subject to regularization by the Departmental Promotion committee within 3 (three) months.

3. This has the Clearance of the P&AR Department vide U.O.No.881, dated 13-02-2019

Sd/-

MEDUHELE
Additional Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima, the 25th January 2019.

NO.LRD / ESTT-16/2004 (Pt): In the interest of public service, the Governor of Nagaland is pleased to order Officiating Promotion of the following under mentioned Officers under Directorate of Land Resources as shown below:-

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name and Designation</th>
<th>Promoted to</th>
<th>Pay level in the pay matrix</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri. Neilhoukhotuo Kuotsu, Project Officer</td>
<td>Deputy Director</td>
<td>Level -15 (67300-189300)</td>
</tr>
<tr>
<td>2.</td>
<td>Shri. Menousietho Tseikha, Asst. Project Officer</td>
<td>District Project Officer</td>
<td>Level-13 (56100-177500)</td>
</tr>
<tr>
<td>3.</td>
<td>Shri. Puthuto Natso, Asst. Project Officer</td>
<td>District Project Officer</td>
<td>Level-13 (56100-177500)</td>
</tr>
</tbody>
</table>

2. The officiating promotion shall be effective only from the date of taking over charge of the respective posts by the officers concerned.

3. This issues with the clearance of the P & AR Department’s U.O NO.8107 dated 24-01-2019.

4. The officiating promotion is subject to regularization by Departmental Promotion Committee (DPC) within 3 months.

5. The above officers will continue to serve in their respective place of posting till further orders.

Sd/-

IMTIWAPANG AO
Under Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima the 25th January 2019.

No.LRD / ESTT-16/2004 : In the interest of public service, the Governor of Nagaland is pleased to order Officiating Promotion of the following under mentioned Officers under Directorate of Land Resources as shown below:-

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name and Designation</th>
<th>Promoted to</th>
<th>Pay level in the pay matrix</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri. T. Renben Lotha</td>
<td>Director</td>
<td>Level-18 (123600-198300)</td>
</tr>
<tr>
<td></td>
<td>Additional Director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Shri. A. Pangjung Jamir</td>
<td>Additional Director</td>
<td>Level-17(102000-195500)</td>
</tr>
<tr>
<td></td>
<td>Joint Director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Shri. C. Vanchamo Ngullie</td>
<td>Joint Director</td>
<td>Level-16 (79900-193700)</td>
</tr>
<tr>
<td></td>
<td>Deputy Director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Shri. Hekato N</td>
<td>Deputy Director</td>
<td>Level-15 (67300-189300)</td>
</tr>
<tr>
<td></td>
<td>District Project Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Shri. V. Vikugha Sema</td>
<td>District Project Officer</td>
<td>Level-13 (56100-177500)</td>
</tr>
<tr>
<td></td>
<td>Asstt. Project Officer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. The officiating promotion shall be effective only from the date of taking over charge of the respective posts by the officers concerned.

3. This issues with the clearance of the P & AR Department’s U.O. No. 8108 dated 24-01-2019.

4. The officiating promotion is subject to regularization by Departmental Promotion Committee (DPC) within 3 months.

5. The above officers will continue to serve in their respective place of posting till further orders.

Sd/-

IMTIWAPANG AO
Under Secretary to the Govt. of Nagaland.
PART-IIA

NOTIFICATION

Dated Kohima, 4th February 2019

No.DSE/SSA/INTEGRATE/18-36/2018/165 : In supersession of Notification No EDS/RMSA/01-2009(Pl) Dated 5/01/2010 and pursuant to the decision of Government of India, Ministry of Human Resource Development, Department of School Education and Literacy, communicated vide D.O No 11-2/2017-EE.13 dated 3/04/2018 integrating the erstwhile GOI flagship programs viz Sarva Shiksha Abhiyan(SSA), Rashtriya Madhyamik Shiksha Abhiyan(RMSA) and Teacher Education(TE) into “Samagra Shiksha”, the Governor of Nagaland is pleased to subsume the erstwhile SSA, RMSA & Teachers Education schemes in Nagaland into the Samagra Shiksha. The Samagra Shiksha shall function as per the rules and functions prescribed in the Nagaland Education Mission Society Rules 2010 with immediate effect.

The structure of the Samagra Shiksha shall be as below.

I. State Education Mission Office (SEMO): The State Mission Authority SSA and State Mission Office RMSA is hereby integrated and re-named as the State Education Mission Office (SEMO). State Education Mission Office shall be headed by the State Mission Director appointed by the State Government. Manpower in the SEMO shall be as follows.

a) Project Team

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the post</th>
<th>No of post</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>State Mission Director</td>
<td>1</td>
<td>In the rank of Secretary, GON or above.</td>
</tr>
<tr>
<td>2</td>
<td>Addl. Mission Director</td>
<td>1</td>
<td>Deployment from the Directorate of School Education in the rank of Addl. Director or above.</td>
</tr>
<tr>
<td>3</td>
<td>Deputy Mission Director</td>
<td>3</td>
<td>On deployment basis In the rank of Deputy/Assistant Director. 1(one) from Higher Secondary section in the Directorate of School Education. 1(one) from Secondary/ Elementary section from the Directorate of School Education 1 (one) from the SCERT</td>
</tr>
<tr>
<td>5</td>
<td>State Education Mission Assistant</td>
<td>9</td>
<td>Deployment basis from the Directorate of School Education from amongst officials with service experience of at least 10 years.</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>14</td>
<td></td>
</tr>
</tbody>
</table>

b) Finance & Accounts

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the post</th>
<th>No of post</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Finance Controller</td>
<td>1</td>
<td>Accounts Officer/Sr. Accounts Officer or above on deployment basis from the State Finance &amp; Accounts Service.</td>
</tr>
<tr>
<td>2</td>
<td>Programme Manager (Accounts)</td>
<td>1</td>
<td>Deployment from DoSE with Finance &amp; Accounts background</td>
</tr>
<tr>
<td>Sl.No</td>
<td>Name of the post</td>
<td>No of post</td>
<td>Eligibility criteria and mode of recruitment/engagement</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------</td>
<td>------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>3</td>
<td>Accountant</td>
<td>1</td>
<td>i. On deployment or contract basis. ii. Person with Finance &amp; Accounts background</td>
</tr>
<tr>
<td>4</td>
<td>Auditor</td>
<td>1</td>
<td>i. On deployment or contract basis. ii. Person with Finance &amp; Accounts background</td>
</tr>
<tr>
<td>5</td>
<td>Asst Auditor</td>
<td>1</td>
<td>i. On deployment or contract basis. ii. Person with Finance &amp; Accounts background</td>
</tr>
<tr>
<td>6</td>
<td>Accounts Assistant</td>
<td>4</td>
<td>i. On deployment or contract basis. ii. Person with Finance &amp; Accounts background</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

c) EMIS & Planning

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the post</th>
<th>No of post</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>State Co-ordinator EMIS &amp; Planning.</td>
<td>1</td>
<td>i. Deployment from the DoSE. ii. Person with proficiency in computer and data analysis.</td>
</tr>
<tr>
<td>2</td>
<td>Programmer</td>
<td>1</td>
<td>i. On deployment or contract basis. ii. Person proficiency in computer and data analysis preferably B.E/B.Tech in Computer Sc or Electronics.</td>
</tr>
<tr>
<td>3</td>
<td>Asst. Programmer</td>
<td>1</td>
<td>i. On deployment or contract basis. ii. Person with proficiency in computer and data analysis preferably B.E/B.Tech in Computer Sc or Electronics.</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

d) Civil Works

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the post</th>
<th>No of post</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>State Project Engineer</td>
<td>1</td>
<td>Executive Engineer, PWD. Education Division (H) shall head the section</td>
</tr>
</tbody>
</table>

e) Support Staff in the State Education Mission Office.

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the post</th>
<th>No of post</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Multi Task Staff</td>
<td>4</td>
<td>i. On contract basis. ii. Graduate with proficiency in computer applications.</td>
</tr>
<tr>
<td>2</td>
<td>Driver</td>
<td>4</td>
<td>Experienced drivers on contract basis</td>
</tr>
<tr>
<td>3</td>
<td>Dak Runner</td>
<td>1</td>
<td>On contract basis</td>
</tr>
<tr>
<td>4</td>
<td>Office attendant cum cleaner</td>
<td>4</td>
<td>On contract basis</td>
</tr>
<tr>
<td>5</td>
<td>Caretaker</td>
<td>1</td>
<td>On contract basis</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>14</td>
<td></td>
</tr>
</tbody>
</table>

II. District Education Mission Office (DEMO). The District SSA and the District RMSA offices will merge as the District Education Mission Offices (DEMO). The Deputy Commissioner and District Education Officer shall be the Ex-Officio Chairman and Member Secretary of the DEMO respectively. Manpower in the DEMOs will be as follows.
<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the post</th>
<th>No of posts in each DEMO</th>
<th>Total No of posts in 11 DEMOs</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>District Project Co-ordinator (DPC)</td>
<td>1</td>
<td>11</td>
<td>District Education Officer shall function as Ex-Officio District Project Co-ordinator</td>
</tr>
<tr>
<td>2</td>
<td>Addl. District Project Co-ordinator (ADPC)</td>
<td>1</td>
<td>11</td>
<td>Asst. District Education Officer shall function as Ex-Officio Addl. District Project Co-ordinator</td>
</tr>
<tr>
<td>3</td>
<td>Co-ordinator Teacher Education (CTE)</td>
<td>1</td>
<td>8</td>
<td>Principal DIFT in the district shall function as Ex-Officio Co-ordinator, Teacher Education</td>
</tr>
<tr>
<td>4</td>
<td>District Education Mission Assistant</td>
<td>3</td>
<td>33</td>
<td>On deployment basis from the Directorate of School Education.</td>
</tr>
</tbody>
</table>
| 5    | Accountant                           | 1                        | 11                          | i. On deployment basis or contract basis.  
ii. Officials with Finance & Accounts background |
| 6    | Asst. Programmer                     | 1                        | 11                          | i. On deployment basis or contract basis.  
ii. Persons with proficiency in computer and data analysis |
| 7    | Office Attendant                     | 1                        | 11                          | On contract basis |
| **Total** |                                |                          | **9**                      | **96**          |

### III. Sub Divisional Education Mission Office (SDEMO)

The Sr. Sub Divisional Education Officer/Sub-divisional Educational Officer shall function as the Block Education Officer (BEO) for the EBRCs under their respective jurisdiction. Manpower in each of the EBRC will be as follows:

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of the post</th>
<th>No of post in each EBRC</th>
<th>Eligibility criteria and mode of recruitment/engagement</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sub Division Education Mission Coordinator (SDEMC)</td>
<td>*</td>
<td>Concerned SDEO shall function as Ex-Officio SDEMC</td>
<td>*SDEO shall be the SDEMC for all EBRCs under his/her jurisdiction.</td>
</tr>
<tr>
<td>2</td>
<td>Block Co-ordinator</td>
<td>*</td>
<td>Junior Education Officer in the offices of DEO/ Sr. SDEO/SDEO /HM/AHM shall function as Ex-Officio Block Co-ordinator. Separate notification will be issued.</td>
<td>*Junior Education Officer in the DEO/ Sr. SDEO/SDEO /HM/AHM shall be Block Co-ordinator for the respective EBRC.</td>
</tr>
<tr>
<td>3</td>
<td>Resource Person (TOT)</td>
<td>As per existing norms.</td>
<td>TOTs under erstwhile SSA shall be repatriated back to Directorate of School Education / original place of posting. However their services will be</td>
<td></td>
</tr>
<tr>
<td>Sl. No</td>
<td>Name of the post</td>
<td>No of post in each EBRC</td>
<td>Eligibility criteria and mode of recruitment/engagement</td>
<td>Remarks</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------</td>
<td>-------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4</td>
<td>Inclusive Education Coordinator</td>
<td>1</td>
<td>On deployment or contract basis from amongst persons who have working experience or requisite qualification in the field on inclusive education.</td>
<td>requisitioned and utilised as Resource Persons for the EBRCs as and when required</td>
</tr>
<tr>
<td>5</td>
<td>Office Assistant Cum Data Entry Operator</td>
<td>1</td>
<td>On deployment or contract basis with proficiency in computer applications</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Office Attendant</td>
<td>1</td>
<td>On contract</td>
<td></td>
</tr>
</tbody>
</table>

Total 3

IV. Appointment/deployment Rules for officials employed under the State Government.

i) The SEMO shall ensure that only the requisite number of qualified persons are engaged.

ii) Requisition of service of personnel under the establishment of the State Government Departments for deployment/engagement in the Mission Offices shall be initiated by the Nagaland Education Mission Society based on the actual requirement of the Mission. Requisition will then be sent to the concerned Directorate for seeking willingness of the official concerned and subsequent placement.

iii) Any deviation from the clause (i) and (ii) above will be rejected.

Sd/-

MENUKHOL JOHN
Principal Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima, the 6th Feb’ 2019

No.PHE/Est/99/88: In the interest of public service Er. Repangyongba Longkumer Addl.Chief Engineer is hereby allowed to take the charge of Director WSSO which is equivalent to the post of Addl.Chief Engineer PHED with immediate effect.

Sd/-

MAONGWATI AIER, IAS
Commissioner & Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima, the 7th Feb. 2019

NO.DoWR/SER/CON/06/2018/165 :: On completion of the probationary period, the Governor of Nagaland is pleased to confirm the services of the following officers under the Department of Water Resources on regular basis to the post and scale of pay as indicated against their names.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of incumbent</th>
<th>Designation</th>
<th>Date of confirmation to the post</th>
<th>Pay Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Er. Karipong Walling</td>
<td>SDO</td>
<td>21.11.2014</td>
<td>-do-</td>
</tr>
<tr>
<td>3.</td>
<td>Er. Khrieibito Kulnu</td>
<td>SDO</td>
<td>21.12.2015</td>
<td>-do-</td>
</tr>
<tr>
<td>4.</td>
<td>Er. Sentizungba Longchar</td>
<td>SDO</td>
<td>21.12.2015</td>
<td>-do-</td>
</tr>
<tr>
<td>5.</td>
<td>Er. Yhunkolo Kath</td>
<td>SDO</td>
<td>21.12.2015</td>
<td>-do-</td>
</tr>
<tr>
<td>6.</td>
<td>Er. Ngoh Tam</td>
<td>SDO</td>
<td>17.03.2016</td>
<td>-do-</td>
</tr>
<tr>
<td>8.</td>
<td>Er. Aotensuo Longchar</td>
<td>JE</td>
<td>16.05.2006</td>
<td>-do-</td>
</tr>
<tr>
<td>9.</td>
<td>Er. V Mhasung Erung</td>
<td>JE</td>
<td>16.05.2006</td>
<td>-do-</td>
</tr>
<tr>
<td>10.</td>
<td>Er. T. Yanglise Sangtam</td>
<td>JE</td>
<td>16.05.2006</td>
<td>-do-</td>
</tr>
<tr>
<td>11.</td>
<td>Er. Ihoekse Swu</td>
<td>JE</td>
<td>04.10.2011</td>
<td>-do-</td>
</tr>
<tr>
<td>12.</td>
<td>Er. Puloka K Achumi</td>
<td>JE</td>
<td>04.10.2011</td>
<td>-do-</td>
</tr>
<tr>
<td>13.</td>
<td>Er. Thenuidi-li Sachu</td>
<td>JE</td>
<td>04.10.2011</td>
<td>-do-</td>
</tr>
<tr>
<td>14.</td>
<td>Er. Ruokubemuo Mere</td>
<td>JE</td>
<td>07.10.2013</td>
<td>-do-</td>
</tr>
<tr>
<td>15.</td>
<td>Er. Potshusie Nyuthe</td>
<td>JE</td>
<td>07.10.2013</td>
<td>-do-</td>
</tr>
<tr>
<td>16.</td>
<td>Er. Robenson James</td>
<td>JE</td>
<td>07.10.2013</td>
<td>-do-</td>
</tr>
<tr>
<td>17.</td>
<td>Er. Chombenthung Erung</td>
<td>JE</td>
<td>15.09.2014</td>
<td>-do-</td>
</tr>
<tr>
<td>18.</td>
<td>Er. Neizevouo Mor</td>
<td>JE</td>
<td>21.12.2015</td>
<td>-do-</td>
</tr>
</tbody>
</table>

Sd/-
KEKHRIESELIE MEPFHU-O
Under Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 13th February, 2019

NO.PAR-A/10/2012-AIS: :: On attaining the age of superannuation, the Governor of Nagaland is pleased to release Shri. A. Chumremo Odyu, IAS, Secretary to the Government of Nagaland from service with effect from 28.02.2019 (AN).

Sd/-
S. ATHSANGLA
Under Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, 14th October 2018

No. PWR/POLICY-72/07

Sub:- 1. Permitting the Department of New and Renewable Energy to also take up Small Hydro Electric Power (SHEP) Project upto 25 Mega Watt
2. Permitting the Department of Power to also take up Solar Power Generation Projects.

In view of rapidly increasing demand of power, there is an urgent need for generation of more power capacity in the State.

Therefore in order to clear to pave the way for speedy implementation to meet the demand of power in the State, the following points were placed before the Cabinet:

1. The Department of New and Renewable Energy will be allowed to take up Small Hydro Electric Power (SHEP) Project upto 25 Mega Watt.
2. The Department of Power will also be allowed to take up Solar Power Generation Projects.
3. Both the Departments should ensure that the same kind of projects are not taken up in the same place of in other words there should be no duplication of power projects.

Accordingly, the Cabinet has given the following decision vide Memorandum No, CAB-2/2013 Dated 6th June 2018 :

“The Cabinet discussed and approved for permitting the New and Renewable Energy (NRE) Department to take up Small Hydro Electric Power (SHEP) Project upto 25 Megawatt and approved for the Power Department to also take up Solar Power Generation Projects. The Cabinet directed that both the Departments should work in close coordination so that there is no duplication or conflict”.

Sd/-
K. D. VIZO, ITS
Commissioner & Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 12th Dec. 2018

NO.POL-2/VG/14/2012:: In continuation of this Department Notification of even number dated 12-05-2017 the Governor of Nagaland is pleased to extend the deputation period of Shri. Chingom Konyak, Assistant Commandant, Village Guards, (Aboi) Mon for a period w.e.f 19-09-2017 to 18-09-2019 under the same terms and conditions.

The officer shall be posted in the same place of posting till further order.

In view of the above, the department Notification NO.POL-2/VG/14/2012 (Pt) dated 27th Nov. 2018 stands cancelled.

Sd/-
RONGSENMONGLA
Joint Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima the 12th February 2019

SAB(A): 6/3/2018: On the recommendation of the Departmental Promotion Committee conducted by NPSC vide letter No. NPSC/DPC-10/2017 dated 22nd January 2019, the Governor of Nagaland is pleased to regularize the officiating promotion of Shri Johnychen Thomas, Senior Grade Stenographer (Class-I Gazetted) against the vacancy caused by Lt Posene Rikha, Senior Grade Stenographer in the pay matrix of level 15/67300-189300, ROP 2017, plus all other allowances as admissible under the rules of Government Service from time to time in the state of Nagaland w.e.f 02/06/2010.
NOTIFICATION

Dated Kohima, 14th November 2018

No. PWR/POWER POLICY-72/07

Nagaland State Power Policy-2018

The growth for demand of power in the State is increasing rapidly and there is now an urgent need to improve the power scenario in generation, transmission, distribution and revenue sector. Currently, the State is having its own generating capacity of only 26.74 Mega Watt and the trend over the last 10 years has shown an increase of 7-10% in the normal demand annually. With this trend, it is estimated that by 2021 the normal demand alone will reach 200 MW and with the target of 100% household electrification through interventions of DDUGJY, SAUBHAGYA, IPDS etc an additional load to the tune of 50MW is anticipated. Also by 2021 the power demand of 200 MW is expected from the industrial initiatives in the State and therefore by 2021 the total state power demand will touch 450MW. Hence, a realistic approach towards development of power sector should be in place to modernize the existing assets and built up adequate capacities in generation, transmission and distribution infrastructure to attain energy security and provide 24X7 power for all by 2021.

Having realized that power being the engine of growth of any developing economy and that no economic activity can sustain without adequate and reliable power, the Department of Power has come out with a State Power Policy to modernize and pave the way for speedy implementation of power generation projects in the state.

The State Power Policy has been elaborately discussed under the Chairmanship of Chief Secretary and members present in the meeting from Finance Department, P&AR Department, NRE and Power Department has given their clearance. The department of Justice and Law had also given the legal vetting.

The matter has been placed before the State Cabinet and the decision of the Cabinet as per Office Memorandum No. CAB-2/2013(Pt) dated 21st September 2018 are as follows:

“The Cabinet discussed and approved the Nagaland State Power Policy, 2018. The Cabinet also directed the single window Clearance for power generation Projects may be done and free power may be made negotiable. Further, the Department should encourage gas thermal generation in the state in a limited way”.

Accordingly the final Nagaland State Power Policy 2018 is hereby notified with immediate effect.

Sd/-

KD.VIZO, IAS
Commissioner & Secretary to the Government of Nagaland
VISION STATEMENT

“The Department of Power has realized that power being the engine of growth of any developing economy and that no major economic activity can sustain without adequate and reliable power. Therefore, the Department of Power, Government of Nagaland has decided to come out with a Power Policy to turn around the Department of Power from a heavy loss making sector to a profit making one in the shortest possible time, introduce the latest State-of-art technologies to modernize the Power Distribution, Transmission and Generation systems. This Policy also aims to improve the overall efficiency, transparency, accountability of the Department of Power and achieve the goal of 24X7 power for all.”

