

Remuneration, Conditions of Service and Facilities of Secretary General and Secretary of Legislature- Parliament, 2055 (1998)¹

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1. Some Nepal Laws (Amendment) Act, 2063 (2006) 2063.6.28
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3. Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006) 2063.7.17
(2 Nov. 2006)
- 3.² Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010) 2066.10.7
(21 Jan. 2010)

Act Number 3 of the Year 2055 (1998)

An Act Made To Provide for Remuneration, Conditions of Service and Facilities of Secretary General and Secretary of Legislature-Parliament³

Preamble: Whereas, it is expedient to make legal provisions on the remuneration, conditions of service and facilities of the Secretary General and Secretary of the Legislature-Parliament⁴;

¹ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

² This Act came into force on 15 *Jestha* 2065 (2008), *Prasasti* and the word "kingdom" has been deleted.

³ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

⁴ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

Now, therefore, be it enacted by the Parliament in the Twenty Seventh year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

Chapter-1

Preliminary

1. **Short title and commencement:** (1) This Act may be called as the “Remuneration, Conditions of Service and Facilities of the ⁵Secretary General and Secretary of the Legislature-Parliament, 2055 (1998).”
(2) This Act shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
 - (a) ⁶ “Secretary General” means the Secretary General of the Legislature-Parliament.
 - (b) ⁷ “Secretary” means the Secretary of the Legislature-Parliament.

Chapter-2

Qualification, Term of Office, Remuneration and Facilities

3. **Qualification:** In order for one to be the Secretary General and the Secretary, one has to possess the following qualification:
 - (a) Being a citizen of Nepal,
 - (b) Having obtained bachelor’s degree from a university recognized by the Government of Nepal,
 - (c) Not being a member of any political party immediately before appointment, and

⁵ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

⁶ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

⁷ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

- (d) Having completed that age of Forty Five years in the case of the Secretary General and Forty years in the case of the Secretary.

Provided that, this provision shall not apply in the case of the Secretary General and the Secretary currently in service.

4. **Term of office:** The term of office of the Secretary General and the Secretary shall be Four years and they may be eligible for reappointment.

Provided that, if the Secretary General and the Secretary complete the age of Sixty Five years prior to the completion of that term of office, they shall cease to hold their office.

5. **Circumstance where office of Secretary General or Secretary falls vacant:** The office of the Secretary General or the Secretary shall be deemed vacant in the following circumstance:

- (a) If he or she dies, or
- (b)⁸ If he or she resigns, or
- (c) If his or her term of office is completed or he or she ceases to hold office pursuant to in Section 4, or
- (d)⁹ If the Secretary General or the Secretary is removed by the President on the recommendation of the Chairperson of the Constituent Assembly that he or she lacks competency, has committed misconduct or failed to perform the duties of his or her office honestly.

6. **Remuneration:** (1) The Secretary General and Secretary shall be entitled to the remuneration as set forth in Schedule-1.

⁸ Amended by Some Nepal Laws (Amendment) Act, 2063 (2006).

⁹ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

(2) If the Secretary General or Secretary is retired from office for any other reason except that set forth in Clause (d) of Section 5 of this Act, he or she shall be entitled to One month's remuneration as an additional facility, in addition to the remuneration to which he or she is entitled until the day of which he or she is incumbent in office.

(3) The remuneration and additional remuneration receivable by the Secretary General or Secretary pursuant to Sub-section (2) shall be given to him or her or his or her nominee, as the case may be. If the Secretary General or Secretary dies and he or she has not nominated any person or if the nominee is not alive, such remuneration shall be provided to his or her near heir.

7. **Housing facility:** (1) The Government of Nepal shall make arrangement for a governmental building for the housing of the Secretary General and the Secretary. Where arrangement of such a building is not made or where the Secretary General or Secretary has no appropriate building of his or her own in the *Kathmandu* Valley and a building has to be rented, he or she shall be entitled to such monthly amount as specified by the Government of Nepal for the housing rent.

(2) The Government of Nepal shall repair and maintain the governmental building arranged pursuant to Sub-section (1).

