



**THE
STATE ELECTION COMMISSIONER
(CONDITIONS OF SERVICE) RULES,
2023**

**Municipal Affairs Department
Nagaland:Kohima**

**GOVERNMENT OF NAGALAND
MUNICIPAL AFFAIRS DEPARTMENT
NAGALAND: KOHIMA**

NOTIFICATION

NO.MA-45/2022

Dated, Kohima the 17th January, 2024

Sub: State Election Commissioner (Conditions of Service) Rules, 2023:

In exercise of the powers conferred by clause (1) & (2) of Article 243-ZA of the Constitution of India and under section 31 of the Nagaland Municipal Act, 2023, the Governor of Nagaland hereby makes the following Rules, namely:

**CHAPTER-I
Preliminary**

1. Short Title and commencement:

These Rules may be called the State Election Commissioner (Conditions of Service) Rules, 2023.

- (a) It shall come into force on the date of publication in the Official Gazette.
- (b) The headquarters of the State Election Commission shall be at Kohima.

CHAPTER-II

2. Definition:

In these Rule unless the context otherwise requires:

- (a) “ Act” means the Nagaland Municipal Act, 2023;
- (b) “ Governor” means the Governor of Nagaland;
- (c) “ Government” means the Government of Nagaland;
- (d) “State Election Commissioner” means the State Election Commissioner appointed by the Governor under Article 243-ZA of the Constitution of India;
- (e) “Secretary” means the Secretary of the State Election Commission as appointed by the Government to carry out the day to day functions of the State Election Commission;
- (f) The words and expressions used and not defined under these rules, but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

CHAPTER-III

COMPOSITION, APPOINTMENT AND TERMS OF OFFICE OF THE STATE ELECTION COMMISSIONER

3. Composition:

The State Election Commission shall consist of the State Election Commissioner and such other staff considered necessary for discharge of the function of the State Election Commission as conferred on the State Election Commission by section 31 (1) of the Nagaland Municipal Act, 2023.

4. Eligibility and Qualification:

A person shall be qualified to be appointed as State Election Commissioner, who has held office not lower than the post of Commissioner & Secretary or of equivalent post carrying same pay scale in the Government of Nagaland or equivalent post in the Government of India.

He/she should be a person of integrity and should have knowledge and experience in the management and conduct of elections.

Provided, that the State Election Commissioner shall not be removed from office except in the like manner and on the grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his/ her disadvantage after appointment.

5. Term of office:

The State Election Commissioner shall hold office for a term of 5 (five) years from the date on which he assumes office or until he/she attains 65 (sixty five) years of age, or whichever is earlier.

Provided that the State Election Commissioner may at any time, by writing under his hand addressed to the Governor resign his office.

5.A. Oath of office

Every person appointed as the State Election Commissioner shall before entering upon his/her office make and subscribe before the Governor or some person appointed in that behalf, an oath or affirmation in form A as provided in schedule "A"

6. Retirement from parent service on appointment:

The State Election Commissioner who on the date of his/her appointment to the Commission, was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his/her appointment as State Election Commissioner.

CHAPTER-IV
CONDITIONS OF SERVICE

7. Salary:

The State Election Commissioner shall receive monthly emoluments equal to last pay drawn, however will not be entitled for any pension benefit.

8. Accommodation and Conveyance facility:

The State Election Commissioner shall be entitled to the use of an official residence of appropriate type and a staff car in accordance with the rules of the Government

Provided, that when the State Election Commissioner does not avail himself of the official residence preferred to in this rule, he/ she may be paid House Rent Allowance at the rate admissible to an officer holding a post carrying the same pay in the State Government.

CHAPTER-V

9. Residuary Provision:

The conditions of service of the State Election Commissioner for which no express provision has been made in these rules shall be referred in each case to the State Government for its decisions and the decisions of the State Government thereon shall be binding on the State Election Commissioner.

10. Power to relax:

The State Government shall have power to relax the provisions of any of these rules in respect of any class or category of persons.

11. Interpretation:

If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the State Government for decision.



(KENILO APON), IAS
Commissioner & Secretary to the Government of Nagaland

Schedule “A”

Form A

(See Rule 5 A)

I, Shri/Shrimati/Kumari.....having been appointed State Election Commissioner of the Nagaland State Election Commission do hereby solemnly affirm that I will discharge and perform the duties of my office to the best of my ability, knowledge and judgement, without fear or favor, affection or ill will and I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as State Election Commissioner of the Nagaland Election Commission except as may be required for the due discharge of my duties as State Election Commissioner.

Date:

Place:

Signature of the State Election Commissioner

Printed at



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