1. General Background

The State of Nagaland has an annual energy consumption of 769.32 MU (2015-16). As compared to the per capita consumption of 957 kWh in the Country, the per capita consumption of the State is about 345 KWH (2013-14, source: CEA). The current peak demand is 156 MW but supply is restricted to 120MW due to systemic and financial constraints. The domestic consumption constitutes about 85% of the total consumption. There are deficiencies in the system such as frequent interruptions, failure of machineries, poor Operation & Maintenance etc resulting in low quality of power and poor revenue generation.

The trend over the last 10 years has shown an increase of 7-10% in the normal demand annually. With this trend, it is estimated that by 2021 the normal demand alone will reach 200 MW and with the target of 100% household electrification through interventions of DDUGJY, IPDS etc. an additional load to the tune of 50 MW is anticipated. Also by 2021 the Power demand of 200 MW is expected from the industrial initiatives in the State and therefore by 2021 the state power demand will touch 450MW. Hence, a realistic approach towards development of power sector should be in place to
handle the projected demand in all the sectors such as Generation, Transmission, Distribution, Power procurement plan etc.

The present installed generation capacity of the State from small hydro projects is 26.74 MW. Therefore bulk of the State power requirement is being purchased from the CPSU generating units operating in the NER & ER. The State is plagued with high AT&C loss at about 60-70% out of which technical loss also contributes a considerable portion due to the old and overloaded Transmission & Distribution infrastructures.

Currently the Generation, Transmission, Distribution, Housing, Communication and Revenue sectors are all managed by the Department of Power (DoP), Government of Nagaland. It is headed by the Commissioner & Secretary as the Administrative Head of Department (AHOD) and Engineer-in-Chief with two Chief Engineers namely: Chief Engineer (Transmission & Generation) and Chief Engineer (Distribution & Revenue) at the Directorates supported by Electrical, Civil, Communication Engineers, Accounts and Establishment personnel. The Electrical Inspectorate headed by the Chief Electrical Inspector (CEI) looks after the activities of Licensing, Safety regulations and Energy conservation. The DoP does not have a solid commercial set-up although it is categorized as a commercial Department.

The Indian Electricity Act 2003 has paved the way for public/private sector participation in the field of generation, transmission and distribution of power and the State’s Power Policy also encourages private sector participation in the State power sector so as to achieve competitive and efficient delivery system.
2. Policy Objectives:

Following shall be the objectives of the State power policy 2018:

i. To build up adequate capacities in Generation, Transmission and Distribution infrastructure to attain energy security and handling and to achieve 24x7 power for all by 2021.

ii. To bridge the demand and availability gap, the State Government shall explore additional power purchase through PPA from the upcoming generation projects for long term and Bilateral/Energy exchange etc. as short-term measure.

iii. To renovate & modernize the existing assets to achieve optimum utilization and quality power supply.

iv. To reduce high AT&C Loss to achieve commercial viability through process of Reforms & Restructuring, which will include Unbundling, Corporatization and Communitisation.

v. To modernize Power Distribution system which is the most challenging sector to achieve commercial sustainability.

vi. To create infrastructure to meet the Industrial demand and for that dedicated infrastructures shall be created.

vii. To promote conservation of energy through awareness campaign, use of energy efficient appliances and inculcate energy saving habits.

viii. To promote High Voltage Distribution System in urban areas.

ix. To build up capacity, skill up-gradation and training of personnel.

x. To adopt IT enabled services in all possible areas.

xi. To establish an entity to speed up power generation in the state.

xii. To strive towards ensuring minimum financial support for Operation & Maintenance of Power Infrastructures and also towards revenue surplus performance in operations of the Department of Power.
3. Approach:

Electricity like any other infrastructure has overriding declared social responsibilities/obligations/objective and there is a need to provide electricity at an affordable cost. Till the advent of the 9th Plan, almost all Government owned Power Utilities in the country excepting few private owned power companies were traditionally operated as a vertically integrated organizations (SEBS)/Departments responsible for Generation, Transmission and Distribution incurring huge operating losses, inability to maintain or upgrade infrastructures and improve quality of supply and customer services without focusing much as a business activity. This led to huge drain of Govt. resources threatening the sustenance of Power sectors and the Nagaland Power Sector is no exception.

Unbundling of power sector is basically driven by the market economy by considering Electricity as a business commodity (Commerce) for essentially contributing towards growth of economic development, while notwithstanding the social obligation in providing the energy requirement. The process of unbundling involves separation of Power Utilities based on their functional roles i.e. Generation, Transmission and Distribution as different entities, rather than clubbing as one. In this manner, each entity will function independent of each other and would concentrate in their function with greater autonomy, accountability and transparency such that its efficiency is improved by allowing managers to focus on decisions solely on respective entity functions rather than the system as a whole. This would also attract private investors in the sector. An important aspect of the approach will be restructuring and optimizing the operations of the state power utility by adopting a “Profit centre and self sustenance approach’ with more autonomy and accountability.
4. **Strategy:**

**A. Generation:**

i) The state will strive to add generation capacity to meet 20% of total power requirement by 2021.

ii) The State Power policy aims to increase generation through the following:

a) **State Sector:**

The State Government shall set up a State Generation utility (Nagaland Power Development Corporation Limited – a State Govt. undertaking) to promote/implement the identified projects in the State.

b) **Joint Venture Sector:**

The State Generation utility shall also look into the option of joint ventures with other companies, by forming Special Purpose Vehicle (SPV).

c) **Private Sector:**

A private owned company/ consortium through IPP mode.

iii) The State hydro/Solar projects will be classified as: Small Hydro/Solar Projects (up to 25 MW), Medium Hydro/Solar Projects (above 25 MW and up to 100 MW) and Large Hydro/Solar Projects (above 100 MW).

iv) All projects shall be awarded through Competitive Bidding/e-tendering or Joint Venture route.
v) The State Govt. shall facilitate land acquisition/transfer/lease for project implementation.

vi) Projects shall be awarded on Build, Own, Operate & Transfer (BOOT) Model for a period of 35-40 years and thereafter the projects will be transferred back to the State Govt. free of cost.

vii) Projects shall also be awarded on Build Own Operate (BOO) Model basis.

viii) For projects under BOOT model, State royalty shall be levied in the form of free power of not less than @12% of the deliverable energy (Negotiable as per Cabinet decision).

ix) For projects under BOO model, State royalty shall be levied in the form of free power of not less than @15% of the deliverable energy (Negotiable as per Cabinet decision).

x) For all projects undertaken through BOOT/BOO model, shall employ human resource to the tune of minimum 25% from within the state.

xi) For projects above 25MW, Cess per unit of the power generated will be charged for meeting various social developmental costs of the affected area.

xii) For projects under BOOT or BOO model, the State shall have the first right to the total generated power. The balance or surplus power if any, shall be traded outside the state under mutually agreed terms & conditions.

xiii) To cover the continuing gap between projected generation and demand, the State Government shall encourage captive generation by the existing and upcoming Industries. The state shall facilitate purchase of the surplus power at mutually agreed rate.

xiv) Government of Nagaland realizes the importance of new and renewable sources of energy and shall endeavor to get the maximum benefit out of the new and renewable sources of energy which are clean and eco-friendly.
xv) Interfacing with the grid including transformation and transmission of power from the point of generation to the nearest high tension lines, etc. as well as their maintenance will be undertaken by the producer as per the specifications and standards specified by Power Department. Alternatively, these works could be undertaken by the Power Department at charges to be decided by the Department.

xvi) The producer at his cost will install meters to measure the transfer of energy as per the prevailing Rules and Regulation of the Department, which will be jointly sealed by the Department and the producer. The producer should ensure the quality of power delivered in accordance with the prevailing Regulations.

xvii) If the producer sells power to the third party through State Grid (under open access), appropriate wheeling charges shall be paid by the party to the DoPN as per prevailing tariff.

xviii) Upkeep of the existing mini/micro power projects has not received sufficient attention mainly due to resource constraints. The State will consider to throw open Renovation and Modernization and also Operation & Maintenance of the existing plants to private sector on case-to-case and merit basis to bring about more efficient management practices.

xix) The DoPN being the sole licensee for transmission and distribution, any other agency/entity producing power shall be treated as Independent Power Producer.

xx) **The Cabinet directed that single window clearance for power project may be done and free power may be made negotiable.**

xxi) **The Cabinet directed that the Department should encourage gas / thermal generation in the State in a limited way.**
B. Transmission:

i) The state transmission Grid shall be maintained by the State Transmission Utility (STU), a State Government owned company (to be established). The STU will take assistance of private sectors in augmentation of its transmission grid capacity. It shall rationalize transmission tariff and duties through the Nagaland Electricity Regulatory Commission (NERC).

ii) To strengthen the Transmission system of the state the Department of Power, Government of Nagaland will endeavor to upgrade from 132 KV to 220/400 KV-EHV transmission system.

iii) The STU shall be responsible for entire power transmission in the state and shall realize necessary transmission charges from the Generation and Distribution companies.

iv) The State Transmission Utility (STU) and the State Government will accord higher investments in the Transmission sector and necessary funds required for this shall be sought from international, national funding agencies and other financial institutions.

C. Distribution:

i) The State Government shall address the infrastructure constraints in the Distribution sector such as long and extensive 33KV & 11 KV line, inadequate DTs and Distribution lines.

ii) The state shall take measures to reduce the existing high AT&C loss by introducing IT enabled energy accounting system to achieve improved billing and collection efficiency, replacement of old/defective meters with digital/static/smart meters, strengthening of vigilant activities to arrest theft & pilferage.

iii) The state shall also outsource its commercial activities in addition to the already launched communitisation programme.
iv) The state shall introduce HVDS (High Voltage Distribution System) and ABC (Aerial Bunch Conductor) in the urban areas.

v) The State Government shall strive towards formation of Distribution company (DISCOM) initially covering Dimapur, Chumukedima, Kohima & Mokokchung.

vi) As a public service utility, the Distribution sector shall strive to deliver service in compliance with the standards set by the Regulatory Commission and in principle adopts the approach of “ease of doing business”.

D. State Level Core Committee (SLCC):

A State Level Core Committee consisting of the following members will be constituted to take all policy decisions like revision of rules, issue of executive instructions, optimizing operations of the State power utility, matters relating to Revenue, Generation, Transmission, Distribution etc and wherever applicable it will be submitted to the State Cabinet.

1. Chief Secretary : Chairman
2. Finance Commissioner : Member
3. Development Commissioner : Member
4. Home Commissioner : Member
5. Commissioner & Secretary, Power : Member Secretary
6. Secretary(NRE)
7. Secretary, P&AR : Member
8. Engineer – in – Chief, Power : Member
9. Chief Engineer (T&G) : Member
10. Chief Engineer (D&R) : Member
11. Director(NRE) : Member

The SLCC will meet once every 6(six) months and they may co-opt any other members as required from time to time.
5. Energy Conservation:

The State Government realizes the importance of energy conservation as a major thrust of the power policy. A system that encourages energy conservation and discourages inefficient use of energy need to be in place. To evolve such a system, the State Government shall:

1) Mandate use of energy efficient devices in all sectors.
2) Undertake energy conservation awareness campaign.

The Electrical Inspectorate, Government of Nagaland shall be the State designated agency for energy conservation.

6. Tariff Structure:

Government of Nagaland recognizes that tariff rationalization is one of the pre-requisites for a healthy power sector. To this end, the following steps are being taken;

a) To strengthen the hands of the Nagaland State Electricity Regulatory Commission which has already been established in March 2008.

b) Tariff rationalization based on commercial viability and other social obligatory activities will be done from time to time.

7. Revenue:

The DoPN shall ensure the following to improve revenue generation:-

a) IT enabled energy accounting system will be immediately put in place to achieve improved billing and collection efficiency thus ensuring optimal revenue generation.
b) Latest state-of-art technology will be employed to ensure that the Department of Power comes into revenue surplus mode within the shortest possible time.

c) A scheme will be devised to incentivize revenue generation.

8. State Load Dispatch Centre (SLDC):

Establishment of State Load Dispatch Center (SLDC) is mandated under Section 31 of the Electricity Act 2003. The SLDC shall be the apex body to ensure integrated power system in the state having following responsibilities in accordance with Section 32(2) of the Act.

a) Optimum scheduling and dispatch of electricity within the state – in accordance with the contracts entered into with the licensees or generating companies operating in the state.

b) Monitor grid operations.

c) Keep accounts of the quantity of electricity transmitted through the State Grid.

d) Exercise supervision and control over intra-state transmission system.

e) Carry out real time operations of Grid in accordance with Grid Standards and the State Grid Code.

The transmission network of all the States in the country are interconnected and operates under the Regional & National Grid codes and standards. Therefore, the State will make all out effort to establish a State Load Dispatch Center (SLDC) at the earliest and the State Level Core Committee (SLCC) will be empowered to take decisions on this matter.

9. ACTS AND RULES:

All acts and rules promulgated by the Government of India and the State Government shall be applicable for implementation of Nagaland State Power Policy 2018.
10. ACTION PLAN:

The Nagaland State Power Policy 2018 shall be implemented through appropriate action plan packages in co-ordination with all stakeholders to achieve the Policy objectives.

11. POLICY REVIEW:

The policy shall be reviewed from time to time so that essential policy directives and needs of the State are evolved to meet the changing needs of the State.

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NOTIFICATION

Dated Kohima, the 12th February, 2019.

NO. IT /I-1/04/64: The Governor of Nagaland is pleased to confirm the service of the below mentioned Officer in the Pay Level as indicated w.e.f 01-10-2018

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name</th>
<th>Designation</th>
<th>Pay Level</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Mr. Ruokuoizovo Chupuo</td>
<td>Senior Program Officer</td>
<td>15</td>
</tr>
</tbody>
</table>

Sd/-

K. NABEN

Additional Secretary to the Govt. of Nagaland

ORDER

Dated Kohima, the 27th Nov. 2018

NO.POL-2/VG/14/2012 (Pt) :: In the interest of the public service, the Governor of Nagaland is pleased to release the deputation Service in respect of Shri. N. Chingom Konyak, Assistant Commandant, Village Guards, Aboi, Mon with immediate effect from the Village Guards Organisation, Nagaland to enable him join/report to his parent department.

Sd/-

RONGSENMONGLA

Joint Secretary to the Government of Nagaland
NOTIFICATION
Dated Kohima, the 18th February, 2019.

NO.GAB/GEN/21/2010 :: The Governor of Nagaland is pleased to declare 23rd February, 2019 (4th Saturday ) and 23rd March (4th Saturday), 2019 as working days in view of Budget Session and Financial Year Closing respectively for Offices located in Kohima. In lieu, 20th April, 2019 is declared holiday.

All Administrative Heads and Heads of Department are directed to ensure attendance of the Officers & Staff of their respective Departments.

Sd/-
NUSIETA RHAKHO
Joint Secretary to the Govt. of Nagaland

NOTIFICATION
Dated Kohima, the 18th February 2019

No.EOS/16-34/2009 (PT-IV)/170 :: In pursuance to the decision of the Parliament and by notification of Ministry of Law and Justice dated 11-01-2019 an amendment was made in the Right of Children to Free and Compulsory Education Act (RTE), 2009, and it is hereby notify that:

1. There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.

2. If a child fails in the examination referred to in para (1), he/she shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.

3. The appropriate authority shall hold back a child in the fifth class or in the eighth class or in both classes, if he fails in the re-examination referred to in para (2).

4. No child shall be expelled from a school till the completion of elementary education.

Sd/-
THEJANGUSANO SAVINO
Under Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 20th Dec, 2018.

NO: POL/ESTT-3/2/2017 (B) :: Whereas Shri Shikato, UBI, DEF Phek, was placed under suspension vide this Department’s Order of even No. dated 31-03-2018, for dereliction of duty during destruction of seized liquor/contraband items on 28-10-2017, at Phek.

And Whereas, in exercise of the powers conferred under Rule 9 (2) of the Nagaland Services (Discipline and Appeal) Rules, 1967, A Memorandum dated 31.10.2017 was served along with a statement of the imputations of misconduct or misbehaviour and Articles of charges against the delinquent officer, Shri Shikato UBI, DEF Phek.

And whereas, the delinquent officer Shri Shikato UBI has admitted to all the Article of charges framed against him and apologised for his negligence and misconduct while performing official duties and further appeal to pardon him since he is due for retirement w.e.f. 30.09.2018.

And whereas, the appellate authority after taking into consideration on all the available material facts of the case decided to impose recovery of ₹Rs. 25,000/- (Rupees Twenty five thousand) only, from the terminal dues of Shri Shikato, UBI, DEF Phek as minor penalties as per Part IV (7) (iii), of The Nagaland Services (Discipline and Appeal) Rules, 1967 and the Suspension period is revoked with immediate effect.

By Order and in the name of the Governor of Nagaland.

Sd/-

S.R. SARAVANAN, IPS
Special Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 30th Jan., 2019

NO.PHE/EST/56/87: : The Governor of Nagaland is pleased to allow Er. Yhusinlo Tep, Director (WSSO) to take current charge of Chief Engineer PHE in addition to his normal duties w.e.f 1st Feb’2019 against the existing vacancy of Er.K. Ghushito Sema. Chief Engineer, PHE, retired.

This arrangement is made purely on temporary basis till proper promotion/placement is made.

Sd/-

MHATHUNG TUNGOE
Joint Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 20th Dec., 2018

NO: POL/ESTT 3/2/2017 (A) :: Whereas, Shri Medosa Yoho, UBI, DEF Phek, was placed under suspension vide this Department’s Order of even No. dated 31-03-2018, for dereliction of duty during destruction of seized liquor/contraband items on 28-10-2017, at Phek.

And Whereas, in exercise of the powers conferred under Rule 9(2) of the Nagaland Service (Discipline and Appeal) Rules, 1967, A Memorandum dated 31.10.2017 was served along with a statement of the imputations of misconduct or misbehaviour and Articles of charges against the delinquent officer Shri Medosa Yoho, UBI, DEF Phek.

And whereas, the delinquent officer Shri. Medosa Yoho, UBI, has admitted to all the Article of charges framed against him and apologised.

And whereas, the appellate authority after taking into consideration on all the available material facts of the case decided to censure and impose recovery of ₹ 25,000/- (Rupees Twenty five thousand) only, from the pay of Shri. Medosa Yoho, UBI, as minor penalties as per Part IV (7) (i) & (iii), of The Nagaland Services (Discipline and Appeal) Rules, 1967.

And Now, therefore, the Suspension period is revoked with immediate effect and hereby re-instated into service, with a warning not to repeat in the future.

By Order and in the name of the Governor of Nagaland.

Sd/-

S.R. SARAVANAN
Special Secretary to the Govt. of Nagaland
NOTIFICATION
Dated Kohima, the 26th Nov’ 2018

NO.FGL-B/FS/ESTT-2/18/17

On the recommendation of the Departmental Promotion Committee, the Governor of Nagaland is pleased to regularize the officiating promotion of the following Officers under the Establishment of the Directorate of Fire & Emergency Services, Nagaland with effect from the date as indicated against each.

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Name</th>
<th>Designation</th>
<th>Date of Regularization</th>
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<tbody>
<tr>
<td>01</td>
<td>Shri. S. Alem Longkumer</td>
<td>Dy SP</td>
<td>30-11-17</td>
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<td>02</td>
<td>Shri. Sevotsu Vero</td>
<td>Inspector</td>
<td>16-04-18</td>
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<tr>
<td>03</td>
<td>Shri. L.Yohan Konyak</td>
<td>-do-</td>
<td>16-04-18</td>
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<tr>
<td>04</td>
<td>Shri. Lhouiebeizo Angami</td>
<td>-do-</td>
<td>16-04-18</td>
</tr>
<tr>
<td>05</td>
<td>Shri. Kewelhi Letro</td>
<td>-do-</td>
<td>16-04-18</td>
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Sd/-
RONGSENMONGLA
Joint Secretary to the Govt. of Nagaland
PART-V

NOTIFICATION

NO.AS/LEG-02/2019/1660:: Dated Kohima, the 23rd February, 2019

The Nagaland Nursing Council Bill, 2019 which was introduced in the Nagaland Legislative Assembly on 22nd February, 2019 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY
THE NAGALAND NURSING COUNCIL BILL 2019

A

BILL

To provide for the establishment of a Nursing Council for the State of Nagaland for registration of Nurses, Midwives, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers Registration of Nursing Institutions and to regulate their qualification with the Council and for matters Ancillary thereto.

Be it enacted by the Legislative Assembly of Nagaland state in the Sixty-ninth Year of the Republic of India and the Fifty-fourth year of the State of Nagaland as follows:

THE NAGALAND NURSING COUNCIL BILL 2019

SCHEDULE

THE NAGALAND NURSING COUNCIL BILL 2019

An Act to provide for the establishment of Nursing education in the State and to regulate the practice by NURSING practitioners and NURSING EDUCATION.