(3) The Secretary General and the Secretary who reside in their own building shall be entitled to a monthly sum of One Thousand Five Hundred Rupees, for repair and maintenance, and sanitation of the building.

(4) The Secretary General and the Secretary shall be entitled to the facility receivable pursuant to this Section until Seven days after the date of his or her retirement.

8. **Electricity, water and telephone facilities:** (1) The Government of Nepal shall bear the expenses incurred in installing one line telephone to the residence of the Secretary General and the Secretary and such deposit as incurred for such installation.

(2) The amount as referred to in Schedule-1 shall be provided to the Secretary General and Secretary for the tariff of electricity, water supply and telephone.

9. **Transport and fuel facility:** (1) The Secretary General and the Secretary shall each be entitled to one motor vehicle, along with a driver, the fuel and mobil as set forth in Schedule-1.

(2) The Secretary General and Secretary who use their respective personal motor vehicle shall be entitled to a sum that is equal to the basic pay scale of the light motor driver of the Government of Nepal, for the driver, and to the amount as set forth in Schedule-1 for repair and maintenance of motor vehicle and the fuel and mobil as referred to in sub-section (1).

(3) The Legislature-Parliament Secretariat¹⁰ shall arrange for the repair and maintenance and grease of the motor vehicle provided pursuant to Sub-section (1).

(4) The Secretary General and the Secretary shall be entitled to the facility as referred to in this Section until Seven days after the date of his or her retirement from office, except in the circumstance as referred to in Clause (d) of Section 5 of this Act.

¹⁰ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

- 10.¹¹ **Festival expenses:** The Secretary General and the Secretary shall be entitled to a sum equal to One month's remuneration being drawn by them for the festival¹² expenses.

Chapter-3

Daily and Travelling Allowance

11. **Daily and travelling allowance:** (1) The Secretary General and Secretary shall be entitled to the following daily allowance and travelling allowance on tour within Nepal in the course of business of their respective office:

- (a) Daily allowance: The amount as set forth in Schedule-1.
- (b) Travelling allowance:
 - (1) In travelling on foot, the amount as set forth in Schedule-1.
 - (2) In travelling by bus, fare chargeable for One person.
 - (3) In travelling by rail, first class ticket expenses chargeable for One person.
 - (4) In travelling by air, ticket expenses chargeable for One person.
 - (5) In travelling by other motor vehicle, fare chargeable for One person.

(2) In travelling outside Nepal in order to participate in a ceremony, event, conference etc. on behalf of the Government of Nepal or in the

¹¹ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

¹² Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

course of business of their respective office, the Secretary General and Secretary shall be entitled to the following daily allowance and travelling allowance:

- (a) Daily allowance: The amount as set forth in Schedule-2.
- (b) Travelling allowance:
 - (1) In travelling by motor vehicle, motor fare as per the bill, chargeable for One person.
 - (2) In travelling by rail, first class ticket expenses chargeable for One person.
 - (3) In travelling by air, business class ticket expenses chargeable for One person.
 - (4) In travelling by sea, amount as per the bill, chargeable for One person.

(3) While making a formal visit by the Secretary General and Secretary to any place outside Nepal as a guest of a foreign country, the Secretary General and Secretary shall be entitled to the daily allowance at the rate of half the daily allowance receivable pursuant to Clause (a) of Sub-section (2).

12. **Other provisions relating to travelling:** (1) The Secretary General and Secretary shall be entitled to half the daily allowance for the day on which they return from a visit, and such an allowance shall be half the minimum daily allowance receivable for the place where they stayed on the previous day of return.

(2) The Secretary General and Secretary shall, for the payment of the travelling allowance, fill in the travelling bill and provide required

evidences including distance evidence, logbook and receipts, within Thirty Five days after the date of return from a visit.

13. **Insurance expenses:** In making travel by air in order to take part in any ceremony, event, international conference, seminar etc. in the course of business of their office or on behalf of the Government of Nepal, the Secretary General and Secretary shall be entitled to the personal accident insurance expenses of Two Hundred Thousand Rupees.

