ODISHA CONTINGENCY FUND ACT, 1967

AND

ODISHA CONTINGENCY FUND RULES, 1967

(Revised upto 30th July, 2019)
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ODISHA ACT 18 OF 1967
THE ODISHA CONTINGENCY FUND ACT, 1967

[Received the assent of the Governor on the 28th July 1967, first published in an extraordinary issue of the Odisha Gazette, dated the 30th July 1967]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A CONTINGENCY FUND FOR THE STATE OF ODISHA

Be it enacted by the Legislature of the State of Odisha in the Eighteenth Year of the Republic of India, as follows :-

1. (1) This Act may be called the Odisha Contingency Fund Act, 1967.

(2) It extends to the whole of the State of Odisha.

(3) It shall come into force at once.

2. (1) There shall be established for the State of Odisha a Contingency Fund called “the Contingency Fund of Odisha” and consisting of a sum of [four hundred crores of rupees] transferred from the Consolidated Fund of the State.

(2) Such Contingency Fund shall be at the disposal of the Governor of Odisha and he shall have authority to make advances therefrom for the purpose of meeting any unforeseen expenditure, pending authorization of such expenditure by the Legislature of the State under appropriation made by law.

(3) As often as any such expenditure is authorized by law as aforesaid, the State Government shall recoup to the Contingency Fund an amount equal to the advance taken from such Fund to meet the expenditure.

3. The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

4. (1) The Odisha Contingency Fund (No.2) Ordinance, 1967 is hereby repealed.

(2) Notwithstanding such repeal, the Contingency Fund established under the said Ordinance and anything done, any action taken or any rules made thereunder shall be deemed to have been established, done, taken or made under this Act as if this Act were in force on the day on which such Fund was established, such thing was done, such action was taken or such rules were made.

1 The corpus of the Contingency Fund was “two crores of rupees” in the Act of 1967. This corpus was increased in the subsequent amendments:

Odisha Act 6 of 1977, received the assent of Governor 6.08.1977 “Six crores of rupees”
Odisha Act 11 of 1979, received the assent of Governor 17.04.1979 “Ten crores of rupees”
Odisha Act 2 of 1980, received the assent of Governor 13.07.1980 “twenty crores of rupees”
Odisha Act 10 of 1990, received the assent of Governor 6.06.1990 “sixty crores of rupees”
Odisha Act 1 of 2000, received the assent of Governor 20.01.2000 “one hundred forty crores of rupees”
Odisha Act 1 of 2009, with effective from 02.01.2009 vide, to “four hundred crores of rupees”
GOVERNMENT OF ODISHA
FINANCE DEPARTMENT

NOTIFICATION

The 13th September, 1967

No.31721-Bt.-156/67-F. – In exercise of the powers conferred by section 3 of the Orissa Contingency Fund Act, 1967 (Orissa Act 18 of 1967), the State Government do hereby make the following rules in supersession of the Odisha Contingency Fund Rules, 1959 :-

THE ODISHA CONTINGENCY FUND RULES, 1967

1. Short title – These rules shall be called “The Odisha Contingency Fund Rules, 1967”.

2. The Odisha Contingency Fund (hereinafter referred to as the Fund) shall be held on behalf of the Governor by the Secretary to the Government in the Finance Department.

3. Advances from the Fund shall be made for the purposes of meeting unforeseen and emergent expenditure pending authorisation by the Legislature.

4. All applications for advances from the Fund shall be made to the Secretary to the Government in the Finance Department with the particulars contained in the form enclosed to these rules (Annexure).

5. Even in cases where savings are available within a grant, token advances from the Fund for meeting a part or whole of the expenditure from savings, should not be taken. Advances taken from the Fund shall be for the full amount required for expenditure.

6. (a) The Finance Department shall maintain an account of the Fund and shall see that the sum total of the advances sanctioned from the Fund does not exceed the balance in the Fund at any time.

(b) In all cases Supplementary grants shall be obtained by the Controlling Officers and Administrative Departments concerned for the recoupment of advances sanctioned from the Fund at the first session of the Assembly in which Supplementary Estimates will be presented, immediately after the advance is sanctioned [but in no case later than the close of the year.]