Be it enacted by the Legislative Assembly of Nagaland state in the Sixty-ninth Year of the Republic of India and the Fifty-fourth year of the State of Nagaland as follows:
THE NAGALAND NURSING COUNCIL BILL 2019

CHAPTER- 1

PRELIMINARY

| 1. Short title, Extent and Commencement | 1) This Act may be called the Nagaland Nursing Council Act, 2019.  
2) It shall extend to the whole of the state of Nagaland.  
3) It shall come into force with effect from the date of their publication in the official Gazette. |
|----------------------------------------|---------------------------------------------------------------|
| 2. Definitions                         | In this Act, unless the context otherwise requires:  
   b) “Council” means the Nagaland Nursing Council constituted under section 3.  
   c) “Government” means the Government of Nagaland.  
   d) “RNRM” means Registered Nurse Registered Midwife.  
   e) “Nurse” means a person who possesses a certificate of RNRM on successful completion of the prescribed course from a recognized institution under section 16.  
   f) “LHV” (Lady Health Visitor) means a person who successfully completes Auxiliary Nurse-Midwives/ Female Health Worker course from a recognized institution under section 16 and has undergone 6 months postgraduate course.  
   g) “Auxiliary Nurse-Midwife” or “Female Health Worker” means a person who possesses a certificate of Auxiliary Nurse-Midwives or *Female Health Worker from a recognized institution registered under Section 16, and have successfully completed two years training with a minimum qualification of 10+2 or equivalent.  
   h) “Licensing Authority” means an officer authorized by the Government to issue license under this Act.  
   i) “Official Gazette” means the Nagaland Gazette.  
   j) ‘Prescribed’ means prescribed by the rules and regulations made under this Act.  
   k) “President” means the president of the Nursing Council.  
   l) “Register” means a register for Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers maintained under section 16 of this Act and the word “Registered and Registration” shall be construed accordingly.  
   m) “Registrar” or Deputy Registrar means Registrar or the Deputy Registrar referred to sub-section (1) of section 14. |
n) “Regulation” means the regulations made by the Council under this Act.
o) “Rules” means the rules made by the State Government under this Act.
p) “Section” means a section of the Act.
q) "Inspector" means a nurse appointed by the Council.

CHAPTER II

ESTABLISHMENT OF COUNCIL.

3. Establishment and Powers of the Council

The State Government may, by notification in the Official Gazette, establish a Council to be called the ‘Nagaland Nursing Council’ for the purpose of carrying out the provisions of this Act. The Nagaland Nursing Council will be the statutory (legal) body for maintenance of uniform and high standards of nursing education in the State. The Council will grant recognition of nursing qualification, registration to nursing practitioners and monitor nursing practice in the State. The Council shall be body incorporated and have perpetual succession and a Common Seal, with power to acquire, hold and dispose property, both movable and immovable if acquired only with revenue generated by the Nursing Council subject to prior approval of the Government and shall, by the said name, sue and be sued.

4. Constitution and Composition of Council

1) The State Government of Nagaland shall constitute the Council consisting of the following members, namely:
   a. One senior most Principal of College of Nursing.
   b. One senior most Principal of Schools of Nursing.
   c. One senior most Principal of ANM Training School.
   d. One senior most Principal from Private College of Nursing.
   e. One senior most Principal from Private Schools of Nursing.
   f. One senior most Nursing Superintendent of District Hospital.
   g. One senior most LHV/ANM from State Health Units.
   h. One senior most Nursing Officer of Private Hospital nominated by the Principal Director of Health & Family Welfare.
   i. Joint Director Nursing, Ex-officio.
   j. One senior most Nursing officer from the Directorate
<p>| | |</p>
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<tr>
<td>j.</td>
<td>One senior most Nursing officer from the Directorate of Health &amp; Family Welfare.</td>
</tr>
<tr>
<td>k.</td>
<td>One member nominated by the Trained Nurses’ Association of India, Nagaland Branch.</td>
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<tr>
<td>l.</td>
<td>Director of Family Welfare.</td>
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<tr>
<td>m.</td>
<td>One nominee from the Directorate of Technical Education.</td>
</tr>
<tr>
<td>n.</td>
<td>Principal Director of Health &amp; Family Welfare, ex-officio.</td>
</tr>
<tr>
<td>o.</td>
<td>One member of Nagaland Legislative Assembly to be nominated by the Speaker of the Assembly.</td>
</tr>
<tr>
<td>p.</td>
<td>One nominee from Law &amp; Justice.</td>
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</table>

2) The name of every member nominated under sub-section (1) shall be published by the Government of Nagaland Official Gazette.

5. **Election and Terms of the President and Vice President**

1) **PRESIDENT AND VICE-PRESIDENT:** At its first meeting, the Council shall proceed to elect the President and Vice-President from amongst the members thereof. The members present shall elect from amongst themselves a Chairperson for conducting the proceedings till the election of the President is held. Names shall be proposed and seconded by members at the meeting. Votes shall be taken by ballot, each member present having one vote for the election of the President and another one vote for the election of the Vice-President. In case of a tie, the chairperson shall have the right of casting vote.

2) When any vacancy arises in the office of the President or the Vice-President, the Council shall elect the President or the Vice-President as the case may be, at the first meeting, called after such vacancy.

3) The term of the President and the Vice-President shall be three years. The same person shall not be eligible to hold the office of the President for more than three years.

6. **Term of office and casual vacancies**

1) Subject to the provisions of sections 7 and 8 and the Rules made under this Act, the term of the nominated member shall be of three years.

2) A nominated member shall be eligible for re-nomination as the case may be, after the expiry of his or her term of Office.

3) The powers of the Council shall be exercised not withstanding any vacancies in the number of its members fixed under section 6.

7. **Filling up of casual vacancies**

If the President or the Vice-President or any member dies or resigns his or her membership ceases as provided in section 8. The vacancies shall be filled by fresh nomination in the case of member as provided by section 4 or by holding election in the case of the President, or the Vice-President as provided in sub-section (1) of section 5, as the case may be.
8. Cessation of Council Membership

A nominated or elected member of the Council shall be deemed to have vacated his or her seat, if:

1) He or She is absent without sufficient ground in the opinion of the Council of three consecutive meetings of the Council; and
2) He or She is absent out of India for a period exceeding six months.

9. Leave of absence of Council members

The Council may grant leave to any member to absent himself or herself from the meetings of the Council for a period not exceeding six months.

10. Meeting of the Council and constitution of Committee

1) The Council shall meet, ordinarily, at least once in every six months for the transaction of its business, but the President may, whenever he or she thinks fit, upon a written requisition of not less than seven members and on a date not later than 21 days after the receipt of such requisition call an extra ordinary meeting. Whenever it appears unnecessary to the President to convene a meeting, he or she may instead of convening a meeting, circulate a written proposition with the reason for such proposition for the observation and vote of the members of the Council.

2) The Council shall be empowered to regulate:
   a. The mode of transaction of business provisions for decision on emergent matters by Circulation of papers to members, and for co-opting person(s) specially qualified to advice on any particular matters before the Council;
   b. The time and place at which its meeting shall be held;
   c. The issue of notices convening such meetings;
   d. The conduct of business there-at;
   e. The constitution of the committee, the delegation to such committee, of any powers or duties of the Council under this Act;
   f. The procedure of the transaction of business shall not be transacted at any meeting of the Council, unless a quorum of two third members are present; and
   g. All questions arising at any meeting of the Council shall be decided by votes of majority of the members present and voting or in any case of an equality of vote by casting votes of the President to the Council, or in his or her absence, of the member presiding at the meeting.

3) Until such time as the regulations referred to in sub-section (1) of section 36 have come into operation, it shall be lawful for the President of the Council to summon a meeting at such time and place, as appear expedient, by letter addressed to
11. Committees

1) Executive Committee
2) Committee for protection of Nurses
3) Ethics Committee
4) Nursing Educational and Training Committee
5) Disciplinary Committee
6) Land and building Committee
7) Finance Committee

12. Traveling expenses

In accordance with the rules made in this regard, there shall be paid to the members of the Council such fees or traveling expenses for attendance at the meeting of the Council or for inspecting institutions from time to time as may be allowed by the Council.

13. Budget of the Council

1) The income of the Council shall consist of:
   a. Registration fees received from the practitioners
   b. Grants received from the Government, if any, and
   c. Donations and gifts or and other sums raised by the Council.

2) It shall be competent for the Council to incur expenditure for the following purposes; namely:
   a. Salaries and allowances of the Registrar and the staff maintained by the Council.
   b. Fees and allowances paid to the members of the Council and of the Executive Committee.
   c. Remuneration paid to the Assessors and
   d. Such other expenses as are necessary for performing the duties and discharging the functions under this Act.

14. Appointment & functions of Registrar and/or Deputy Registrar Staff of the Council

1) With the previous approval of the State Government the Council:
   a. Shall appoint a full time nurse as the Registrar having minimum qualification of BSc degree in nursing, preference to post-graduates.
   b. Shall appoint Deputy Registrar having minimum qualification of B.Sc degree in nursing with 5 years experience in administration and teaching. Post Graduate qualification shall be given preferences.

2) The pay and allowances payable to the Registrar, officers and other employees of the Council shall be fixed by the Council with the approval of the State Government.

3) The Council may, with the previous sanction of the Government, suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon her/him in the manner as may be provided by the regulation.

4) The Council may appoint such other officers like Consultant, Clerks and other staffs as it may consider necessary for the purpose of this Act, and determine to pay them salary and allowances.
5) The Registrar shall be the Secretary and the Executive Officer of the Council. She shall attend all meetings of the Council and shall keep minutes of the meeting and the names of the members present and the proceedings of such meetings.

6) The Registrar shall act as treasurer to the Council.

7) The accounts of the Council shall be kept by the Registrar in the manner as prescribed regulations.

8) The Registrar shall have supervisory power over the staff as may be prescribed by the regulations and may perform such other duties and discharge such other functions as may be specified in this Act.

15. Power to Amend Schedule  
The Nagaland Nursing Council shall by notification, amend the schedule so as to include therein any subject not already specified therein or omit there any subject or modify the description of any subject.

### CHAPTER III

**PREPARATION & MAINTENANCE OF REGISTER**

| 16. Maintenance of Registers | The Council shall maintain a Register of:
|  | 1) Nurses
|  | 2) Lady Health Visitors
|  | 3) Auxiliary Nurse Midwives’/ Female Health Workers in such forms containing such particulars and divided into such part as may be prescribed |

| 17. Maintenance of Registers by the Registrar | 1) The Registrar shall maintain the registers in accordance with the provisions of this Act and in accordance with any orders made by the Council and shall from time to time update and make all necessary alterations in the registered address or appointments and III the classifications of the registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives’ Female Health Workers and erase the name of any such Nurse, Lady Health Visitors, Auxiliary Nurse Midwife/Female Health Workers who is dead or has ceased to practice.
|  | 2) To enable the Registrar to fulfill the duties imposed upon him/her by sub-section (1) he or she may send notice to any person registered according to his or her registered address or appointment as has been changed, and if no reply to any such notice is received within a period of six months from the date of its dispatch, the Registrar may erase the name of such person |
from the Register in which it is entered.

Provided that any name erased under sub-section (2) may be re-entered in the Register under the direction of the Council.

3) The candidate applying for registration should enclose Provisional Certificate, two copies of passport size photographs with uniform in his or her application duly countersigned by the Head of the institution from where he or she was trained. One copy of photograph will be affixed on the certificate, and other copy in the register itself. In case of applying for duplicate copy of the Certificate, the applicant will have to send his or her photographs again, without which no duplicate copy will be issued.

18. Remark in the Register on notice of death

On receipt of the Death Certificate from prescribed authority, the Council shall mark the deceased person as “Death” in the remark column of the Register in which his or her name is entered.

19. Removal of fraudulent and incorrect entries in the Register

If the Council is satisfied that any entry in the Register had been fraudulently or incorrectly made the same may be erased under the order of the Council. There shall be penalty to Registrar.

20. Persons entitled for registration under this Act

1) Nurses, Lady Health Visitors and Auxiliary Nurse Midwives/ Female Health Workers who have undergone the course of training as prescribed by the Indian Nursing Council from a recognized training Institution, and passed the examination and fulfilled such further conditions as may be prescribed.

2) A person already registered under the Assam Nurses’ Midwives’ & Health Visitors’ Council Registration Act, 1944 and who is residing and practicing as a nurse in the state of Nagaland immediately before the commencement of this Act.

21. Admission to Register of persons trained outside Nagaland state

On receipt of an application in the prescribed form and on payment of such fee, not being less than the fee payable on ordinary application for registration under this Act as the Council may determine, any person shall be entitled to be registered under this Act, provided to the satisfaction of the Council that he or she has been registered either as Nurse, Lady Health Visitor, Auxiliary Nurse Midwives / Female Health Worker established under the said Act or provision is not lower than the standard of the training and examination required under this Act.

22. Bar and removal of Registration and re-entry of

The Council may by order bar, suspend or remove the registration of a Nurse, Lady Health Visitor, Auxiliary Nurse Midwife/ Female Health Worker on any of the following grounds:

1) That he or she has been sentenced by any Court of law, for any non-bailable offence or sentence not having been subsequently reserved or quashed;

2) That he or she has been convicted by a Court of law of any offence involving moral turpitude;

3) That he or she has been guilty of professional misconduct,
23. Registration under this Act not to qualify as Medical Practitioner

The registration under this Act shall not confer upon any person the right to assume any title, name or designation implying that he or she is by law, recognized as a Medical Practitioner, or that he or she is authorized to grant any Medical Certificate.

24. Institution for training Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers to be recognized by the Council

1) The Institution which are approved and recognized by the Council after inspection by its President or any member appointed by the President shall be competent to train Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers and to send them for examination for the qualifying certificates of the Council.

2) All the recognized institutions shall be inspected by the President of the Council or any member appointed by the President at least once in two years conforming to Indian Nursing Council guidelines.

25. Power to inspect Hospitals, Nursing Colleges and Training institutions, etc

The Council may authorize the Registrar or any member to inspect any Hospital, Health institution, Nursing homes, College of Nursing or School of Nursing to ascertain that the persons working therein as Nurse are registered with the Council and, in the case of a School of Nursing, Auxiliary Nurse Midwife Training Centre etc. that it conforms to the standards prescribed and the Registrar may call for records and other information from the authority concerned and such authority shall supply all true and correct information in its possession. This rule will be in conformation with Indian Nursing Council.

26. Withdrawal of recognition from institution and any School /College of Nursing

1) Whenever the Council on receipt of an adverse report, is of opinion that an enquiry, should be made as to the desirability of withdrawing recognition from a particular institution, it shall depute its President and a member for further inspection on such terms as it thinks fit and at the same time call upon the Institution with Indian Nursing Council conformation to show cause as to why its recognition should not
be withdrawn. The Council, after consideration of the report so received and of the explanation, if any, by the Institution, may withdraw the recognition. The order of such withdrawal shall be in writing and served in the prescribed manner.

2) The Council may, for reason to be recorded in writing, de-recognize a College of Nursing, School of Nursing, and Female Health Worker Training School if it is of the opinion that the training standards has fallen short of the requirement, or that it is otherwise no longer desirable to recognize it in public interest.

27. Appeal

Any person or Institution aggrieved by an order of Council under section 22 or section 26 may appeal to the Government within thirty days from the date of such order and the decision of the Government on the appeal shall be final.

28. Prohibition of issue of Certificate and entry of names by any institution

No Hospital, College of Nursing, School of Nursing and Female Health Worker Training School which has not been approved of recognized under sub-section (1) of section 24 shall issue to any person a Certificate or enter the name of any person on a list of register or other documents purporting to show that such person is qualified by having passed an examination or undergone any course of training to practice as Nurse, Lady Health Visitors, Auxiliary Nurse Midwife / Female Health Workers unless such person has been registered under this Act.

29. Disabilities of unregistered person

After the expiration of 12 (twelve) months from the commencement of this Act, no Government or private Health Institution, Hospital, Dispensary, infirmary or lying in Hospital shall employ any category of Nurse, Lady Health Visitor, Auxiliary Nurse Midwives/ Female Health Workers, unless he or she is registered under this Act.

30. Penalty for unregistered person

Any person who practices or allows a person to practice as a Nurse, Lady Health Visitor, Female Health Worker/ Auxiliary Nurse Midwife in contravention of section 29 shall be punished with imprisonment which may extend up to 2 years and liable to a fine or both.

31. Penalty for dishonest use of certificate

Any person(s) who:

1) Dishonestly makes use of any Certificate of registration issued under the provisions of this Act to him or her or any other person; or

2) Procures or attempt to procure registration under provisions of this Act by making or producing causing to be made or produced any false or fraudulent declaration, or certificate or representation whether in writing or otherwise; or

3) Willfully makes or causes to make any false representation in any matter relating to the registration of Certificates issued under the provisions of this Act; or
### 32. Penalty for unlawful assumption of a title

Any person who not being a Nurse, Lady Health Visitor, Auxiliary Nurse Midwife / Female Health Worker registered under this Act, assumes or uses the name or title of Registered Nurse, Lady Health Visitor, Auxiliary Nurse Midwives / Female Health Worker or uses any name, title, addition, description or signboard implying that such person is a Registered Nurse, Lady Health Visitor, Auxiliary Nurse Midwife / Female Health Worker as the case may be, shall be punished with imprisonment which may extend up to 7 years and liable to a fine or both.

### 33. Publication and use of Annual list of registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers

1) The Registrar shall, in every five years, on or before a date to be fixed in this behalf by the Council cause to be printed and published correct list of the names for the time being entered in several parts of the Registers of Registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers setting forth:
   a. All the names entered in several parts of the respective Registers arranged in alphabetical order according to surnames.
   b. The registered address or appointment of each person whose name is so entered in the registers; and
   c. The registered qualification of each, such person and the date on which such qualification was certified.

2) Every Court shall presume that any person whose name is entered in the latest such list is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act.

Provided that in the case of any person whose name does not appear in such printed lists, has a certified copy, signed by the Registrar of the entry of the name of such person in a Register of Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers shall be evidence that such person is registered under this Act.

Provided further that a certificate purporting to be signed by the Registrar stating that the name of a person on the printed Register of Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers or, as the case may be, has been removed from such Register specifying the date of such removal be evidence that such person is not registered under this Act and of the date from which he or she ceased to be so registered.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tr>
<td>34.</td>
<td>Court competent to try offences under this Act. No Court of law lower than of a Magistrate of First Class shall try any offences under this Act.</td>
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<tr>
<td>35.</td>
<td>Cognizance of offence No Magistrate shall take cognizance of any offence punishable under this Act except upon complain made by the Council.</td>
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<td>36.</td>
<td>Power to make rules, duties &amp; functions of the Council. 1) The State Government may by notification in the Official Gazette make rules to carry out all or any of the purposes of this Act. 2) In particular and without prejudice to the generally of the foregoing powers such rules may provide for all or any of the following matters, namely: a. Prescription of the period of less than 3 years for which a member of the Council may hold office under section 6 b. Prescription of the manner in which nomination and election of President and Vice-President shall be made and casual vacancies shall be filled under sections 5 and 7; c. Prescription of the form in which a Register shall be kept, the particulars to be entered in such Register, and the parts in which such Register shall be divided under section 16; d. Prescription of the manner in which an order of removal or refusal shall be served on persons under section 22; e. Prescription of the fees payable in respect of an appeal under section 27; and f. Any matter which is to be or may be prescribed. 3) To maintain the live register and to provide for the registration of all categories in section 16. 4) To prescribe a code of ethics for regulating the professional conduct of practitioners. 5) Lends advice to the State Government on matters relating to the Nursing education and practice in Nursing. 6) To provide protection to its members in discharging professional duties. 7) To ensure that no unqualified person practices modern scientific system of Nursing.</td>
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| 37. | Power of the Council to make regulations. The Council may make regulations not inconsistent with this Act or the rules made there under; 1) regulating the compilation, maintenance and publication of the Register and the conditions of admission to the Register; 2) prescribing the fees payable on application for registration, the forms in which such applications shall be made and the conditions subject to which names shall be entered in the Register; 3) prescribing and regulating the examination which must be passed as a condition of matter ancillary to or connected with such examination, including the courses of training which the
candidates appearing for examination shall undergo;

4) prescribing the cause for which, the conditions, under which
and the manner in which the names of Nurses, Lady Health
Visitors, Auxiliary Nurse Midwives/ Female Health Workers,
may be removed or re-entered in the Register under section
22.

5) for the approval of any Institution for the purpose of such
training and the granting of certificates to candidates passing
examination.

6) regulating the conditions under which Institutions for nursing
the sick, maternity and child welfare may be approved and
recognized by the Council.

7) appointing a Registrar and such other servants as may be
necessary;

8) regulating the pay, pension, conduct and other conditions of
services of persons;

9) regulating and supervising the practice of their profession by
the registered Nurses, Lady Health Visitors, Auxiliary Nurse
Midwives/ Female Health Workers;

10) regulating the publication of the names registered under
Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ 
Female Health Workers and their residences;

11) regulating the condition under which such Nurses, Lady
Health Visitors, Auxiliary Nurse Midwives / Female Health
Workers registered in other States in India or in any
Countries other than India may be admitted to the Register,
on such other State and Countries granting reciprocal
registration to persons registered on the Register of the
Council;

12) determining the manner in which all fees levied under this
Act and money received by the Council shall be accounted
for, audited and applied for the purpose of this Act, and for
regulating the expenditure of the Council generally; and

13) generally for the provision of any matters in respect of which
the Council considers necessary provision shall be made for
the purpose of this Act;

14) all the regulations made under this section shall be published
in the Official Gazette after approval by the State
Government.

15) for the conduct practice and professional ethics for the
Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / 
Female Health Workers; and any other matter which is
required to be prescribed by regulations, for purposes of this
Act.

38. Protection of persons acting on good faith under the Act
Rules and Regulations

No Suit or other legal proceedings shall be instituted against and
person for anything done or intended to be done in good faith
under this Act, rules or regulations made there-under.

39. Certain persons to be public servants

Every person appointed under sub-section (i) (a) and (b) of
section 14 shall be deemed to be a public servant within the
meaning of section 23 of the Indian penal code, 1860 (45 of
1960).

40. Repeal and savings

1) The Assam Nurses’ Midwives and Health Visitors’ Council
Registration Act, 1944, in so far as it applies in Nagaland is
hereby repealed.