14. ¹³

15. **Cloth allowance:** (1) In going outside Nepal in order to take part in any ceremony, event, international conference etc. in the course of the duties of their respective office or on behalf of the Government of Nepal, the Secretary General and Secretary shall be entitled to the cloth allowance in a sum as set forth in Schedule-2 once in Two¹⁴ years.

(2) If in going outside Nepal pursuant to Sub-section (1), the Secretary General and Secretary obtains approval to be accompanied by their respective wife or husband,¹⁵ such a husband or wife¹⁶ shall be entitled to the cloth allowances once in Two¹⁷ years in a sum equivalent to half of their respective remuneration of One month.

16. **Leader allowance:** In going outside Nepal as a leader of the delegation, the Secretary General and Secretary shall be entitled to a leader allowance in a sum that is Twenty Five percent of the daily allowance receivable by them respectively.

¹³ Repealed by Some Nepal Laws (Amendment) Act, 2063 (2006).

¹⁴ Amended by the Republic Strengthening and Some Nepal Acts Amendment Act, 2066 (2010).

¹⁵ Inserted by the Amending Some Nepal Acts to Maintain Gender Equality, 2063 (2006).

¹⁶ Amended by the Amending Some Nepal Acts to Maintain Gender Equality, 2063 (2006).

¹⁷ Amended by the Republic Strengthening and Some Nepal Acts Amendment Act, 2066 (2010).

Chapter-4

Leave

17. **Leave:** (1) The Secretary General and Secretary may be entitled to the following leaves with full remuneration:

- (a) Casual leave and festival leave,
- (b) Home leave,
- (c) Sick leave,
- (d) Obsequies leave, and
- (e) Maternity leave.

(2) The Secretary General and Secretary shall be entitled to a casual leave of Six days and a festival leave of Six days every year.

(3) The Secretary General and Secretary shall be entitled to a home leave at the rate of One day for Twelve days of work. The home leave can be accumulated for a maximum of One Hundred Twenty days. In setting the period of work for the purposes of the home leave, the period of casual leave and the festival leave and that of public holiday shall also be added to the period of work.

(4) The Secretary General and Secretary may be entitled to a sick leave for Twelve days each year. Such a sick leave may be accumulated without any ceiling.

(5) If the Secretary General or Secretary shall have to observe obsequies himself or herself, he or she shall be entitled to an obsequies leave for a period not exceeding 15 days according to his or her traditional rites and rituals.

(6) If the woman Secretary General or woman Secretary pregnant, she shall be entitled to a maternity leave of Sixty days, before and/or after delivery, for each time but not exceeding Two times during the whole period of service.

(7) If the Secretary General or Secretary is retired from his or her office, he or she shall be entitled to payment in lump sum of the amount to be set by the remuneration being drawn by him or her from the office in which he or she has lien for the home leave and the sick leave accumulated pursuant to Sub-sections (3) and (4).

- 18.¹⁸ **Leave sanction authority:** (1) The Secretary General or Secretary may himself or herself sanction and obtain the festival leave and the sick leave, and shall have to get the other leaves sanctioned by the Chairperson of the Constituent Assembly.

Chapter-5

Treatment Expenses, Pension and Gratuity

16. **Treatment expenses:** (1) The Secretary General and Secretary shall be entitled to the medical expenses in the following amount incurred in their treatment upon falling ill.
- (a) Expenses according to the bills of a hospital of expenses incurred in admitting to the hospital and doing treatment there, and expenses of medicines purchased according to the prescription of the doctor of the hospital.

Provided that, the prescription of doctor has to set down the diagnosis of disease.

¹⁸ Amended by the Republic Strengthening and Some Nepal Acts Amendment Act, 2066 (2010).

- (b) Expenses as per the bill of expenses incurred in doing surgical operations except plastic surgery.

Provided that, no expenses of surgical operations done at a private nursing home shall be provided.

- (c) Expenses as per the bill of expenses in an amount not exceeding that as specified by the Government of Nepal for the equipment including spectacles, teeth, earphone etc.