2) Notwithstanding such repeal, anything done or any action
taken under the Act so repealed shall be deemed to have
been done or taken, under the provisions of this Act.

Sd/-

HIMATO ZHIMOMI , IAS
Principal Secretary to Government of Nagaland
THE NAGALAND NURSING COUNCIL RULES 2019

PRELIMINARY

1. **Short title and commencement.** – These rules may be called the Nagaland Nursing Council Rules, 2019 and shall come into force with immediate effect.

2. **Definitions.** - In these rules, unless the context otherwise requires,-
   b. "Form" means a form appended to these rules;
   c. Words and expressions not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

REGISTRATION

3. **Grant of Registration.** - Any person who possesses the qualification and wishes to practice in modern scientific system of nursing in Nagaland, apply for registration in the live register of the council by applying to the registrar in form 1, along with copies of photographs and prescribed fees. The Registrar shall consider the application in form 2 which shall be valid for a period of five years from the date of registration.

4. **Preparation of register:** -
   a. The register of Nursing practitioners for Nagaland referred to in of section 16 of the Act shall be as in Appendix A.
   b. The Registrar shall publish a notice in the Official Gazette and in such newspapers as the Council may select about the register having been prepared and the register shall come into force from the date of the publication of such notice in the Official Gazette. The Registrar shall publish, annually, on or before a date to be decided by the Executive Committee, an addendum and corrigendum to the last published. After the publication of the name in the register, the last edition of that alone shall be the legal evidence of registration.

5. **Additional qualifications.** - Persons registered with the council are entitled to apply for entering additional qualifications acquired by them as specified in the Scheduled in form 4, on the council’s register on payment of the fee prescribed by the Council. After scrutiny of the application for additional qualification(s), a new registration certificate shall be issued incorporating the additional qualification(s) in lieu of the original certificate of registration in Form 2 returned by the applicant. The period of validity of the certificate shall remain as in the original certificate with a mention of date incorporating the additional qualification(s).

6. **Renewal of registration.** - The registration certificate can be renewed by the Council on receipt of application in Form 3 along with the fee prescribed for renewal of registration. The registrar shall consider the application and if found fit, shall renew the registration.

7. **Restoration of registration.** - on submission of application in Form (5) by the practitioner the Executive Committee of the Council may consider a case of restoration of registration of a person
whose name has been struck off the register and may direct the registrar to re-enter the name of the practitioner in the register on payment of the prescribed fees.

8. **Change of Address** - Every registered practitioner shall send to the Registrar immediate notice of any change in his/her address in order that his/her correct address may be duly erased from the register.

**ELECTIONS**

9. **Returning Officer** - The Registrar or Deputy Registrar shall be the Returning Officer for conduct of any election under the provisions of the Act. The Returning Officer shall inform the Government about the constitution of a new council and he shall notify in the Official Gazette and two newspapers published from Nagaland, at least, sixty days prior to the expiry of the tenure of the existing Council and about the proposed scheduled of elections.

10. **Constitution of New Council** - The following procedures shall be followed for purpose of constituting the new council, namely:-
   
a. The Returning Officer shall intimate to the Dean/Principal/Director of every School/Nursing college established by law in Nagaland having a Nursing faculty to elect one member from each Nursing College/institution by the Nursing faculty thereof from amongst the permanent members of the teaching faculty. The election shall be conducted and completed by the respective college/institution within thirty days and the name of the elected members shall be intimated to the returning officer.
   
b. The Returning Officer shall intimate to the Nagaland Nursing Council regarding the election of one member from amongst its members to be elected to the council. The election of such members shall be conducted and completed by the said association, within thirty days and the name of the elected members shall be intimated to the returning Officer.
   
c. The Returning Officer shall conduct the election and be elected by registered practitioners from amongst themselves. The election shall be conducted by secret ballot paper.
   
d. The electoral rolls for the election shall comprise all registered practitioners registered with the council as on the date of notification of the election. A hard copy of the electoral rolls giving the name, registration number and address of the registered practitioners shall be supplied to contesting candidates on payment of one thousand rupees to the council.

11. **Stages of Election** -
   
1) The returning officer shall fix the following stages of election, namely:-
   
a. Notification of election;
   
b. Last date of receipt of nomination papers;
   
c. Date of scrutiny of nomination papers;
   
d. Last date of withdrawal of candidature;
   
e. Polling of votes;
   
f. Counting of votes;

2) The election process shall be completed by the Returning Officer within forty-five days from the date of notification of elections.
12. Nomination of Candidates.- Every registered practitioner whose name appears in the electoral rolls shall qualify for filling his nomination paper subject to fulfilling eligibility conditions laid down in the Act. The nomination shall be in form 10. Every nomination paper duly completed and signed by the proposer and the seconded and subscribed by the candidate himself as consenting to the nomination shall be delivered to the returning officer on or before the date appointed for receipt of nomination papers. Nomination papers received after the time so fixed shall be summarily paper record thereon the date and time of its receipt by him. Only registered practitioners registered with the council, whose name appears in the electoral roll, can be nominee, proposer and seconded. There shall be a non-refundable fee of one thousand rupees for each nomination payable by the candidate through a bank draft favoring “Nagaland Nursing Council” along with the nomination paper. This fee may be revised by the Government from time to time.

13. Scrutiny of nomination papers.- On the date and time appointed for scrutiny of nomination papers, the candidates and his proposer and seconded may attend the proceedings at the appointed time and place. The Returning Officer shall examine the nomination papers and completes the scrutiny. On completion of the scrutiny of the nominations and after the expiry of the period within which a candidate may withdraw his candidature, the returning officer shall forthwith under his signature place on the notice board at the office of the council a list of the contesting candidates.

14. Polling: If the number of contesting candidates does not exceed the number of vacancies to be filled in, the returning officer shall forthwith declare such candidates as duly elected to fill such vacancies without any polling and report the names of such candidates to the government. When there are more contesting candidates than the existing vacancies, the election shall be conducted within the stipulated time. The Returning Officer shall arrange for polling by printing of ballot papers with the names of the contesting candidates entered in alphabetical order. The voter shall produce proof of identity and residence at the time of polling. The identity proof may be in the form of registration certificate issued from the Council, passport and electoral card, driving license or any other photo identity card issued by the government.

15. Custody of ballot papers: The ballot boxes shall be kept in a safe custody of the Returning officer and shall not be opened till counting of votes begins.

16. Counting of votes and declaration of result of elections: The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, day and place appointed. A candidate and not more than one representative, duly authorized by him, may remain present at the time of counting of votes. After the counting of votes is completed the Returning Officer shall forthwith declare the result of election. If there are an equal number of votes in favor of two or more candidates for one vacancy, the election shall be determined by the Returning Officer by draw of lots in the presence of the candidates or their representatives. The Returning Officer shall communicate the result of the election to the Government who shall notify the constitution of the new council. After the declaration of the result, the Returning Officer shall seal the ballot papers and all other documents relating to the election and shall retain in the same with himself in safe custody for a period of six months and thereafter cause them to be destroyed.

17. Election of President and Vice-President.- As soon as possible as and not later than fifteen days after the constitution of the new council, the members shall elect the successor President and Vice-
CONDUCT OF BUSINESS OF THE COUNCIL

18. Power to appoint Committees/Sub-Committees- The council may appoint committee/sub committee to carry out the functions of the council.

19. Calling of meetings- The council shall meet on such date, time and place as may be fixed by the President. The President may, whenever he thinks fit or upon a written requisition of not less than two third members call an extraordinary meeting. The President and the Registrar shall discuss and decide the agenda for the meeting.

20. Notice for calling at meeting- All members of the council shall be given thirty clear days notice for an ordinary meeting and ten clear days notice for an extra ordinary meeting. Every notice shall also be passed at the office of the council. Such notice shall specify the date, time, place and agenda of the meeting. The Registrar shall send to all members a copy of the notice.

21. Motions for insertions in agenda- Any member may send a motion to be included in the agenda for an ordinary meeting so as to reach the Registrar twenty clear days before the date fixed for such meeting and seven clear days in case of extra ordinary meetings. The President and the Registrar shall discuss and decide whether or not to include such motion/motion in the agenda, and where any motion is disallowed, the reason for doing so shall also be communicated along with the agenda to the member who sent the motion.

22. Attendance of the meeting- At each meeting, an attendance register shall be placed in the meeting room and every member present shall sign against his name in the register.

23. Business to be transacted at meeting- At any meeting, no business or proposition other than the specified in the agenda shall be taken up, provided that the President, in his discretion, may permit any business or proposition to be discussed which is of an urgent nature and which was not entered in the notice for meeting.

24. Minutes of the meeting- The minutes of the meeting shall be recorded by the Registrar and the same shall be kept in the office of the council.

25. Approval of written proposal by circulation- Whenever it appears necessary to the President to consider a proposal by circulation, he may, instead of convening a meeting, direct the Registrar to circulate a written proposal for the observation and votes of the members of the Council and then decide on the basis of majority.

EXECUTIVE COMMITTEE

26. Constitution - The Executive Committee shall consist of seven members. The President of the Council shall be Ex-Officio chairman of the Executive Committee. The Council shall elect the other six members of the Executive Committee from amongst themselves as follows-
27. **Calling of meeting** - The Executive Committee shall meet on such date, time, place as may be fixed by the President. The President may however if he thinks fit and shall, upon a written requisition by not less than seven members call an extraordinary meetings of the Executive Committee on short notice. The President and the Registrar shall discuss and decide the agenda for the meeting.

28. **Notice of the meeting** - All members of the Executive Committee shall be given seven clear days notice of an ordinary meeting and three clear days notice in the case of an extraordinary meeting. Such notice shall specify the place, date and time of the meeting and state whether the meeting is a general meeting or a special meeting and the business to be transacted therein. The Registrar shall send to all Members a copy of the notice.

29. **Attendance at meeting** - At each meeting an attendance register shall be placed in the meeting room and every member present shall sign against his name in the register. Attendance of Five members of the Executive Committee shall constitute a quorum.

30. **Business to be transacted at meeting** - At any ordinary meeting and in case of extraordinary meeting no business other than specified in the notice calling such meeting shall be transacted provided that the presiding authority may permit any business to be discussed which is of the urgent nature and which was not entered in the notice for meeting. All questions at the meeting of the Executive Committee shall be decided by a majority of the members present and in consultation with the Registrar.

31. **Minutes of the meeting** - The meetings of the Executive Committee meeting shall be recorded by the Registrar and the same shall be kept in the office of the Council.

**INQUIRIES**

32. **Complaint against Nurse Practitioner** -

1) The Council may inquire into complaint against a nurse practitioner either suo moto or on the basis of any complaint made to the council in respect of misconduct or negligence of any nurse practitioner for the purposes of the Act through the disciplinary Committee. The proceedings shall be conducted by the Registrar in the presence of Chairman, Disciplinary Committee and at least two members thereof sitting together.

The complaint shall contain the following particulars:

a) the name, description and address of the complainant;

b) the name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained;
c) the facts relating to the complaint, when the cause of action arose and what are the grounds or causes of the complaint;

d) the documents in support of the complaint if any;

e) the relief which the complaint claims.

No complaint shall be entertained unless it is in writing and signed by the person making it. The complaint shall be verified by the complainant. The Complainant shall file six copies of the complaint along with such number of copies as there are opposite parties in the complaint. All anonymous and frivolous complaint shall be rejected.

2) Procedures on receipt of complaint- The Council shall on receipt of a complaint-

a) Refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of fifteen days of receipt of copy of the complaint.

b) Where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the council, the Council shall proceed to adjudicate the complaint-

i) On the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the council, or

ii) On the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or dispute the allegations contained in the complaint.

c) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties to appear before the Council. Where the complainant fails to appear before the Council on such days, the Council may in its discretion either opposite party fails to appear on the date of hearing, the council may decide the complainant ex-parte.

d) The decision of the inquiry shall be implemented and communication to the respective parties and to other as may be required. In case there is any difference of opinion amongst themselves, the opinion of the majority shall be the decision.

CONDITIONS OF SERVICE OF REGISTRAR/DEPUTY REGISTRAR AND OTHER STAFF AND THE SUPERVISORY POWERS AND DUTIES OF REGISTRAR/DEPUTY REGISTRAR

33. Appointment of Registrar/Deputy Registrar –

a. The post of Registrar/Deputy - Registrar shall be permanent. The post of Registrar shall be in the basic pay equivalent to the basic pay scale of Joint Director (Nursing) of the state services and the post of Deputy Registrar shall be in the basic pay scale equivalent to the basic pay scale of Deputy Director of the state Health Services.

b. The Council shall be the appointing authority for the post of Registrar/Deputy Registrar and the Registrar/Deputy Registrar shall be the appointing authority for all the other appointments in the Council.

c. The post of Registrar shall be filled by the Council by promotion of Deputy Registrar. The post of Deputy Registrar shall be filled by direct selection by the Council from amongst suitable
candidates having minimum qualification of B.Sc with minimum of 5 years experience in administration and teaching in Government/Public sector/private Sector or practice, on the date of application, candidate with post-Graduate qualification shall be given preferences.

d. The Registrar/Deputy Registrar shall draw allowances equivalent to allowances admissible to similar posts in the government like dearness allowance, house rent allowance, city compensatory allowance, transport allowance, conveyance allowance, academic allowance, postgraduate allowance, travelling allowance, daily allowance, etc. The leave entitlement and travelling entitlement shall be similar to that of employees of government in similar posts.

34. Functions of Registrar/Deputy Registrar. - The registrar /Deputy Registrar shall perform statutory functions as prescribed under the Act and these rules. Further she shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required under these rules. As Executive Officer of the Council, she shall be the competent authority to sanction all financial transactions. The Registrar or any other officer functioning as Registrar or her nominee shall be authorized to lodge complain in the court cases on behalf of the Council with the assistance of an advocate.

35. Appointment of other staff members. - The appointing authority may consider in situ promotions of the staff members. The staff members shall draw pay and allowances equivalent to the similar post in the Government and shall be eligible to draw allowances, house rent allowance, daily allowance, etc. The leave and travelling of the staff members shall be equivalent to that of employees of Government in similar posts. The appointing authority may also appoint staff members on contract basis.

36. Retirement. - The normal age for retirement for all the employees shall be as applicable to the employees of the Government. The Council may, grant extension of service to any employee for period not exceeding one year at a time and not more than two such extensions shall be allowed to anyone even in exceptional circumstances.

37. Resignation . -

1) The Registrar may resign her office by giving three months notice in writing to that effect to the President and such resignation shall take effect from the date of acceptance of such resignation by the Council. If she leaves her office without giving any notice as aforesaid, she shall be liable to deposit an equivalent to total emoluments payable in lieu of such notice.

2) Any other employee of the Council may resign her office by giving one month notice in writing to that effect to the Registrar if she is temporary, and three months notice if she is permanent and such resignation shall take effect from the date of acceptance thereof. In the case of failure to give required notice, the employee shall be liable to deposit an amount equivalent to total emoluments payable in lieu of notice period.

38. Termination of Service. - The Council may terminate the service of any employee appointed under Clause 35 other than the Registrar /Deputy Registrar appointed under Clause 33, after due enquiry giving such employee fair opportunity to explain as to why her services should not be terminated. The Council may impose any other giving such employee other than the Registrar /Deputy Registrar,
after giving such employee a show cause notice. The Council may, with the previous sanction of the Government terminate the service of the Registrar/Deputy Registrar as per the procedure laid down under the Public Servants (Inquiries) Act.

39. Provident fund, gratuity and other terms of service. — The Council shall establish a provident fund and provide for gratuity, in accordance with the statutory provisions. Other terms of service like leave, leave encashment, leave travel concession, etc., Shall be similar to those applicable to the employees of the Government. The Council shall provide medical insurance policy for the staff members and their dependent family and will also reimburse a sum up to a maximum of fifteen days basic pay of an employee per year for out-patient medical treatment for herself and her dependent family.

40. Maintenance of account and other registers.—
1) The Council shall maintain the following registers:-
   a) Cash books
   b) Ledger
   c) Stock register
   d) Receipt books
   e) Register for grants
   f) Voucher files
   g) Attendance roll
   h) Register of leave accounts
   i) Service books and
   j) Other registers as may be necessary.

2) The annual accounts shall be audited in accordance with statutory and administrative requirements as applicable.

3) Bank Accounts of the Council shall be opened in nationalized/Scheduled Banks. The Registrar/Deputy Registrar and the Accounts Officer of the Council shall be the authorized signatory of Bank Accounts of the Council.

4) The Council may deposit its own funds in fixed deposits in Nationalized/Scheduled Banks or may invest its own funds in any of the securities specified by the Registrar.

MISCELLANEOUS

41. Migration/ Transfer — request for migration to another Nursing Council shall be considered by the Council and after the approval by the Council, “No Objection” certificate shall be issued by the Registrar on receipt of application along with fees as prescribed.

42. Certificate of good standing — Certificate of good standing may be issued by the Registrar to registered practitioners on receipt of an application along with fees as prescribed provided that no enquiry is pending against the applicant. The certificate shall be valid for a period of six months from the date of issue.
43. Honorarium for attendance of meetings – A sum of five hundred rupees per meeting shall be payable as honorarium to Members of the Council, Executive Committee or co-opted members from outside/assessor for attending meetings. This amount may be revised from time to time by the Council.

44. Fees–
   1) Fee shall be levied by the Council as given in Appendix D, subject to revision from time to time with the approval of the Government.
   2) The above fee structure may be revised from time to time.

Sd/-

LHIMATO ZHIMOMI
Principal Secretary to Government of Nagaland

STATEMENT OF OBJECT AND REASONS.

In the interest of safety of life, it is deemed appropriate that health care system in the State is properly regulated. The modern medical care cannot be provided without the help of nursing personnel. And whereas, there are laws for laying down standards and creating bodies for enforcement in the case of Nursing education, yet there is no laws or machinery to lay down standards and enforce them in case of Nursing personnel and the best way to regulate Nursing personnel is through the state Nursing Council Act.

In the recent years, there has been rapid growth of private Medical institutions in the State. There is no regulation by any professional body over laboratory and Diagnostic Centres.

Accordingly, it is felt expedient to establish a Nursing Council to Superintendent, over the allied health professionals and its institutions with the powers to recognize, register, lying down norms and standards for various courses and trainings, uniform curricula, physical and infrastructural facilities, staffing pattern and staff qualification, quality instruction, assessments and examination system.

Sd/-

Shri SPANGYU PHOM
Minister
Health & Family Welfare Department
Nagaland: Kohima
MEMORANDUM OF DELEGATED LEGISLATION

The Nagaland Nursing Council Bill 2019 delegated the power to the State Government to make Rules.

The Rules made therein shall be laid before the Assembly and shall be subject to the scrutiny of the house. Delegation of power is of normal nature.

Sd/-
SHRI S.PANGYU PHOM
Minister
Health & Family Welfare Department
Nagaland, Kohima

FINANCIAL MEMORANDUM

The proposed introduction of the Nagaland Nursing Council Bill 2019 shall be administered by the existing administrative set-up of the Health & Family Welfare Department, and will not entail any extra expenditure from the Consolidated Fund of the State.

Sd/-
SHRI S.PANGYU PHOM
Minister
Health & Family Welfare Department
Nagaland, Kohima
APPENDIX-A

FORMAT FOR REGISTER OF NURSES

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name</th>
<th>Father's name</th>
<th>Mother's name</th>
<th>Gender</th>
<th>Nationality</th>
<th>Date of birth (mm/dd/yyyy)</th>
<th>Address</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Mobile</th>
<th>Email ID</th>
<th>Category/Diploma Degree</th>
<th>Diploma Institution</th>
<th>Year of Qualification</th>
<th>Description of Qualification</th>
<th>Degree Institution</th>
<th>Year of Qualification</th>
<th>Description of Qualification</th>
<th>Remarks</th>
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</table>

<table>
<thead>
<tr>
<th>INC Registration if any</th>
<th>Registration in other state, if any</th>
<th>NNC Registration</th>
<th>Initial of Registrar</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Qualification</th>
<th>Initial of Registrar</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree</td>
<td>Year of registration</td>
<td>NNC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Initial of Registrar</td>
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<tr>
<td>Degree</td>
<td>Year of registration</td>
<td>NNC</td>
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</table>

<table>
<thead>
<tr>
<th>Removal of Registrar</th>
<th>Other State/Central NNC</th>
<th>Initial of Registrar</th>
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<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Restoration</th>
<th>Other State/Centre</th>
<th>NNC</th>
<th>Initial of Registrar</th>
<th>Remarks</th>
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</thead>
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<tr>
<td>42</td>
<td>44</td>
<td>45</td>
<td>46</td>
<td>47</td>
</tr>
</tbody>
</table>
FORM-1
Application form for Direct/Fresh Registration

To,

The Registrar
Nagaland Nursing Council

Sir,

I hereby request that my name and other particulars mentioned below may be entered in the State Register of Nagaland Nursing Council as required under section of Nagaland Nursing Act 2019.

1. Name of the application (block letters)
2. Father’s / Husbands’s name
3. Mother’s name
4. Gender
5. Nationality
6. Date of birth (date, month, year)
7. Address
   (a) Residential address
   (b) Permanent address
   (c) Professional address
8. Telephone No./Mobile No./Fax No./Email ID
9. Category (Diploma/ Degree)
10. Qualifications

(a) Diploma

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Description of qualification</th>
<th>Name of the School/Institution</th>
<th>Name of the Board</th>
<th>Year of Qualification/Completion</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

(b) Degree

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Description of qualification</th>
<th>Name of the School/College/Institution</th>
<th>Name of the Board/University</th>
<th>Year of Qualification</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

11. INC Registration No. & Date (if any)
12. (a) Registration No. & Date, if any in other State
12. (b) Authority under who registered

13. Bank Draft No. & Date

14. Draft prepared from (Bank)

I submit herewith original certificates for verification and submit attested copies of the same certificates if registered elsewhere (INC and other State)

a) Birth Certificate/ Matriculate Certificate / SSC Exam certificate with the date of birth.
b) BSc Degree/ Post Graduate Degree/ Diploma/ any other
c) State Nursing Council/ Indian Nursing Council Registration Certificate
d) Other evidence in support of my having obtained the qualification which I possess.
e) No Objection Certificate from State Nursing Council where earlier registered.
f) Three recent passport size photographs with name and signature at the backside.
g) Bank Drafts Rs 2000/Rs 3000- (Rupees Two/three Thousand only) in favour of Nagaland Nursing Council in case of fresh registration.

DECLARATION

I solemnly affirm and declare that the particulars furnished above by me are true to the best of my knowledge and I believe and I undertake to abide by the code of Conduct & Ethics of Nagaland and Indian Nursing Council and by the Rules of Nagaland Nursing Council.

Date.......................... Signature of the Applicant

(For office use only)

Received the above documents in original

Signature of registered person..........................

Name.................................

Date.................................
FORM-2
REGISTRATION CERTIFICATE

This is to certify that,

1. Mr/ Ms.........................................................(whose sign is in the box), son/ daughter/ wife of................................................................. Born on____________________(date/ month/ year) possessing the qualification(s)............................................. has been duly registered under the Nagaland Nursing Council Act 2019.

2. Mr/ Ms......................................................... has solemnly affirmed to abide by the rules and Regulations of Nagaland Nursing Council Rules, 2019 and the ethics of Nagaland Nursing Council and Indian Nursing Council (professional conduct, etiquette and ethics) Regulations.

3. In witness thereof, the seal of the Nagaland Nursing Council and the signature of the Registrar is herewith affixed.

4. Subject to the provision of the said Act this certificate is valid up to a period of 5 (five) years from this date.

Date......................................................... Signature of Registrar with seal

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Description of Qualification</th>
<th>Date of Registration in NNC Register</th>
<th>Signature of Registrar with seal</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Registration Renewal:

Date:................................................. Renewal seal Signature of Registrar with seal

Important Notice:

1. Registered Nurses should send immediate notice to the Registrar of Nagaland Nursing Council if there is any change in the registered address.

2. The Registration must be renewed before the expiry of 5 (five) years from the date of last registration of renewal.

3. After the publication of names in the printed Nursing Register, the last addition of the Register alone is legal evidence of Registration.
FORM-3
APPLICATION FORM FOR CONTINUATION OF NAME IN THE REGISTER

Receipt No…………………………
Date………………………………
(For office use)

To,

The Registrar
Nagaland Nursing Council

Sub: Continuation of name in the Register

Sir/ Madam,

I request that my name may be continued in the State Register maintained by Nagaland Nursing Council.

1. Name of the applicant (block letters)
2. Father’s / Husband’s name
3. Mother’s name
4. Gender
5. Nationality
6. Date of birth (date, month, year)
7. Address
   (a) Residential address
   (b) Permanent address
   (c) Professional address
8. Telephone No./ Mobile No./ Fax No./ Email ID
9. Category (Diploma/ Degree)
10. Details of Qualifications

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Description of qualification</th>
<th>Name of the School/ College/ Institution</th>
<th>Name of the Board/ University</th>
<th>Year of completion/ year of passing examination</th>
</tr>
</thead>
</table>

11. Nagaland Nursing Council Registration Certificate No. & Date
12. Present occupation
I submit herewith original certificates for verification and submit attested copies of the same certificates.

(a) Two recent passport size photographs with name and signature at the backside.
(b) Nagaland Nursing Council Registration Certificate.
(c) BSc Degree/ Post Graduate Degree/ Diploma Certificate/Any other

I hereby submit a Bank Draft No............. Dated ................. prepared from (Bank)................. for Rs.................... (Rupees ..........................................................) only as non-refundable fee in favour of Nagaland Nursing Council.

(in case of late fee)

I hereby submit a Bank Draft No............. Dated ................. prepared from (Bank)................. for Rs.................... being the late fee as non-refundable fee in favour of Nagaland Nursing Council.

DECLARATION

I solemnly affirm and declare that the particulars furnished above by me are true to the best of my knowledge and I believe and I undertake to abide by the code of Conduct & Ethics of Nagaland and Indian Nursing Council and by the Rules of Nagaland Nursing Council.

Date.................. Signature of the Applicant

(For office use only)

Received the above documents in original.

Signature of registered person
Name:
Date:
FORM 4
APPLICATION FOR REGISTRATION OF ADDITIONAL QUALIFICATION

Receipt No..................................................
Date..................................................
(For office use)

To,
The Registrar
Nagaland Nursing Council

Sub: Registration of additional qualification

Sir/ Madam,

I am a registered Nurse of Nagaland Nursing Council and my Registration No. is..................
I have acquired an additional qualification in nursing and desire to register the same. My particulars are as under:

1. Name of the Application (block letters) : ..........................................
2. Father’s/Husband’s name : .......................................................... 
3. Mother’s name : ..........................................................................
4. Gender : ....................................................................................
5. Nationality : ................................................................................
6. Date of birth (date, month, year) : .................................................
7. Address :
   (a) Residential address : ..............................................................
   (b) Permanent address : ............................................................... 
   (c) Professional address : ..............................................................
8. Telephone No./Mobile No./Fax No./Email ID : ...................................
9. Category (Diploma/Degree) : ...........................................................
10. Details of Qualifications : ..............................................................

ADDITIONAL QUALIFICATION

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Description of qualification</th>
<th>Name of the College/Institution</th>
<th>Name of the University/Licensing body</th>
<th>Year of obtaining the qualification</th>
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</tbody>
</table>
I hereby submit a Bank Draft No. ............ Dated .................. obtained from (Bank) ....................... for Rs. .................. (Rupees ......................................................... ) only as non-refundable fee in favour of Nagaland Nursing Council.

DECLARATION

I solemnly affirm and declare that the particulars furnished above by me are true to the best of my knowledge and I believe and I undertake to abide by the code of Conduct & Ethics of Nagaland and Indian Nursing Council and by the Rules of Nagaland Nursing Council.

Date.......................... Signature of the Applicant

Note:
1. Copies of relevant additional qualification may be submitted with this application along with originals, which would be returned after verification.
2. Only additional qualification(s) recognised by the Indian Nursing Council would be entered in the Register.
3. The certificate of Registration with Nagaland Nursing Council shall be required to be submitted, in original, with this application.
4. Two recent passport size photographs with name and signature at the backside.
5. Bank Draft for Rs 1000/- (Rupees One thousand) in favour of Nagaland Nursing Council (Non refundable).

(for office use)

Received the above documents in original.

Signature of registered person..............
Name:............................................
Date:..........................................
FORM-5
APPLICATION OF RESTORATION OF NAME IN THE REGISTER

Receipt No......................................................
Date............................................................
(for office use)

To,
The Registrar
Nagaland Nursing Council

Sub: Restoration of name in the Register.

Sir/Madam,

1. I, ....................................................................................................................(full name
and address) holding qualification of ...........................................................................
do solemnly declare that the following are facts of my case on which I seek restoration of my name in the Register.

2. My name was duly registered in the State Register of ..............................................
having registration number ...........................................(Name of the State)
......................................................................................... Dated...........................................................

3. My name was duly registered in the State Register of Nagaland Nursing Council on 
........................................................................... Having registration number......................

4. At an enquiry on the ..........................day of........................by the Council/ Board/ Committee
of ..................................................................my name was directed to be removed from the State Register and
the offence(s) for which the Council/ Board/ Committee of 
.......................................................................................... directed removal of my name was / were
..........................................................................................

5. Since the removal of name from the Register, I have been residing at..............................
............................................................................ and my occupation has been..............................................

6. It is my request that my name be restored in the Register of ........................................State.

7. The grounds for the present application are:
a. ........................................................................................................

b. ........................................................................................................

c. ........................................................................................................

8. The prescribed fee of Rs 1000/- Rs 1500/- (Rupees One thousand/ one thousand five-hundred) deposited by Bank Draft No........................................... Dated............................. in favour of Nagaland Nursing Council.

9. I request that orders may be passed for restoration of my name in the State Register of .................................................. (State).

10. I submit three recent passport size photographs.


Declared at....................... Before............................

Signature

.................................................................................................
(for office use only)

Received the above documents in original.

Signature of registered person................
Name:........................................................................
Date:........................................................................

*(Instructional): All facts and the grounds on which the application is made should be clearly and concisely stated. Use separate sheets if necessary.
FORM 6
Application form for Provisional Registration

To,

The Registrar
Nagaland Nursing Council

Sub: Provisional Registration

Sir/Madam,

I hereby request that my name and other particulars mentioned below may be entered in the State Provisional Register of Nagaland Nursing Council as required under section of the Nagaland Nursing Act 2019.

1. Name of the application (block letters)
2. Father’s / Husband’s name
3. Mother’s name
4. Gender
5. Nationality
6. Date of birth (date, month, year)
7. Address
   (a) Residential address
   (b) Permanent address
   (c) Professional address
8. Telephone No./ Mobile No./ Fax No./ Email ID
9. Category (Diploma/ Degree)
10. Qualifications
    (a) Diploma
        | Sl. No | Description of qualification | Name of the School/ College | Name of the Board/ University | Year of Qualification/ Completion |
        |-------|-----------------------------|-----------------------------|-------------------------------|----------------------------------|

    (b) Degree
        | Sl. No | Roll No./ Registration No. | Name of the Nursing College/ Institution | Name of the University/ Licensing authority | Year of Qualification |
        |-------|---------------------------|------------------------------------------|---------------------------------------------|-----------------------|
I hereby submit a Bank Draft No.............Dated ...............obtained from (Bank)..................for Rs. 500/- (Rupees Five Hundred) as non-refundable fee in favour of Nagaland Nursing Council.

DECLARATION

I solemnly affirm and declare that the particulars furnished above by me are true to the best of my knowledge and I believe and I undertake to abide by the code of Conduct & Ethics of Nagaland and Indian Nursing Council and by the Rules of Nagaland Nursing Council.

Date....................

Signature of the Applicant

Note:
1. Application to be submitted at the office of the Nagaland Nursing Council along with three passport size photographs.
2. Provisional degree/diploma or provisional certificate of examination issued by the Dean of the College/Board/ University in original along with relevant copies to be forwarded with this application. The original will be returned with the provisional certificate of registration.
3. Certificate of date of birth.
4. Bank Draft for Rs. 500/- (Rupees Five Hundred) in favour of Nagaland Nursing Council (non-refundable).

________________________
(for office use only)

Received the above documents in original.

Signature of registered person..................
Name:.................................................................
Date:.................................................................
FORM-7

FORM FOR GENERAL NOTICE

General Notice is hereby given to all Registered Nurses included in the State Register of Nagaland Nursing Council under the Nagaland Nursing Council Act, 2019 whose validation of Registration i.e. 5 years have been completed, they have made an application to the Registrar for continuance of their names in the said Register as provided in Rule 6 of Nagaland Nursing Council Rules, 2019.

Individual notices along with the prescribed form of application are being sent under Certificate of posting to every such registered Nurse to the address in the said Register. An application in Form-3 for continuation of the name in the Register should be returned to the undersigned duly completed within 45 days of the issue of the notice. Any Registered Nurse not receiving the form by post may obtain it from the Registrar.

Date:

Yours faithfully,

REGISTRAR

Nagaland Nursing Council,
Nagaland

FORM-8

NOTICE FOR CONTINUATION OF NAME OF THE REGISTER

To,

Mr/ Ms..........................................................
..........................................................
..........................................................

Sub: Individual Notice for continuation of name in the Nagaland Nursing Council Register

Sir/Madam,

Notice is hereby given to you calling upon to return the enclosed application form (Form No-3) duly filled in by you to the Registrar within 45 (forty five) days for continuation of your name in the State of Nagaland Nursing Council.

Yours faithfully,

REGISTRAR

Nagaland Nursing Council,
Nagaland
FORM-9

DECLARATION OF RESULT OF MEMBER, PRESIDENT & VICE-PRESIDENT

I hereby declare that Dr/Mr/ Mrs.........................has been duly elected under sub-section...................................of the Nagaland Nursing Council Act, 2019, as the Member/ President/ Vice-President of the Nagaland Nursing Council for a period of.............

w.e.f..........................

Place:
Date:

Signature Returning Officer

FORM-10

ELECTION OF PRESIDENT / VICE-PRESIDENT

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Candidates</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Signature of Returning Officer

INSTRUCTIONS

1. Each elector has only one vote.
2. The elector should place the Mark (X) clearly opposite the name of the candidate of his choice.
APPENDIX-B

NAGALAND NURSING COUNCIL
DECLARATION: PLEDGE

At the time of registration, each applicant shall be given a copy of the following declaration by the Registrar and the applicant shall read and agree to abide by the same and affirmed by the signature in the presence of Registrar.

1. I solemnly pledge myself to consecrate my life to service of humanity.
2. Even under threat, I will not use my nursing knowledge contrary to the laws of Humanity.
3. I will maintain the utmost respect for human life from the time of conception.
4. I will not permit consideration of religion, nationality, race, party politics or social standing to intervene between my duty and my patient.
5. I will practice my profession with conscience and dignity.
6. The health of my patient will be my first consideration.
7. I will respect the secrets which are confined in me.
8. I will give to my teachers the respect and gratitude which is their due.
9. I will maintain by all means in my power, the honour and noble tradition of nursing profession.
10. I will treat my colleagues with all respect and dignity.
11. I shall abide by the code of nursing ethics and enunciated in the Indian Nursing Council (Professional Conduct, Etiquette and Ethics) Regulation Rules.*
12. I shall abide by the Rules of Nagaland Nursing Council, 2019

I make these promises solemnly, freely and upon honour.

Signature........................................

Name........................................

Place........................................

Date........................................

Address......................................

...........................................

...........................................
APPENDIX- C

NAGALAND NURSING COUNCIL
NAGALAND: KOHIMA

No.

MIGRATION CERTIFICATE

Ms/ Mr. .................................................. Son/D/of. ............................................................. had passed the final examination of M.Sc/ B.Sc/ GNM/ ANM/ FHW under Nagaland Nursing Council bearing Roll No. ........................................ and was placed in the ........................................ Division. This Council has no objection to her/ his joining any recognised College/ Board/ University established by you.

Date:

REGISTRAR
Nagaland Nursing Council,
## APPENDIX-D

### FEE STRUCTURE

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>For new/fresh registration: - ANM/LHV</td>
<td>Two thousand rupees</td>
</tr>
<tr>
<td></td>
<td>Above :: GNM/ B.Sc/ MSc or Above</td>
<td>Three thousand rupees</td>
</tr>
<tr>
<td>2.</td>
<td>For issue of a certified copy of an entry in the register</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>3.</td>
<td>Renewal of Registration</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>4.</td>
<td>For entering each additional qualification – Degree/Diploma</td>
<td>One thousand rupees</td>
</tr>
<tr>
<td>5.</td>
<td>Restoration of name in the register: - ANM/LHV</td>
<td>One thousand rupees</td>
</tr>
<tr>
<td></td>
<td>:: GNM/ B.Sc/ MSc or Above</td>
<td>One thousand five hundred rupees</td>
</tr>
<tr>
<td>6.</td>
<td>Provisional Registration</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>7.</td>
<td>For issue of duplicate certificate of registration</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>8.</td>
<td>For recording change of name in the register</td>
<td>Five hundred rupees</td>
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<tr>
<td>9.</td>
<td>Late fee for non-registration (Non refundable fees)</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>(i)</td>
<td>Up to a period of one year from the date from which registration was due</td>
<td>Nil</td>
</tr>
<tr>
<td>(ii)</td>
<td>For period more than one year but up to five years</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>(iii)</td>
<td>For period more than five years</td>
<td>Five hundred rupees plus additional five hundred per year</td>
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<td>10.</td>
<td>Late fee for non-renewal of registration</td>
<td>Two hundred rupees</td>
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<tr>
<td>(i)</td>
<td>Up to one year from the date from which registration is due for renewal</td>
<td>Two hundred rupees plus additional one hundred rupees per year</td>
</tr>
<tr>
<td>(ii)</td>
<td>For period more than one year</td>
<td>Two hundred rupees plus additional one hundred rupees per year</td>
</tr>
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<td>11.</td>
<td>Annual listing fee for entry of name in the website</td>
<td>Two hundred rupees</td>
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<td>12.</td>
<td>For issue of No Objection Certificate</td>
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<td>13.</td>
<td>Migration Certificate</td>
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<td>14.</td>
<td>Enrolment Fees</td>
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<td>15.</td>
<td>Reciprocal registration: - ANM/LHV :: GNM/ B.Sc/ MSc or Above</td>
<td>One thousand rupees</td>
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<td>Above</td>
<td>One thousand five hundred rupees</td>
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## PAY STRUCTURE OF MANPOWER FOR STATE NURSING COUNCIL:

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<td>Joint Director</td>
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<td>UDA (District)</td>
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PART-V

NOTIFICATION

NO.AS/LEG-06/2019/ 1658

Dated Kohima, the 23rd February, 2019

The Nagaland Lokayukta (Amendment) Bill, 2019 which was introduced in the Nagaland Legislative Assembly on 22nd February, 2019 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY
**NAGALAND LOKAYUKTA (AMENDMENT) BILL 2019**

**Statement of Objects and Reasons:**

Whereas, to simplify and modify certain provisions of the Lokayukta Act 2017 (Act 1 of 2018) under Section 3, Sub-section 2; Section 6, Sub-section 1 & 2 and Section 32 to impart clarity to some provisions in the said Act with a view to implement the Act smoothly and expeditiously.

And whereas the Nagaland Legislative Assembly was 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 of the Lokayukta Act 2017 (Act 1 of 2018), with certain modifications.

Now therefore, in exercise of the powers conferred by Clause 1 of Article 213 of the Constitution of India, the Governor has promulgated the Nagaland Lokayukta (Amendment) Ordinance, 2018.

Therefore, the State Government considers it necessary to approve the Nagaland Lokayukta (Amendment) Ordinance, 2018 in the Assembly for enactment.


Sd/-

Neiphiu Rio  
Chief Minister  
i/c Personnel & Administrative Reforms Department
MEMORANDUM REGARDING DELEGATED LEGISLATION

The State Government is delegated with the power to make Rules under Section 32 of the Nagaland Lokayukta Act, 2017.

The delegated legislation is of normal character.

Sd/-
Neiphiu Rio
Chief Minister
i/c Personnel & Administrative Reforms Department

MEMORANDUM OF FINANCIAL IMPLICATION

The implementation of the Nagaland Lokayukta Act, 2018 shall cause a recurring expenditure of Rs.50.00 Lakh (approximately) annually and shall be charged from the Consolidated Fund of the State.

Sd/-
Neiphiu Rio
Chief Minister
i/c Personnel & Administrative Reforms Department
A Bill to enact Nagaland Lokayukta (Amendment) Bill, 2019.

Be it enacted in the Sixty Ninth year of the Republic of India as follows:-

A Bill

CHAPTER (I)

1. Short title, extent and commencement

1. This Act may be called the Nagaland Lokayukta (Amendment) Act, 2019 (Act 1 of 2019).

2. It extends to the whole State of Nagaland and applies also to the public servants posted outside Nagaland in connection with the affairs of the State of Nagaland.

3. It shall come into force at once.

CHAPTER (II)

2. In Section 3

1. For Sub-section 2, the following Sub-section shall be substituted, namely: -

(2) (i) The Lokayukta shall be appointed by the Governor in accordance with the recommendation tendered by the Selection Committee consisting of the Chief Minister of Nagaland, the Chief Justice of Guwahati High Court, the Speaker of the Legislative Assembly and the Leader of Opposition in the Legislative Assembly of the State. In cases where there is no recognized Leader of Opposition, the consultation shall be with the Leader of the largest opposition party in the Assembly. In case the Speaker of the Legislative Assembly is not available for consultation, the consultation shall be with the Deputy Speaker of the Legislative Assembly.
(ii) The Selection Committee shall, for the purpose of selecting the Lokayukta and for preparing a panel of persons to be considered for appointment as such, shall be guided by a Search Committee consisting of the Chief Secretary or the Additional Chief Secretary and the Advocate General of Nagaland.

(iii) No appointment of Lokayukta or a Upa-Lokayukta of the State shall be invalid merely by reason of any absence of any one member entitled to be consulted in terms of Para 2(1) Supra at the time of the meeting convened for consultation.

II. For Section 4 following may be substituted:-

Section-4: Lokayukta or Upa-Lokayukta to hold no other office:

The Lokayukta or Upa-Lokayukta shall not be a –

(1) Member of Parliament or a Member of the Legislature of any State.

(2) A person who has been removed or dismissed from the service of the Union or a State, and shall not hold any office of trust or profit (Other than his office as the Chairperson or a Member) or be affiliated with any political party or carry on any business or practice any profession and, accordingly, on his entering upon his office, a person appointed as the Lokayukta or Upa-Lokayukta, as the case may be shall, if –

(a) he holds any office of trust or profit, resign from such office; or

(b) he is carrying on any business, cease to practice such business; or

(c) he is practicing any profession.

III. In Section 6, for sub-section (1) the following shall be substituted, namely:-

Removal of Lokayukta or Upa-Lokayukta

(1) (i) For removal of a person from the position of Lokayukta or Upa-Lokayukta, a complaint of serious allegation of corruption or misbehavior by the Lokayukta or Upa-Lokayukta signed by not less than twenty members of the Nagaland Legislative Assembly shall be presented to the Governor.