(2) Notwithstanding anything contained in Sub-section (1), and no treatment expenses of more than Twelve months' remuneration receivable by the Secretary General and Secretary throughout the whole period of service shall be provided.

(3) If the board of doctors appointed by the Government of Nepal recommends that the treatment of the Secretary General and Secretary cannot be done within Nepal and they intend to have treatment abroad, the Government of Nepal may provide additional financial assistance in such a sum as it considers appropriate, and this assistance shall be in addition to the treatment expenses to which they are entitled pursuant to Sub-section (1).

(4) If, at the time of detachment from service, the treatment expense is remaining, with or without taking some or none of the treatment expenses receivable by the Secretary General or Secretary during the total period of service pursuant to Sub-section (2), the Secretary General or Secretary shall be entitled to a lump sum amount to be set by Two-Thirds of that remaining amount of treatment expenses after his or her retirement.

Provided that, the Secretary General or Secretary who retires from service with entitlement to pension shall be entitled to receive in lump sum the whole of such remaining amount.

(5) Notwithstanding anything contained in Sub-section (4), in providing the treatment expenses to the Secretary General and Secretary who are detached from service without serving in the office of Secretary General or Secretary, only the amount to be set on pro rata by treating the total amount of treatment expenses receivable pursuant to this Act as the amount receivable for having served for Five years.

(6) If the Secretary General or Secretary dies prior to receiving the treatment expenses receivable pursuant to this Section, the person held entitled to the family pension or gratuity pursuant to Section 18 shall be entitled to such treatment expenses.

20. **Pension or gratuity:** (1) A person who is appointed to the office of Secretary General or Secretary shall, upon retirement from that office, be entitled to the following pension or gratuity:

- (a) If he or she has completed the service period of Ten years in the office of Secretary General and Secretary, Sixty-six percent.
- (b) If a person who is holding office in the service of the Government of Nepal or who is a retired person from such service is appointed to the office of Secretary General or Secretary and retires from the service and he or she has completed the service period of Twenty years or more upon computing the period of his or her such previous service and the period of service in the office of Secretary General or Secretary, he or she

shall, upon his or her retirement, be entitled to choose any one out of the monthly pension as referred to in Clause (a) or the monthly pension to be set as follows:

Total year of service X monthly remuneration

50

Explanation: For the purposes of this Clause, “period of service in the government service’ shall mean the period of service upon being appointed by the Government of Nepal to any pensionable post.

- (c) If, in computing pursuant to Clause (a) or (b), the period of service of the Secretary General or Secretary is less than Ten or Twenty years, he or she shall be entitled to a lump sum gratuity in an amount equal to the figure to be set by multiplying the total years of his or her service with the figure of One and half month’s remuneration being drawn by him or her at the time of retirement.

(3) If a person who has already got gratuity for having served in the service of the Government of Nepal is appointed to the office of Secretary General or Secretary and returns the whole amount of gratuity received by him or her previously within One year of such appointment, his or her previous service period shall be counted for the purposes of pension.

(4) The amount of gratuity to be received by the Secretary General or Secretary pursuant to this Section shall not be more than his or her remuneration of Twelve months.

(5) When the remuneration of the Secretary General or Secretary is increased, the figure of pension being drawn by the Secretary General or

Secretary who is receiving pension shall be also be increased by Two-Thirds of the percent of increase in the figure of remuneration.

(6) If a person who is receiving pension for having served in the service of the Government of Nepal is appointed to the office of Secretary General or Secretary and is also eligible to pension pursuant to this Act, he or she may choose any one out of the pension being received by him or her previously and the pension receivable pursuant to this Act.

(7) Notwithstanding anything contained in the foregoing Sub-sections, the Secretary General or Secretary who is removed from service on the ground of Clause (d) of Section 5 of this Act shall not be entitled to the facility of pension or gratuity as referred to in this Act.

21. **Family pension and gratuity:** (1) The pension as referred to in Section 18 shall, in the following circumstance, be provided to such person out of his or her family members as has been nominated by the Secretary General or Secretary and to the nearest heir out of his or her family members if the person so nominated has died or failing such nomination:

(a) If the Secretary General or Secretary dies while in service, up to Seven years after the death,

(b) If he or she dies prior to expiration of Seven years after starting to receive pension pursuant to Section 18, up to the period that remains to complete Seven years.

(2) If the Secretary General or Secretary dies while in service and is entitled to gratuity but not to pension pursuant to Section 18, the person as referred to in Sub-section (1), out of his or her family members, shall be entitled to the amount of that gratuity.

(3) After the expiration of the period entitling to the family pension as referred to in Sub-section (1), the widow or widower of the deceased

Secretary General or Secretary shall be entitled to half the amount of such pension during his or her life.

Provided that, if such a person is receiving pension for the governmental service performed by him or her, he or she shall not be entitled to the pension as referred to in this Sub-section.

(4) When the remuneration of the incumbent Secretary General or Secretary is increased, the figure of family pension being drawn by the person who is receiving the family pension pursuant to Sub-sections (1) and (3) shall also be increased by Two-Thirds of the percent of increase in the figure of remuneration.

Chapter-6

Miscellaneous

22. **Provident Fund:** A provident fund deduction shall be made from the monthly remuneration of the Secretary General and Secretary at the rate of Ten percent, and cent percent shall be added by the Government of Nepal to that deducted amount and deposited in the provident fund.
23. **Increase in or addition to remuneration:** The Government of Nepal may, by altering the Schedules upon publishing a notice in the Nepal Gazette, make increase in or addition to the remuneration and facilities to which the Secretary General and Secretary are entitled pursuant to this Act.
- 24.¹⁹ **Oath:** Prior to assuming the duties of his or her office, the Secretary General or Secretary shall take an oath of office and secrecy before the Chairperson of the Constituent Assembly, in the form set forth in Schedule-2A.

¹⁹ Amended by the Republic Strengthening and Some Nepal Acts Amendment Act, 2066 (2010).

Schedule-1

(Relating to Sub-section (1) of Section 6, Sub-section (2) of Section 8, Sub-sections (1) and (2) of Section 9 and Sub-section (1) of Section 11)

Remuneration, facilities and allowance receivable by the Secretary

General and Secretary

SN	Type of remuneration, facility and allowance	Secretary General	Secretary
1.	Remuneration (per month)	Rs. 8,000.00	Rs. 7,000.00
2.	For electricity, water and telephone tariff (per month)	Rs. 1,200.00	Rs. 7,00.00
3.	Petrol(per month)	150 liter	100 liter
4.	Mobil (quarterly)	5 liter	5 liter
5.	Daily allowance (per day)	Rs. 165.00	Rs. 140.00
6.	Travelling allowance (per Kosh)	Rs. 25.00	Rs. 15.00
7.	For motor vehicle repair and maintenance (per month)	Rs. 1,500.00	Rs. 1,500.00

Schedule-2

(Relating to Clause (a) of Sub-section (2) of Section 11 and Sub-section (1) of
Section 15)

**Daily allowance receivable by the Secretary General and Secretary
while making visit abroad**

SN	Daily allowance and cloth allowance	Secretary General	Secretary
1.	All other Asian countries except Japan, South Korea, Philippines (US Dollars)	100	100
2.	All the other countries except the countries set forth in serial number 1, including Japan, South Korea, Philippines (US Dollars)	125	125
3.	Cloth allowances (Rupees)	4,950	4,200

Schedule-2A.²⁰

(Relating to Section 21)

Oath

I.....being completely loyal to the country and people, do hereby solemnly affirm/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2063 (2007) which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out of duties and responsibilities of the(office), putting myself strictly within the limits of the prevailing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and I also do hereby solemnly pledge that I shall not disclose in any manner any matter coming to my knowledge in the course of discharging my official duty whether or not I remain in office, except while being obliged by the prevailing law.

Date:

Signature:

Schedule-3

.....²¹

²⁰ Inserted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

²¹ Repealed by Some Nepal Laws (Amendment) Act, 2063 (2006).