(ii) On receipt of such a complaint, the Governor shall refer it to the Chief Justice of Guwahati High Court for constituting an Inquiry Committee consisting of two
sitting or retired High Court Judges and an eminent jurists to inquire into the allegations and to make a report to the Governor. The Inquiry Report, on circulation to the Members of Legislative Assembly shall be debated upon and a Resolution for the removal of the Lokayukta or Upa-Lokayukta along with an address to the Governor shall have to be passed by a majority of not less than two-thirds of the Membership of the Assembly. On receipt of the address and Resolution passed by the Assembly, the Governor shall remove the Lokayukta or Upa-Lokayukta from office forthwith.

IV. After Section 32, the following Section shall be inserted, namely:-

**Power to relax**

32-A: In all cases where there are difficulties experienced in the implementation of this Act, provisions in this Act and the rules made thereunder shall be relaxed to the extent desirable by the Chief Minister.

Sd/-

**Neiphiu Rio**

Chief Minister

i/c Personnel & Administrative Reforms Department
NOTIFICATION

Dated Kohima, the 23rd Jan., 2018

No. LAW/BILL/6-12/2018::: The Nagaland Lokayukta Act, 2017 (Act No. 1 of 2018) duly assented by the Hon’ble Governor of Nagaland on 21/12/2017 is published herewith for general information.

Sd/-

IMTIAKUM
Deputy Secretary to the Govt. of Nagaland.

An Act

Section-1: Short Title, Extent and Commencement.

(1) This Act may be called the Nagaland Lokayukta Act, 2017.
(2) It extends to the whole State of Nagaland and applies also to the public servants posted outside Nagaland in connection with the affairs of the State of Nagaland.
(3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

Section-2: Definitions.

(1) In this Act, unless the context otherwise requires,—
   (a) “Assembly” means the Nagaland Legislative Assembly;
   (b) “Bench” means a bench of the Lokayukta;
   (c) “Chairperson” means the Chairperson of the Lokayukta;
   (d) “Governor” means the Governor of Nagaland;
   (e) “Competent authority”, in relation to—
      (i) The Chief Minister, means the Governor of Nagaland;
      (ii) A member of the Council of Ministers, means the Chief Minister;
      (iii) A member of Assembly other than a Minister, means the Speaker of the House;
      (iv) Vice Chancellor of a University, means the Chancellor;
      (v) A Secretary to the Government, means the Chief Minister;
      (vi) A Government servant other than Secretary, means the State Government;
      (vii) Any other public functionary, means such authority as may be prescribed.
   (f) “Complaint” means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;
   (g) “Grievance” means a claim by a person that he suffered injustice or hardship as a consequence of maladministration;
   (h) “Investigation” means an investigation as defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;
   (i) “Judicial Member” means a Judicial Member of the Lokayukta;
   (j) “Lokayukta” or “Upa-Lokayukta” means a person appointed under Section 3;
   (k) “Mal-administration” means actions taken or purported to have been taken or failed to have been taken, where such action or failure is unreasonable, unjust, oppressive or improper or discriminatory or with undue delay or negligent or distortive of procedures, practices etc., governing such actions;
   (l) “Minister” means a member of the Council of Ministers and includes Parliamentary Secretaries/Advisers/Chairman but does not include the Chief Minister;
(m) “Notification” means notification published in the Official Gazette and the expression “notify” shall be construed accordingly;
(n) “Preliminary inquiry” means an inquiry conducted under this Act;
(o) “Prescribed” means prescribed by rules made under this Act;
(p) “Public servant” means a person who is or was at any time-
   (i) The Chief Minister;
   (ii) A Minister;
   (iii) A Member of the State Legislature;
   (iv) A Government servant; and
   (v) An officer of any body or Board or Corporation or Authority or Company or Society or Autonomous Body (by whatever name called) established or constituted under any Act of Assembly or wholly or partly financed by the State Government or controlled by it.
(q) “Regulations” means regulations made under this Act;
(r) “Rules” means rules made under this Act;
(s) “Schedule” means a Schedule appended to this Act;
(t) “Secretary” means the Chief Secretary, an Additional Chief Secretary, a Principal Secretary, a Commissioner & Secretary, a Special Secretary, a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or such other officer as may be authorized by the Government.
(u) “Special Court” means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.
(v) “Whistle blower” means any person who provides factual information with prima facie evidence about corruption in a public authority or is a witness or a victim in a case of corruption before the Lokayukta, -
   (i) or who faces the threat of professional harm, including but not limited to illegitimate transfer, denial of promotion, denial of perks, adverse departmental proceedings, discrimination etc.,
   (ii) or who is actually subjected to any harm as a consequence to his making any complaint to the Lokayukta under this Act, or any other legal action aimed at preventing or exposing corruption.

(2) The words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.

(3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

Section-3: Appointment of Lokayukta and Upa-Lokayukta

(1) For the purpose of conducting investigations and inquiries in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokayukta and not exceeding 4 persons to be known as the Upa-Lokayukta.

(2) The Lokayukta shall be appointed by the State Government after consultation with the Chief Justice of Gauhati High Court, the Speaker and Leader of Opposition failing which the Leader of the single largest party of the Nagaland Legislative Assembly.

(3) The Upa-Lokayukta shall be appointed by the State Government after consultation with the Lokayukta.
(4) A person shall not be qualified for appointment as the Lokayukta unless he/she has been a Judge of the Supreme Court or the Chief Justice of a High Court or a Judge of a High Court.

(5) A person shall not be qualified for appointment as Upa-Lokayukta unless he or she has been a Judge of a High Court or eligible to be appointed as a Judge of the High Court and the other two Upa-Lokayuktas shall be or a person who has held the office of not lower than a Secretary to the Government of Nagaland or a person of impeccable integrity and social standing having special knowledge and expertise of not less than twenty years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management. Two members of the Upa-Lokayukta shall comprise of judicial members.

(6) Every person appointed as the Lokayukta or Upa-Lokayukta, shall, before entering upon his office make and subscribe, before the Governor or some person appointed in that behalf by him, an oath or affirmation in the form set out for the purpose in the First Schedule.

(7) If the office of the Lokayukta becomes vacant, or if the Lokayukta is, by reason of absence or for any other reason whatsoever unable to perform the duties of his/her office, those duties, until some other person is appointed under section (1) and enters upon such office or, as the case may be, until the Lokayukta resume his/her duties, shall be performed—

   (a) Where the office of the Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office, by any one of the judicial members of the Upa-Lokayukta.

   (b) In the absence of judicial members, the senior most Upa-Lokayukta shall discharge the responsibilities of the Lokayukta.

(8) The Upa-Lokayukta shall, while acting as or discharging the functions of Lokayukta, have all the powers and immunities of the Lokayukta.

(9) A vacancy occurring in the office of the Lokayukta or Upa-Lokayukta by reason of his/her death, resignation, retirement or removal shall be filled in as soon as possible, but not later than six months from the date of occurrence of such vacancy.

Section-4: Lokayukta or Upa-Lokayukta to hold no other office:

The Lokayukta or Upa-Lokayukta shall not be a—

   (1) Member of Parliament or a Member of the Legislature of any State.

   (2) A person who has been removed or dismissed from the service of the Union or a State, and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be affiliated with any political party or carry on any business or practice any profession and, accordingly, before he enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if—

   (a) He holds any office of trust or profit, resign from such office; or

   (b) He is carrying on any business, sever his connection with the conduct and management of such business; or

   (c) He is practicing any profession, cease to practice such profession.

Section-5: Term of office of the Lokayukta or Upa-Lokayukta.

(1) Every person appointed as the Lokayukta or Upa-Lokayukta shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 70 years, whichever is earlier:
(a) Provided the Lokayukta or Upa-Lokayukta may, by writing under his hand addressed to the Governor, resign his office.

(b) The Lokayukta or Upa-Lokayukta may be removed from office in the manner provided in Section 6.

(2) On ceasing to hold office, the Lokayukta or Upa-Lokayukta shall be ineligible for further appointment as the Lokayukta or Upa-Lokayukta or for any employment under the State Government or for any employment under any local authority, University, Statutory Bodies or Corporation, Society, Co-operative Society, Government Company, other Body or Corporation.

Section-6: Removal of the Lokayukta or Upa-Lokayukta.

(1) The Lokayukta or Upa-Lokayukta shall not be removed from his office except by an order of the Governor passed after an address in the Assembly supported by a majority of the total membership of the House and by majority of not less than two-third of the members of the House present and voting, has been presented to the Governor in the same session for such removal on the ground of proved misbehavior or incapacity.

(2) The procedure of the presentation of an address and for the investigation and proof of the misbehavior or incapacity of the Lokayukta or Upa-Lokayukta under sub-section (1) shall be as provided in the Judges (Inquiry) Act, 1968 in relation to the removal of a Judge and accordingly the provisions of that Act shall, mutatis mutandis, apply in relation to the removal of the Lokayukta or Upa-Lokayukta as they apply in relation to the removal of a Judge.

Section-7: Conditions of service of the Lokayukta or Upa-Lokayukta.

(1) The salary, allowances, pension and retirement benefits etc of the Lokayukta shall be the same as admissible to a Chief Justice of a High Court.

(2) The salary, allowances, pension and retirement benefits etc of the Upa-Lokayukta shall be the same as admissible to a sitting Judge of a High Court.

Provided that if the Lokayukta or Upa-Lokayukta is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Lokayukta or Upa-Lokayukta or, as the case may be, be reduced—

(a) By the amount of that pension; and

(b) If he has, before such appointment, received, in lieu of a portion of the pension, due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

(3) In addition to the pension, which the Lokayukta or Upa-Lokayukta may be receiving at the time of his appointment, the Lokayukta or Upa-Lokayukta shall be paid pension at the rates applicable in the case of Chief Justice of the High Court and Judges of the High Court respectively in respect of each completed year of service as Lokayukta or Upa-Lokayukta.

Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Lokayukta or Upa-Lokayukta shall not be varied to his disadvantage after his appointment.

Provided that the Lokayukta or Upa-Lokayukta shall not receive any pension if he has been removed from that office.
Provided further that-

(a) In prescribing the other allowances payable to and other conditions of service of the Lokayukta, regard shall be had to the similar allowances to and such other conditions of service of a Judge of the Supreme Court or the Chief Justice of a High Court.

(b) In prescribing the other allowances payable to and such other conditions of service of Upa-Lokayukta regard shall be had to the similar allowances payable to, and such other conditions of service of a Judge of High Court.

(4) The administrative expenses of the office of the Lokayukta or Upa-Lokayukta including all salaries and pensions payable to or of persons serving in that office, shall be charged on the Consolidated Fund of the State.

Section-8: Matters which may be investigated by Lokayukta or Upa-Lokayukta.

(1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken, by or with the general or specific approval of-

(a) The Chief Minister or a Minister or a Secretary;
(b) A member of the State Legislature;
(c) Vice-chancellor or Registrar of a University;
(d) The Chairman and Vice-Chairman (by whatever name called) or a member of an Authority, Board, or a Committee, a Statutory or non Statutory Body or a Corporation established by or under any law of the State Legislature.
(e) Any other public servant.

(2) The Lokayukta or Upa-Lokayukta may, if he thinks fit, investigate an action taken by or with the general or specific approval of a public functionary, if it is referred to him by the State Government.

(3) The Lokayukta may, for reasons to be recorded in writing, investigate any action which may be investigated by an Upa-Lokayukta whether or not a complaint has been made to the Lokayukta in respect of such action.

Section-9: Matters not subject to Investigation:

(1) Except as hereinafter provided, the Lokayukta or Upa-Lokayukta shall not conduct any investigation under this Act in the cases of a complaint involving a grievance in respect of any action:

(a) If such action relates to any matter specified in the Second Schedule; or
(b) If the complainant has or had any remedy by way of a proceeding before any forum or other authority;

Provided that nothing in clause (b) shall prevent the Lokayukta or Upa-Lokayukta from conducting an investigation, if the Lokayukta or, as the case may be, the Upa-Lokayukta, is satisfied that such person could not or cannot, for sufficient cause, have recourse to such remedy.

(2) The Lokayukta or Upa-Lokayukta shall not investigate:

(a) Any action in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1850 by the State Government or Government of India;
(b) Any action in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952 by the State Government or Government of India.
(3) The Lokayukta or Upa-Lokayukta shall not investigate-
(a) Any complaint involving a grievance made after the expiry of a period of twelve months limitation from the date on which the action complained against becomes known to the complainant.
(b) Any complaint involving an allegation made after the expiry of five years from the date on which the action or conduct complained against is alleged to have taken place.
Provided that the Lokayukta or Upa-Lokayukta in respect of grievance or allegation, as the case may be, may entertain a complaint made after the expiry of the said period if the complainant shows sufficient cause for not making the complaint within the said period.

(4) In the case of any complaint involving a grievance, nothing in this Act shall be construed as empowering the Lokayukta or Upa-Lokayukta to question any administrative action involving the exercise of a discretion except where he is satisfied that the elements involved in the exercise of the discretion are absent to such extent that the discretion can prima facie be regarded, as having been improperly exercised.

Section-10 : Provision relating complaints

(1) Subject to the provisions of this Act, a complaint may be made under this Act to the Lokayukta, in the case of an allegation, by any person, and in the case of a grievance, by a person aggrieved:

Provided that where the person aggrieved is dead or, is for any reason, unable to act for himself, the complaint may be made or continued by his legal representative or by any other person who is authorized by him in writing in this behalf.

(2) Every complaint shall be made in such form and in such manner and shall be accompanied by such affidavit as may be prescribed.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, any letter written to the Lokayukta by a person in police custody or in jail or in any asylum or other place from insane persons, shall be forwarded to the Lokayukta unopened and without delay by the police officer or other person in-charge of such jail, asylum or other place and the Lokayukta may, if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of sub-section (2).


(1) The Lokayukta or Upa-Lokayukta, on receipt of a complaint or in case initiated on his own motion, may, before proceeding to investigate such complaint or case, make such preliminary inquiry or direct any other person so authorized to make such preliminary inquiry as he deems fit. If on such preliminary inquiry, he finds that there exists no such ground he shall record a finding to that effect and thereupon the matter shall be closed and the complainant shall be informed accordingly.

(2) The procedure for verification in respect of a complaint under sub-section (1) shall be such as the Lokayukta or Upa-Lokayukta deems appropriate in the circumstances of the case and he may, if he deems it necessary so to do, call for the comments of the public functionary concerned.
Section-12: Procedure in respect of Investigation.

(1) The Lokayukta or Upa-Lokayukta shall, in each case before it, decide the procedure to be followed for making the enquiry and in so doing ensure that the principles of natural justice are satisfied.

(2) The Lokayukta or Upa-Lokayukta may in his discretion, at any stage, refuse to inquire or cease to inquire into any complaint involving a grievance or allegation, if in his opinion-
(a) The complaint is frivolous or vexatious, or is not made in good faith; or
(b) There are no sufficient grounds for investigating, or as the case may be, for continuing the investigation; or
(c) Other remedies are available to the complainant and in the circumstances of the case, it would be more appropriate for the complainant to avail of such remedies.

Provided that the Lokayukta or Upa-Lokayukta shall record his reasons thereof and communicate the gist of the order to the complainant and the public functionary concerned.

(3) The Lokayukta or Upa-Lokayukta, as the case may be, shall have power to review his order or decision to restore any matter closed at any stage, and to grant or refuse permission to the complainant to withdraw the complaint;

Provided that the Lokayukta or Upa-Lokayukta shall record his reasons in writing therefore.

Section-13: Issue of Search Warrants.

(1) Where in consequence of information in his/her possession, the Lokayukta or Upa-Lokayukta-
(a) Has reason to believe that any person;
   (i) To whom a summons or notice under this Act has been issued or likely to be issued, may not produce or cause to be produced, or may tamper with any property, document or thing which will be necessary or useful for or relevant to any inquiry or other proceedings to be conducted by him;
   (ii) Is in possession of any money, bullion, jewellery or other valuable article or thing represents either wholly or partly income or property which has not been disclosed to the authorities as required under any law or rule for the time being in force; or
(b) Considers that the purposes of any inquiry or other proceedings to be conducted by him will be served by a general search or inspection, he may by a search warrant authorize any officer subordinate to him or any officer of the institution of Lokayukta or any person or agency referred to in Section 17 or any Commissioner appointed by him under clause (e) of sub-section (2) of Section 14, to conduct a search or carry out an inspection in accordance therewith and in particular to:
   (i) Enter and search any building or place where he has reason to suspect that such property, document, money, bullion, jewellery or other valuable article or thing is kept;
   (ii) Search any person who is reasonably suspected of concealing about his person any article for which search should be made;
   (iii) Break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by item (i), where the keys thereof are not available;
   (iv) Seize or seal any such property, document, money, bullion, jewellery or other valuable article or thing found as a result of such search;
   (v) Place marks of identification on any property or document or make or cause to be made extracts or copies therefrom; or
(vi) Make a note or an inventory of any such property, document, money, bullion, jewellery or other valuable article or thing.

(2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall mutatis mutandis apply to searches and seizures under section (1).

(3) A warrant issued under sub-section (1), for all purposes, be deemed to be warrant issued by a Court under Section 93 of the Code of Criminal Procedure, 1973.

Section-14: Evidence.

(1) Subject to the provisions of this section for the purpose of any investigation, including the preliminary inquiry, under this Act, the Lokayukta or Upa-Lokayukta may require any public functionary or any person or authority who, in his opinion, is able to furnish information or procedure documents relevant to the investigation or inquiry, to furnish any such information or produce any such document and such public functionary, person or authority so required shall be deemed to be legally bound to furnish such information within the meaning of Section 176 and 177 of the Indian Penal Code.

(2) For the purpose of any such investigation, including preliminary inquiry, the Lokayukta or Upa-Lokayukta shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:
   (a) Summoning and enforcing the attendance of any person and examine him on oath;
   (b) Requiring the discovery and production of any document;
   (c) Receiving evidence on affidavits;
   (d) Requisitioning any public record or copy thereof from any Court or office;
   (e) Issuing commissions for the examination of witnesses or documents or local inspection;
   (f) Such other matter as may be prescribed.

(3) Any proceeding before the Lokayukta or Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860.

(4) No person shall be required or authorized by virtue of this Act, to furnish any such information or answer any such question or produce document:
   (a) As might prejudice public interest or security of the State or the security or defence or international relations of India.
   (b) As might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet.

Provided that a certificate to this effect is issued by the Chief Secretary.

Provided further that the Lokayukta or Upa-Lokayukta, as the case may be, require any information or answer or portion of a document in respect of which a certificate is issued under this sub-section to the effect that it is of the nature specified in clause (a) or clause (b) to be disclosed to him in private for scrutiny and if on such scrutiny the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that such certificate ought not to have been issued he shall declare the certificate to be of no effect.
Section-15: Interim recommendation.

If, during the course of preliminary inquiry or investigation under this Act, the Lokayukta or Upa Lokayukta is prima facie satisfied that allegation or grievances against any action is likely to be substantiated either wholly or partly, he may, by a report in writing, recommend to the public functionary concerned to stay the implementation or enforcement of the decision or action complained against, or to take such mandatory or preventive action on such terms and conditions, as he may specify in his report.

Section-16: Interim Report.

(1) The Lokayukta or Upa- Lokayukta, as the case maybe, may forward an interim report to the competent authority recommending grant of interim relief to the complainant if he is satisfied at any stage of preliminary inquiry or investigation that the complainant has sustained injustice or undue hardship in consequence of any decision or action of a public functionary and that the grievance complained of should be redressed expeditiously.

(2) The Lokayukta or Upa- Lokayukta, as the case may be, may at any stage of inquiry or investigation under this Act, forward an interim report to the competent authority recommending to take such action as may be considered necessary by him against the public functionary, pending inquiry or investigation-
(a) To safeguard wastage or damage of public property or public revenue by the administrative acts of the public functionary;
(b) To prevent further acts of misconduct of the public functionary;
(c) To prevent the public functionary from secreting the assets earned by him allegedly by corrupt means;

Section-17: Utilisation of services of other persons.

(1) The Lokayukta or Upa- Lokayukta in addition to the officials of Lokayukta may for the purpose of conducting a preliminary inquiry or an investigation under this Act, utilize the services of:
(a) Any officer or investigation agency of the State Government with prior intimation to the competent authority of the State Government;
(b) Any officer or investigation agency of Central Government, with the consent of that Government:

(2) Any officer, agency or person whose services are utilized under sub-section (1) may, subject to the direction and control of the Lokayukta or Upa- Lokayukta, as the case may be:
(a) Summon and enforce the attendance of any person and examine him;
(b) Require the discovery and production of any document; and
(c) Requisition any public record or copy thereof from any office.

(3) The officer, agency or person whose services are utilized under sub-section (1) shall enquire into the matter and submit a report to the Lokayukta or Upa- Lokayukta, as the case may be, within such period as may be specified by him in this behalf.

(4) Any officer agency or person whose services are utilized under sub-section (1) shall act under the directions of the Lokayukta or Upa- Lokayukta, as the case may be, and they may be paid such remuneration and expenses as may be allowed by the Lokayukta or Upa- Lokayukta, as the case may be.
Section-18: Power of Inspection.

The Lokayukta or Upa-Lokayukta or any officer authorized by him shall have the power to inspect any office of the State Government, Local Authority, Corporation, Government Company, Society, University in connection with preliminary inquiry or investigation of any complaint involving a grievance or an allegation under this Act.

Section-19: Secrecy of preliminary inquiry or investigation.

Every preliminary inquiry or investigation under this Act shall be conducted in private and, in particular, the identity of the complainant and the public functionary affected by the preliminary inquiry or investigation shall not disclosed to the public or the press or published in any manner before or during the preliminary inquiry or investigation.

Provided that the Lokayukta or Upa- Lokayukta may in his discretion, for the reasons to be recorded in writing, allow the publication or proceeding of his investigation or a part thereof at any stage of the proceedings.

Section-20: Secrecy of Information.

1. Any information obtained by the Lokayukta or Upa- Lokayukta or the member of his staff or any other officer, person or agency referred to in Section 17, in the course of or for the purpose of any preliminary query or any investigation under this Act, and any evidence recorded or collected in relation to such information, shall, subject to the provision of Section 19 be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act 1872, no Court shall be entitled to compel the Lokayukta or Upa- Lokayukta or any such member, officer, person or agency or any public functionary to give evidence relating to such information or to produce the evidence so recorded or collected.

2. Nothing in sub-section (1) shall apply to the disclosure of such information or evidence:
   (a) For the purpose of any report to be made under this Act, or for the purpose of any action or proceeding to be taken on such report; or
   (b) For the purpose of any proceedings, for any offence under the Official Secrets Act, 1923, or for the an offence of giving or fabricating false evidence under Section 193 of the Indian Penal Code, 1860, or for the purpose of trial of any offence under Section 22, 23 or for the purpose of any proceedings under Section 24.
   (c) For such other purposes as may be prescribed.

3. An officer or other authority prescribed in this behalf may communicate in writing to the Lokayukta or Upa-Lokayukta, as the case may be, with respect to any document or information specified therein or any class of documents so specified, that in the opinion of the State Government the disclosure of the documents or information of or documents or information of that class would be contrary to public interest; and where such communication is made, nothing in this Act. shall be construed as authorising or requiring the Lokayukta or Upa-Lokayukta, or any member of his staff or any other officer, person or agency to disclose or communicate to any person any document or information specified in the communication or any document or information of class so specified.

4. Any person convicted on a trial held under sub-section (1) or sub-section (2) may appeal to the High Court of the State and such appeal may be entertained, heard and decided by a Bench consisting of not less than two judges of the High Court.
(5) The provision of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973.

Section-21: Prosecution for false complaints-

(1) Notwithstanding anything contained in this Act, whoever makes any false, frivolous vexatious complaints under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) No Court, except a Court of Session, shall take cognizance of an offence under sub-section (1).

(3) No Court of Session shall take cognizance of an offence under sub-section (1) except on a complaint made by the Lokayukta or Upa-Lokayukta, as the case may be, and the Court of Session may take cognizance of the offence on such complaint without the case being committed to it.

(4) The Court of Session on conviction of the person making false, frivolous or vexatious complaint, may award, out of the amount of fine, to the public functionary against whom such false complaints has been made, such amount of compensation as it deems fit.

(5) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Code Criminal Procedure, 1973.

Section-22 : Power to punish for contempt:

(1) The Lokayukta or Upa-Lokayukta shall have and exercise the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has, and for this purpose, the provisions of the contempt of Courts Act, 1971, shall have effect subject to the modification that-

(a) The references therein to High Court shall be construed as including a reference to the Lokayukta or Upa-Lokayukta, as the case may be; and.

(b) Section 18 and Section 19 of the Act shall not apply to the Lokayukta or Upa-Lokayukta.

(2) The Lokayukta or Upa-Lokayukta shall be deemed to be Court within the meaning of Contempt of Courts Act.

Section-23: Intentional Insult or interruption to, or Bringing into Disrepute, the Lokayukta or Upa-Lokayukta or his delegatee.

(1) Whoever, intentionally offers any insult or causes any interruption or obstruction to the Lokayukta or Upa-Lokayukta or his delegatee while the Lokayukta or Upa-Lokayukta or his delegatee is conducting any inquiry or investigation under this Act, shall, on conviction, be punished with a simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever, by words spoken, or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or Upa-Lokayukta or his delegatee into disrepute, shall on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.
(3) The provisions of Section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (2) of the said Section 199, subject to the modification that no complaint in respect of such offence shall be made by the public prosecutor, except with the previous sanction—
(a) in the case of an offence against the Lokayukta or his delegatee, of the Lokayukta;
(b) in the case of an offence against Upa-Lokayukta or his delegatee, or the Upa-Lokayukta concerned.

Section-24: Protection of action taken in good faith.

(1) No suit, prosecution or other legal proceedings shall lie against the Lokayukta or Upa-Lokayukta or against any member of the staff of the office of the Lokayukta or any officer, agency or person referred to in Section 17, in respect of anything which is done or intended to be done in good faith under this Act.

(2) Save as otherwise provided in this Act, no proceedings, decision, order, or any report of the Lokayukta or Upa-Lokayukta, as the case may be, including any recommendation made there under, shall be liable to be challenged, reviewed, quashed, modified or called in question in any manner whatsoever in any Court or Tribunal.

Section-25: Reports of Lokayukta or Upa-Lokayukta.

(1) (a) If, after investigation of any action involving a grievance, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that such action has resulted in injustice or undue hardship to the complainant or any other person, the Lokayukta or Upa-Lokayukta shall, by a report in writing, recommend to the competent authority concerned that such injustice or hardship shall be remedied or redressed in such manner and within such time as may be specified in the report, including—
(i) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(ii) that any law on which a decision, recommendation, act or omission was based should be altered or modified; or
(iii) that reasons should be given for any decision, recommendation, act or omission; or
(iv) that any other steps as is legally permissible may be taken.

(2) The competent authority to whom a report is sent under sub-section (1) shall, within one month of the expiry of the period specified in the report, intimate or cause to be intimated to the Lokayukta or Upa-Lokayukta, as the case may be, the action taken on the report.

(3) If, after investigation of any action involving an allegation, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that such allegation is substantiated neither wholly nor partly, he shall by a report in writing communicate his findings and recommendations along with the relevant documents, materials and other evidence to the competent authority concerned.

(4) (a) The Competent authority in the case of a public functionary other than the Chief Minister, or a Member of the State Legislature, shall examine the report forwarded to it under sub-section (3) and without any further inquiry, take action on the basis of the recommendation and within ninety days from the date of receipt of the report, intimate or cause to be intimated to the Lokayukta or Upa-Lokayukta, as the case may be, the action taken or proposed to be taken on the basis of the report.
(b) The Lokayukta shall send his report in respect of a complaint against the Chief Minister or the Member of State Legislature with his recommendation to the Governor who shall take such action as he may deem fit or expedient on the report.

(c) The report of the Lokayukta and the order passed by the Governor shall be laid on the table of the Legislative Assembly.

(5) If the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied with the action taken or proposed to be taken on his recommendation referred to in sub-section (1) or sub-section (3), he shall close the case under information to the complainant if any, the public functionary and the competent authority concerned: but where he is not so satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the competent authority concerned and the complainant, if any.

(6) The Lokayukta shall present annually a consolidated report on the administration of this Act to the Governor.

(7) On the receipt of a special report under sub-section (5) or the Annual Report under sub-section (6), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before the State Legislature within four months from the date of the receipt of the report by the Governor or till the Legislature meets next, whichever is later.

(8) If the Annual Report is not laid in the State Legislature within the time provided in sub-section (7), the Lokayukta shall be free to make the Report public in the manner he may choose.

(9) The Lokayukta or Upa-Lokayukta, as the case may be, may at his discretion, make available, from time, the substance of cases closed or otherwise disposed of by him, which may appear to him to be a general, public, academic or professional interest in such manner and to such persons as he may deem appropriate.

Section-26: Initiation of Prosecution.

(1) Without prejudice to the generality of the provisions contained in section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, the Lokayukta shall have the power to grant sanction for prosecution for any matter pending before it or for enquiry or investigation into any complaint against any public servant.

(2) No prosecution under sub-section (1) shall be initiated against any public servant accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, and no court shall take cognizance of such offence except with the previous approval of the Lokayukta.

(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been prescribed therein.

(4) The provisions contained in sub-sections (1) to (3) shall be without prejudice to the generality of the provisions contained in Article 311 and Article 320(3)(c) of the Constitution of India.

Section-27: Staff of the office of the Lokayukta.

(1) The Lokayukta, after necessary administrative, financial and other approvals of the State Government in this behalf, may appoint officers and other employees to assist the Lokayukta and Upa-Lokayukta in the discharge of their functions under this Act.
(2) The categories of officers and employees who may be appointed under sub-section(1), their
salaries, allowances and other conditions of service and the administrative powers of the
Lokayukta shall be such as may be prescribed by the State Government.

(3) The State Government in consultation with Lokayukta shall provide for the adequate number
and categories of staff of the investigating agency to assist the Lokayukta and Upa-Lokayukta
in the discharge of their functions under this Act.

(4) The services of the officers and employees other than those appointed by the Lokayukta under
sub-section (1) shall not be taken back before the expiry of the period of deputation by the
State Government without prior concurrence of the Lokayukta.

(5) In the discharge of their functions under this Act, the officers and employees, referred to in
sub-section (1) shall be subject to the exclusive administrative control and directions of the
Lokayukta.

Section-28: Conferment of additional function on Lokayukta or Upa-Lokayukta.

(1) The Governor may, by notification and after consultation with the Lokayukta or Upa-
Lokayukta, confer such additional functions in relation to the redressal of grievances and
eradication of corruption as may be specified in the notification.

(2) The Governor may, by order in writing and with the concurrence of the Lokayukta, confer on
the Lokayukta or Upa-Lokayukta such powers of supervisory nature over agencies, authorities
or officers set up, constituted or appointed by the State Government for the eradication of
corruption as may be specified in the order.

(3) When any additional functions are conferred on the Lokayukta or Upa-Lokayukta under sub-
section (1), the Lokayukta or Upa-Lokayukta shall exercise the same powers and discharge
the same functions as he would in the case of any investigation made on the complaint
involving an allegation, and the provisions of this Acts shall apply accordingly.

Section-29: Power to exclude complaints against certain classes of public functionaries.

(1) The State Government may, on the recommendation of the Lokayukta and on being satisfied
that it is necessary or expedient in the public interest so to do, exclude by notification,
complaints involving an allegation, or grievance or both against persons belonging to any
class of public functionaries specified in the notification, from the jurisdiction of the
Lokayukta, or as the case may be, Upa-Lokayukta.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is
issued, before the State Legislature and if, before the expiry of the session in which it is laid
or the session immediately following, the House agree in making any modification that the
notification shall be annulled and notify such decision, the notification shall, from the date of
publication of such decision, have effect only in such modified form or be of no effect, as the
case may be;

Provided that any such modification or annulment shall be without prejudice to the validity of
anything previously done by virtue of the notification.
Section-30: Power to Delegate.

The Lokayukta or Upa-Lokayukta may, by general or special order in writing, direct that any power conferred or duties imposed on him by or under this Act (except the power to make report to the appropriate authority, or the power to punish for contempt or to order prosecution of a public servant under section 26 may also be exercised or discharged by such of the officers, employees, agencies referred to in Section 17, 18 or 27 as may be specified in the order.

Section-31: Public Servants to Submit Property Statement.

(1) Every public servant, shall, within three months after the commencement of this Act and thereafter before the 30th June of every year, submit to the Lokayukta in the prescribed form a statement of his assets and liabilities held by him or by any person on his behalf.

(2) If no such statement is received by the Lokayukta from any such public functionary within the time specified in sub-section (1), the Lokayukta shall make a report to that effect to the competent authority and send a copy of the report to the public servant concerned. If within two months of such report the public servant concerned does not submit the statement of his assets and liabilities, the Lokayukta may publish or cause to be published the names of such public functionary in two newspapers having wide circulation in the State.

Section-32: Power of the State Government to make Rules.

(1) The State Government may, in consultation with the Lokayukta, by notification, make rules for the purpose of carrying into effect the provision of this Act.

(2) Every rule made under this section shall immediately after it is made, be laid, before each House of the State Legislature, and if, before the expiry of the session in which it is so laid or the session immediately following, both House agree in making any modification in the rule, or both Houses agree in the annulment of the rule, the rule shall, from the date on which such modification or annulment is notified, or be of no effect, as the case may be.

Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section-33: Power of Lokayukta to make Regulation.

(1) The Lokayukta may, by notification, make such regulations, as he may deem necessary for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matter, namely:

(a) Normal working hours of the office of the Lokayukta and holding of sittings of the Lokayukta and Upa-Lokayukta outside normal working hours;

(b) Holding of sitting of the Lokayukta or Upa-Lokayukta at places other than the place of ordinary sittings.

(c) Procedure which may be followed by the Lokayukta or Upa-Lokayukta for conducting proceedings including inquiry and investigation;

(d) Forms in which complaints may be made and the affidavits which may accompany such complaint and the fees if any which may be charged in respect thereof;
(c) Such forms and notices as may be necessary in the opinion of the Lokayukta for carrying out the inquiry and investigation; and matters relating to staff, its appointment, conditions of service, not falling under Section 27 of the Act.

Section-34: Removal of Doubts.

For the removal of doubts, it is hereby declared that nothing in this Act shall be construed to authorise the Lokayukta or Upa-Lokayukta to investigate any complaint against:

(a) The Chief Justice or any Judge of High Court, or a Judicial Officer of Subordinate Courts within the meaning of Chapter VI of Part VI of the Constitution of India.
(b) Any officer or servant of any Court referred to in clause (a); the Chairman or a Member of the State Public Service Commission and any member of its staff;
(c) The Election Commission and the Regional Commissioners referred to in Article 324 of the Constitution of India and the Chief Electoral Officer of the State.
(d) The Speaker and the Deputy Speaker of the Legislative Assembly, and the staff of the State Legislature Secretariat;
(e) Functionaries appointed under Article 323-A, 323-B, and 371-D of the Constitution of India or any member of their staff; and;
(f) Any member of the staff of Governor Secretariat.

Section 35: Whistle Blower Protection:

The provisions of the Anti-Corruption, Grievance Redressal and Whistle Blowers Protection Act, 2011 shall apply mutatis mutandis to the State of Nagaland.

Section-36: Repeal and Saving.

(1) The Resolution of the Nagaland Legislative Assembly constituting the State Vigilance Commission shall stand repealed from the date of appointment of the Lokayukta.

(2) Notwithstanding such repeal, any act or thing done under the said Resolution shall be deemed to have been done under this Act.

(3) All inquiries and investigations and other disciplinary proceedings pending before the Nagaland State Vigilance Commission and which have not been disposed of, shall stand transferred to and be continued by Lokayukta as if they were commenced before him under this Act.

(4) Notwithstanding anything contained in this Act, initially the staff of the Lokayukta shall consist of the posts of the Nagaland State Vigilance Commission.
FIRST SCHEDULE

(See Section 3 (4)

I, ______________ having been appointed Lokayukta/Upa-Lokayukta do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear, favour, affection or ill-will.

SECOND SCHEDULE

(See Section 9(1)(a))

(a) Action taken for the purpose of investigating crimes or relating to the security of the State.

(b) Action taken in the exercise of powers in relation to determining whether a matter shall go to a Court or not.

(c) Action taken in matters which arise out of the terms of a contract governing purely commercial relations of the administration with customers of supplier, except whose or the complaint alleges harassment gross delay in meeting contractual obligation.

(d) Action taken in respect of appointments, removal, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claim which arise on retirement, removal on termination of service and such other action involving allegation of corruption in respect of appointment not barred under provision of section-35 of the Act.

(e) Grant of honours and award.
PART-V

NOTIFICATION

NO.AS/LEG-18/2019/1659

Dated Kohima, the 23rd February, 2019

The Nagaland Appropriation (No. 1) Bill, 2019 which was Introduced and Passed in the Nagaland Legislative Assembly on 23rd February, 2019 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY

THE NAGALAND APPROPRIATION (NO. 1) BILL, 2019

A BILL

To authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Nagaland to the services of the year ending on the thirty first day of March, 2019.

It is hereby enacted in the Seventieth year of the Republic of India as follows.

Short Title and Commencement

Withdrawal of ₹ 2154,20,03,000/- (Rupees two thousand one hundred fifty four crore twenty lakh three thousand only) from and out of the Consolidated Fund of the State of Nagaland for Financial Year 2018-19.

Appropriation

1. This Act may be called the Nagaland Appropriation (No. 1) Act, 2019.

2. From and out of the Consolidated Fund of the State of Nagaland there may be paid and applied further sums not exceeding those specified in the Schedule amounting in the aggregate to the sum of ₹ 2154,20,03,000/- (Rupees two thousand one hundred fifty four crore twenty lakh three thousand only) towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 2019 in respect of services specified in Column (4) of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Nagaland by this Act shall be appropriated for the services and purpose expressed in the Schedule in relation to the year ending on the thirty first day of March, 2019.
### SCHEDULE
THE NAGALAND APPROPRIATION (NO. 1) BILL, 2019

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GRAND TOTAL: 215164.31 255.72 215420.03
CAPITAL: 125188.10 0.00 125188.10
REVENUE: 89976.21 255.72 90231.93
STATEMENT OF OBJECT AND REASONS

The Nagaland Appropriation (No. 1) Bill, 2019

The object of this Bill introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, is to provide for the appropriation out of the Consolidated Fund of the State of Nagaland of all moneys required to meet the expenditure charged on the Consolidated Fund of State of Nagaland and the grants made by the Legislative Assembly for the expenditure of the Government of Nagaland for the financial year 2018-2019.

Neiphiu Rio
Chief Minister,
and
Minister In-Charge, Finance.
PART-VII

MINISTRY OF LAW AND JUSTICE
(立法部

New Delhi, the 2nd November, 2018/Kartika 11, 1940 (Saka)

THE COMPANIES (AMENDMENT) ORDINANCE, 2018

No. 9 of 2018

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance further to amend the Companies Act, 2013.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Companies (Amendment) Ordinance, 2018.

(2) It shall come into force at once.

2. In section 2 of the Companies Act, 2013 (hereinafter referred to as the principal Act), in clause (41),—

(a) for the first proviso, the following provisos shall be substituted, namely:—
“Provided that where a company or body corporate, which is a holding company or a subsidiary or associate company of a company incorporated outside India and is required to follow a different financial year for consolidation of its accounts outside India, the Central Government may, on an application made by that company or body corporate in such form and manner as may be prescribed, allow any period as its financial year, whether or not that period is a year:

Provided further that any application pending before the Tribunal as on the date of commencement of the Companies (Amendment) Ordinance, 2018, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(b) in the second proviso, for the words “Provided further that”, the words “Provided also that” shall be substituted.

3. After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. (1) A company incorporated after the commencement of the Companies (Amendment) Ordinance, 2018 and having a share capital shall not commence any business or exercise any borrowing powers unless—

(a) a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and

(b) the company has filed with the Registrar a verification of its registered office as provided in sub-section (2) of section 12.

(2) If any default is made in complying with the requirements of this section, the company shall be liable to a penalty of fifty thousand rupees and every officer who is in default shall be liable to a penalty of one thousand rupees
for each day during which such default continues but not exceeding an amount of one lakh rupees.

(3) Where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of one hundred and eighty days of the date of incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.

4. In section 12 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:

“(9) If the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may cause a physical verification of the registered office of the company in such manner as may be prescribed and if any default is found to be made in complying with the requirements of sub-section (1), he may without prejudice to the provisions of sub-section (8), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.”.

5. In section 14 of the principal Act,—

(i) in sub-section (1), for the second proviso, the following provisos shall be substituted, namely:

“Provided further that any alteration having the effect of conversion of a public company into a private company shall not be valid unless it is approved by an order of the Central Government on an application made in such form and manner as may be prescribed:

Provided also that any application pending before the Tribunal, as on the date of commencement of the Companies (Amendment) Ordinance, 2018, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(ii) in sub-section (2), for the word “Tribunal”, the words “Central Government” shall be substituted.

6. In section 53 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:
“(3) Where any company fails to comply with the provisions of this section, such company and every officer who is in default shall be liable to a penalty which may extend to an amount equal to the amount raised through the issue of shares at a discount or five lakh rupees, whichever is less, and the company shall also be liable to refund all monies received with interest at the rate of twelve per cent. per annum from the date of issue of such shares to the persons to whom such shares have been issued.”.

7. In section 64 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any company fails to comply with the provisions of sub-section (1), such company and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues, or five lakh rupees whichever is less.”.

8. In section 77 of the principal Act, in sub-section (1), for the first and second provisos, the following provisos shall be substituted, namely:—

“Provided that the Registrar may, on an application by the company, allow such registration to be made—

(a) in case of charges created before the commencement of the Companies (Amendment) Ordinance, 2018, within a period of three hundred days of such creation; or

(b) in case of charges created on or after the commencement of the Companies (Amendment) Ordinance, 2018, within a period of sixty days of such creation,

on payment of such additional fees as may be prescribed:

Provided further that if the registration is not made within the period specified—

(a) in clause (a) to the first proviso, the registration of the charge shall be made within six months from the date of commencement of the Companies (Amendment) Ordinance, 2018, on payment of such additional fees as may be prescribed and different fees may be prescribed for different classes of companies;

(b) in clause (b) to the first proviso, the Registrar may, on an application, allow such registration to be
made within a further period of sixty days after payment of such *ad valorem* fees as may be prescribed.”.

9. Section 86 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) If any person wilfully furnishes any false or incorrect information or knowingly suppresses any material information, required to be registered in accordance with the provisions of section 77, he shall be liable for action under section 447.”.

10. For section 87 of the principal Act, the following section shall be substituted, namely:—

“87. The Central Government on being satisfied that —

(a) the omission to give intimation to the Registrar of the payment or satisfaction of a charge, within the time required under this Chapter; or

(b) the omission or misstatement of any particulars with respect to any such charge or modification or with respect to any memorandum of satisfaction or other entry made in pursuance of section 82 or section 83,

was accidental or due to inadvertence or some other sufficient cause or it is not of a nature to prejudice the position of creditors or shareholders of the company, it may, on the application of the company or any person interested and on such terms and conditions as the Central Government deems just and expedient, direct that the time for the giving of intimation of payment or satisfaction shall be extended or, as the case may require, that the omission or misstatement shall be rectified.”.

11. In section 90 of the principal Act,—

(i) for sub-section (9), the following sub-section shall be substituted, namely:—

“(9) The company or the person aggrieved by the order of the Tribunal may make an application to the Tribunal for relaxation or lifting of the restrictions placed under sub-section (8), within a period of one year from the date of such order:
Provided that if no such application has been filed within a period of one year from the date of the order under sub-section (8), such shares shall be transferred to the authority constituted under sub-section (5) of section 125, in such manner as may be prescribed;

(ii) in sub-section (10),—

(a) after the word “punishable”, the words “with imprisonment for a term which may extend to one year or” shall be inserted;

(b) after the words “ten lakh rupees”, the words “or with both” shall be inserted.

Amendment of section 92.

12. In section 92 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.”.

Amendment of section 102.

13. In section 102 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Without prejudice to the provisions of sub-section (4), if any default is made in complying with the provisions of this section, every promoter, director, manager or other key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees or five times the amount of benefit accruing to the promoter, director, manager or other key managerial personnel or any of his relatives, whichever is higher.”.

Amendment of section 105.

14. In section 105 of the principal Act, in sub-section (3), for the words “punishable with fine which may extend to five thousand rupees”, the words “liable to a penalty of five thousand rupees” shall be substituted.

Amendment of section 117.

15. In section 117 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any company fails to file the resolution or the agreement under sub-section (1) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure,
with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of twenty-five lakh rupees and every officer of the company who is in default including liquidator of the company, if any, shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.”.

16. In section 121 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If the company fails to file the report under sub-section (2) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees and every officer of the company who is in default shall be liable to a penalty which shall not be less than twenty-five thousand rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”.

17. In section 137 of the principal Act, in sub-section (3),—

(a) for the words “punishable with fine”, the words “liable to a penalty” shall be substituted;

(b) for the words “punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with both”, the words “shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees” shall be substituted.

18. In section 140 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If the auditor does not comply with the provisions of sub-section (2), he or it shall be liable to a penalty of fifty thousand rupees or an amount equal to the remuneration of the auditor, whichever is less, and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues,
subject to a maximum of five lakh rupees.”

19. In section 157 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

“(2) If any company fails to furnish the Director Identification Number under sub-section (1), such company shall be liable to a penalty of twenty-five thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees, and every officer of the company who is in default shall be liable to a penalty of not less than twenty-five thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”

20. For section 159 of the principal Act, the following section shall be substituted, namely:

“159. If any individual or director of a company makes any default in complying with any of the provisions of section 152, section 155 and section 156, such individual or director of the company shall be liable to a penalty which may extend to fifty thousand rupees and where the default is a continuing one, with a further penalty which may extend to five hundred rupees for each day after the first during which such default continues.”

21. In section 164 of the principal Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:

“(i) he has not complied with the provisions of sub-section (1) of section 165.”

22. In section 165 of the principal Act, in sub-section (6), for the portion beginning with “punishable with fine” and ending with “contravention continues”, the words “liable to a penalty of five thousand rupees for each day after the first during which such contravention continues” shall be substituted.

23. In section 191 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:

“(5) If a director of the company makes any default in complying with the provisions of this section, such director
shall be liable to a penalty of one lakh rupees.”.

24. In section 197 of the principal Act,—

(a) sub-section (7) shall be omitted;

(b) for sub-section (15), the following sub-section shall be substituted, namely:—

“(15) If any person makes any default in complying with the provisions of this section, he shall be liable to a penalty of one lakh rupees and where any default has been made by a company, the company shall be liable to a penalty of five lakh rupees.”.

25. In section 203 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any company makes any default in complying with the provisions of this section, such company shall be liable to a penalty of five lakh rupees and every director and key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees and where the default is a continuing one, with a further penalty of one thousand rupees for each day after the first during which such default continues but not exceeding five lakh rupees.”.

26. In section 238 of the principal Act, in sub-section (3), for the words “punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees”, the words “liable to a penalty of one lakh rupees” shall be substituted.

27. In section 248 of the principal Act, in sub-section (1), —

(a) in clause (c), for the word and figures “section 455,”, the words and figures “section 455; or” shall be substituted;

(b) after clause (c) and before the long line, the following clauses shall be inserted, namely:—

“(d) the subscribers to the memorandum have not paid the subscription which they had undertaken to pay at the time of incorporation of a company and a declaration to this effect has not been filed within one hundred and eighty days of its incorporation under sub-section (1) of section 10A; or
(e) the company is not carrying on any business or operations, as revealed after the physical verification carried out under sub-section (9) of section 12.”.

28. In section 441 of the principal Act,—

(a) in sub-section (1), in clause (b), for the words “does not exceed five lakh rupees”, the words “does not exceed twenty-five lakh rupees” shall be substituted;

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence which is punishable under this Act with imprisonment only or with imprisonment and also with fine shall not be compoundable.”.

29. In section 446B of the principal Act, for the portion beginning with “punishable with fine” and ending with “specified in such sections”, the words “liable to a penalty which shall not be more than one half of the penalty specified in such sections” shall be substituted.

30. In section 447 of the principal Act, in the second proviso, for the words “twenty lakh rupees”, the words “fifty lakh rupees” shall be substituted.

31. In section 454 of the principal Act,—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The adjudicating officer may, by an order—

(a) impose the penalty on the company, the officer who is in default, or any other person, as the case may be, stating therein any non-compliance or default under the relevant provisions of this Act; and

(b) direct such company, or officer who is in default, or any other person, as the case may be, to rectify the default, wherever he considers fit.”;

(ii) in sub-section (8),—

(a) in clause (i), for the words “does not pay the penalty imposed by the adjudicating officer or the Regional Director”, the words, brackets and figures
“fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted;

(b) in clause (ii), for the words “does not pay the penalty”, the words, brackets and figures “fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted.

32. After section 454 of the principal Act, the following section shall be inserted, namely:—

“454A. Where a company or an officer of a company or any other person having already been subjected to penalty for default under any provisions of this Act, again commits such default within a period of three years from the date of order imposing such penalty passed by the adjudicating officer or the Regional Director, as the case may be, it or he shall be liable for the second or subsequent defaults for an amount equal to twice the amount of penalty provided for such default under the relevant provisions of this Act.”

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.
PART-VII

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th January, 2019/Pausha 22,1940 (Saka)

THE COMPANIES (AMENDMENT) ORDINANCE, 2019

No.3 of 2019

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance further to amend the Companies Act, 2013.

WHEREAS the Companies (Amendment) Ordinance, 2018 was promulgated by the President on the 2nd day of November, 2018;

AND WHEREAS the Companies (Amendment) Bill, 2019 to replace the Companies (Amendment) Ordinance, 2018 has been passed by the House of People on the 4th day of January, 2019 and is pending in the Council of States;

AND WHEREAS the Companies (Amendment) Bill, 2019 could not be taken up for consideration and passing in the Council of States;

AND WHEREAS the Companies (Amendment) Ordinance, 2018 will cease to operate on the 21st day of January, 2019;

AND WHEREAS it is considered necessary to give continued effect to the provisions of the Companies (Amendment) Ordinance, 2018;
AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance—

1. (1) This Ordinance may be called the Companies (Amendment) Ordinance, 2019.

(2) It shall be deemed to have come into force on the 2nd day of November, 2018.

2. In section 2 of the Companies Act, 2013 (hereinafter referred to as the principal Act), in clause (41),—

(a) for the first proviso, the following provisos shall be substituted, namely:—

"Provided that where a company or body corporate, which is a holding company or a subsidiary or associate company of a company incorporated outside India and is required to follow a different financial year for consolidation of its accounts outside India, the Central Government may, on an application made by that company or body corporate in such form and manner as may be prescribed, allow any period as its financial year, whether or not that period is a year:

Provided further that any application pending before the Tribunal as on the date of commencement of the Companies (Amendment) Ordinance, 2019, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement."
(b) in the second proviso, for the words “Provided further that”, the words “Provided also that” shall be substituted.

3. After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A.(1) A company incorporated after the commencement of the Companies (Amendment) Ordinance, 2019 and having a share capital shall not commence any business or exercise any borrowing powers unless—

(a) a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and

(b) the company has filed with the Registrar a verification of its registered office as provided in sub-section (2) of section 12.

(2) If any default is made in complying with the requirements of this section, the company shall be liable to a penalty of fifty thousand rupees and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues but not exceeding an amount of one lakh rupees.

(3) Where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of one hundred and eighty days of the date of incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.

4. In section 12 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:—
“(9) If the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may cause a physical verification of the registered office of the company in such manner as may be prescribed and if any default is found to be made in complying with the requirements of sub-section (1), he may without prejudice to the provisions of sub-section (8), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.”.

5. In section 14 of the principal Act,—

(i) in sub-section (1), for the second proviso, the following provisos shall be substituted, namely:—

“Provided further that any alteration having the effect of conversion of a public company into a private company shall not be valid unless it is approved by an order of the Central Government on an application made in such form and manner as may be prescribed:

Provided also that any application pending before the Tribunal, as on the date of commencement of the Companies (Amendment) Ordinance, 2019, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(ii) in sub-section (2), for the word “Tribunal”, the words “Central Government” shall be substituted.

6. In section 53 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Where any company fails to comply with the provisions of this section, such company and every officer who is in default shall be liable to a penalty which may extend to an amount equal to the amount raised through the issue of shares at a discount or five lakhs rupees, whichever is less, and the company shall also be liable to refund all monies received with interest at the rate of twelve per cent. per annum from the date of issue of such shares to the persons to whom such shares have been issued.”.

7. In section 64 of the principal Act, for sub-section (2),
the following sub-section shall be substituted, namely:—

“(2) Where any company fails to comply with the provisions of sub-section (1), such company and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues, or five lakh rupees whichever is less.”.

8. In section 77 of the principal Act, in sub-section (1), for the first and second provisos, the following provisos shall be substituted, namely:—

“Provided that the Registrar may, on an application by the company, allow such registration to be made—

(a) in case of charges created before the commencement of the Companies (Amendment) Ordinance, 2019, within a period of three hundred days of such creation; or

(b) in case of charges created on or after the commencement of the Companies (Amendment) Ordinance, 2019, within a period of sixty days of such creation,

on payment of such additional fees as may be prescribed:

Provided further that if the registration is not made within the period specified—

(a) in clause (a) to the first proviso, the registration of the charge shall be made within six months from the date of commencement of the Companies (Amendment) Ordinance, 2019, on payment of such additional fees as may be prescribed and different fees may be prescribed for different classes of companies;

(b) in clause (b) to the first proviso, the Registrar may, on an application, allow such registration to be made within a further period of sixty days after payment of such \textit{ad valorem} fees as may be prescribed.”.

9. Section 86 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—
“(2) If any person wilfully furnishes any false or incorrect information or knowingly suppresses any material information, required to be registered in accordance with the provisions of section 77, he shall be liable for action under section 447.”.

10. For section 87 of the principal Act, the following section shall be substituted, namely:

“87. The Central Government on being satisfied that —

(a) the omission to give intimation to the Registrar of the payment or satisfaction of a charge, within the time required under this Chapter; or

(b) the omission or misstatement of any particulars, in any filing previously made to the Registrar with respect to any charge or modification thereof or with respect to any memorandum of satisfaction or other entry made in pursuance of section 82 or section 83,

was accidental or due to inadvertence or some other sufficient cause or it is not of a nature to prejudice the position of creditors or shareholders of the company, it may, on the application of the company or any person interested and on such terms and conditions as it deems just and expedient, direct that the time for the giving of intimation of payment or satisfaction shall be extended or, as the case may require, that the omission or misstatement shall be rectified.”.

11. In section 90 of the principal Act,—

(i) for sub-section (9), the following sub-section shall be substituted, namely:

“(9) The company or the person aggrieved by the order of the Tribunal may make an application to the Tribunal for relaxation or lifting of the restrictions placed under sub-section (8), within a period of one year from the date of such order.
Provided that if no such application has been filed within a period of one year from the date of the order under sub-section (8), such shares shall be transferred, without any restrictions, to the authority constituted under sub-section (5) of section 125, in such manner as may be prescribed;

(ii) in sub-section (10),—

(a) after the word “punishable”, the words “with imprisonment for a term which may extend to one year or” shall be inserted;

(b) after the words “ten lakh rupees”, the words “or with both” shall be inserted;

12. In section 92 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.”

13. In section 102 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Without prejudice to the provisions of sub-section (4), if any default is made in complying with the provisions of this section, every promoter, director, manager or other key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees or five times the amount of benefit accruing to the promoter, director, manager or other key managerial personnel or any of his relatives, whichever is higher.”

14. In section 105 of the principal Act, in sub-section (2), for the words “punishable with fine which may extend to five thousand rupees”, the words “liable to a penalty of five thousand rupees” shall be substituted.
15. In section 117 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any company fails to file the resolution or the agreement under sub-section (1) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of twenty-five lakh rupees and every officer of the company who is in default including liquidator of the company, if any, shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.”

16. In section 121 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If the company fails to file the report under sub-section (2) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees and every officer of the company who is in default shall be liable to a penalty which shall not be less than twenty-five thousand rupees and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”

17. In section 137 of the principal Act, in sub-section (3),—

(a) for the words “punishable with fine”, the words “liable to a penalty” shall be substituted;

(b) for the portion beginning with “punishable with imprisonment”, and ending with “five lakh rupees or with both”, the words “shall be liable to a penalty of one lakh rupees and in case of continuing failure, with a further
penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees" shall be substituted.

18. In section 140 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If the auditor does not comply with the provisions of sub-section (2), he or it shall be liable to a penalty of fifty thousand rupees or an amount equal to the remuneration of the auditor, whichever is less, and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees."

19. In section 157 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If any company fails to furnish the Director Identification Number under sub-section (1), such company shall be liable to a penalty of twenty-five thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees, and every officer of the company who is in default shall be liable to a penalty of not less than twenty-five thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees."

20. For section 159 of the principal Act, the following section shall be substituted, namely:—

"159. If any individual or director of a company makes any default in complying with any of the provisions of section 152, section 155 and section 156, such individual or director of the company shall be liable to a penalty which may extend to fifty thousand rupees and where the default is a continuing one, with a further penalty which may extend to five hundred rupees for each day after the first during which such default continues."
21. In section 164 of the principal Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:—

"(i) he has not complied with the provisions of sub-section (1) of section 165.".

22. In section 165 of the principal Act, in sub-section (6), for the portion beginning with "punishable with fine" and ending with "contravention continues", the words "liable to a penalty of five thousand rupees for each day after the first during which such contravention continues" shall be substituted.

23. In section 191 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) If a director of the company makes any default in complying with the provisions of this section, such director shall be liable to a penalty of one lakh rupees.”.

24. In section 197 of the principal Act,—

(a) sub-section (7) shall be omitted;

(b) for sub-section (15), the following sub-section shall be substituted, namely:—

"(15) If any person makes any default in complying with the provisions of this section, he shall be liable to a penalty of one lakh rupees and where any default has been made by a company, the company shall be liable to a penalty of five lakh rupees.”.

25. In section 203 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) If any company makes any default in complying with the provisions of this section, such company shall be liable to a penalty of five lakh rupees and every director and key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees and where the default is a continuing one, with a further penalty of one thousand rupees for each day after the first during which such default continues but not exceeding five lakh rupees.”.
26. In section 238 of the principal Act, in sub-section (3), for the words “punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees”, the words “liable to a penalty of one lakh rupees” shall be substituted.

27. In section 248 of the principal Act, in sub-section (1),—

(a) in clause (c), for the word and figures “section 455,”, the words and figures “section 455. or” shall be substituted;

(b) after clause (c) and before the long line, the following clauses shall be inserted, namely:—

“(d) the subscribers to the memorandum have not paid the subscription which they had undertaken to pay at the time of incorporation of a company and a declaration to this effect has not been filed within one hundred and eighty days of its incorporation under sub-section (1) of section 10A, or

(e) the company is not carrying on any business or operations, as revealed after the physical verification carried out under sub-section (9) of section 12.”.

28. In section 441 of the principal Act,—

(a) in sub-section (1), in clause (b), for the words “does not exceed five lakh rupees”, the words “does not exceed twenty-five lakh rupees” shall be substituted;

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence which is punishable under this Act with imprisonment only or with imprisonment and also with fine shall not be compoundable.”.

29. In section 446B of the principal Act, for the portion beginning with “punishable with fine” and ending with “specified in such sections”, the words “liable to a penalty which shall not be more than one half” of the penalty specified in such sections” shall be substituted.
30. In section 447 of the principal Act, in the second proviso, for the words “twenty lakh rupees”, the words “fifty lakh rupees” shall be substituted.

31. In section 454 of the principal Act, —

(i) for sub-section (3), the following sub-section shall be substituted, namely: —

“(3) The adjudicating officer may, by an order—

(a) impose the penalty on the company, the officer who is in default, or any other person, as the case may be, stating therein any non-compliance or default under the relevant provisions of this Act; and

(b) direct such company, or officer who is in default, or any other person, as the case may be, to rectify the default, wherever he considers fit.”;

(ii) in sub-section (4), for the words “such company and the officer who is in default”, the words “such company, the officer who is in default or any other person” shall be substituted;

(iii) in sub-section (8),—

(a) in clause (i), for the words “does not pay the penalty imposed by the adjudicating officer or the Regional Director”, the words, brackets and figures “fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted;

(b) in clause (ii)—

(i) for the words “Where an officer of a company”, the words “Where an officer of a company or any other person” shall be substituted;

(ii) for the words “does not pay the penalty”, the words, brackets and figures “fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted.
32. After section 454 of the principal Act, the following section shall be inserted, namely:

"454A. Where a company or an officer of a company or any other person having already been subjected to penalty for default under any provisions of this Act, again commits such default within a period of three years from the date of order imposing such penalty passed by the adjudicating officer or the Regional Director, as the case may be, it or he shall be liable for the second or subsequent defaults for an amount equal to twice the amount of penalty provided for such default under the relevant provisions of this Act."

33. (1) The Companies (Amendment) Ordinance, 2018 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

RAM NATH KOVIND,
President

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India
PART-VII

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, the 12th January, 2019/ Pausha 22, 1940 (Saka)

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ORDINANCE, 2019

No.2 of 2019

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance further to amend the Indian Medical Council Act, 1956.

WHEREAS the Indian Medical Council (Amendment) Ordinance, 2018 was promulgated by the President on the 26th day of September, 2018;

AND WHEREAS the Indian Medical Council (Amendment) Bill, 2018, to replace the Indian Medical Council (Amendment) Ordinance, 2018, has been passed by the House of the People and is pending in the Council of States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-
AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. (1) This Ordinance may be called the Indian Medical Council (Amendment) Ordinance, 2019.

   (2) (A) The provisions of this Ordinance shall, except sub-clause (i) of clause (c) of section 2, be deemed to have come into force on the 26th day of September, 2018; and

   (B) sub-clause (i) of clause (c) of section 2 shall come into force at once.

2. In section 3A of the Indian Medical Council Act, 1956,—

   (a) in sub-section (1), for the words, brackets and figures “Indian Medical Council (Amendment) Act, 2010”, the words, brackets and figures “Indian Medical Council (Amendment) Ordinance, 2019” shall be substituted;

   (b) in sub-section (2), for the words “three years”, the words “one year” shall be substituted;

   (c) in sub-section (4),—

   (i) for the words “seven persons”, the words “twelve persons” shall be substituted;

   (ii) for the words “and medical education”, the words “and medical education or proven administrative capacity and experience” shall be substituted;

   (d) after sub-section (7), the following sub-section shall be inserted, namely,—

   “(7A) The Board of Governors shall be assisted by a Secretary General who shall be appointed by the Central Government on deputation or on contract basis and he shall be the head of the secretariat in the Council.”.

3. (1) The Indian Medical Council (Amendment) Ordinance, 2018 is hereby repealed.

   (2) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Ordinance.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.
PART-VII

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ORDINANCE, 2019

No.1 of 2019

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance to protect the rights of married Muslim women and to prohibit divorce by pronouncing talaq by their husbands and for matters connected therewith or incidental thereto;

WHEREAS the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was promulgated by the President on the 19th day of September, 2018;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2018 replacing the said Ordinance was passed by the House of the People on the 27th day of December, 2018 and is pending in the Council of States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (l) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

CHAPTER I
PRELIMINARY

1. (1) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 19th day of September, 2018.

2. In this Ordinance, unless the context otherwise requires,—

(a) "electronic form" shall have the same meaning as assigned to it in clause (r) of subsection (l) of section 2 of the Information Technology Act, 2000;
(b) "talaq" means talaq-e-biddat or any other similar form of talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband; and

(c) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

CHAPTER II
DECLARATION OF TALAQ TO BE VOID AND ILLEGAL

3. Any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.

4. Any Muslim husband who pronounces talaq referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

CHAPTER III
PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom talaq is pronounced shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.
6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.


(a) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim women upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

8. (1) The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 shall be deemed to have been done or taken under the provisions of this Ordinance.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.
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