(c) As soon as the Supplementary Appropriation Act is passed, steps shall be taken by the Administrative Department concerned to issue an order for recoupment of the advance and a copy of the order which shall give reference to the number and the date of the order in which the advance was originally sanctioned and to the Supplementary Appropriation Act, shall be forwarded to the Accountant General, Odisha and to the Finance Department.

7. All orders sanctioning advances from the Fund shall issue from the Finance Department and copies of such orders specifying the amount of advances and the grant or appropriation to which they relate shall be forwarded to the Accountant General, Odisha.

2 Deleted vide Amendment notification No.24202-Bt.-152/68-F date 05.07.1969.
8. The Controlling Officers shall see that the actual expenditure out of the advances from the Fund does not exceed the sanctioned amounts under any circumstances.

9. (a) In the schedules of the Supplementary Demands prepared and presented for the vote of the Legislature for the recoupment of advance sanctioned from the Fund, the following note shall be appended to the explanatory notes thereto :-

“A sum of Rs.____________ has been advanced from the Contingency Fund in ___________ and a corresponding amount is required to enable repayment to be made to that Fund”.

(b) If the expenditure met out of the advances from the Fund is covered, wholly or partly, from the savings available within the authorised appropriation, the note appended to the Supplementary Demand shall be in the following form :-

“A sum of Rs.____________ has been advanced from the Contingency Fund ___________ and an equivalent amount is required to enable repayment to be made to that Fund”.

The amount, viz., Rs……………………………………………………

A part of the amount, viz., Rs……………………………………………………

re-appropriation of savings within the grant and

a token vote only is now required

viz., Rs._____________________ only.

10. If at any time, after the order sanctioning an advance from the Fund has been issued in accordance with rule 7, it is found that the advance sanctioned will remain wholly or partly un-utilised, an application shall be made to the sanctioning authority for cancelling or modifying the sanction, as the case may be.

11. All advances sanctioned from the Fund to meet the expenditure in excess of the provision for the service included in an Appropriation (Vote on Account) Act shall be repaid to the Fund as soon as the Appropriation Act in respect of the expenditure on the service for the whole year, including the excess met from the advances from the Fund, has been passed.

12. (a) Separation accounts relating to the transactions of the Fund shall be maintained and verification of expenditure shall be carried on by the Controlling Officers, Actual expenditure incurred against advances from the Fund shall be recorded in the account relating to the Fund in the same detail as it would have been shown if it had been paid out of the Consolidated Fund.

(b) The Accountant General shall furnish to the Finance Department a quarterly report showing actuals of expenditure incurred out of the advances sanctioned from Fund as soon as possible after the end of each quarter.

(c) The Accountant General shall be furnished with an account of the Fund as soon as possible after the close of each year by the Finance Department for verification with Audit office books.

By order of the Governor

K. S. BAWA

Secretary to Government
ANNEXURE

(Vide Rule 4)

APPLICATION FORM FOR ADVANCE FROM
THE ODISHA CONTINGENCY FUND

1. The authority to whom the application should be made. :

2. Name of the Departments applying for the advance. :

3. Proposal (In full) :

4. Whether the purpose for which advance is required is emergent, unforeseen and inescapable. :

5. (i) Whether proposal is a “New Service” for which normally prior vote (Taken or otherwise) of the Legislature is necessary. :

(ii) Does it involve any embarrassing commitment? :

(iii) Special reason for anticipating the vote of the Legislature :

6. The circumstances under which the expenditure could not be included in the current year’s Budget Estimate. :

7. Reasons for which the expenditure cannot be postponed till funds are provided by means of Supplementary Demand. :

8. Full cost involved in the proposal for remaining part of the year and for the subsequent years. :
9. (i) Amount required to be advanced from the Fund. :

(ii) Period for which the advance is necessary. :

10. Amount available by re-appropriation from the savings within the grant to meet the full or part of the advance. :

11. The Major, Minor, Sub-head and Primary Units of appropriation to which the expenditure to be met from the advance is finally debitable. :

12. Whether the proposal has been previously examined and agreed to by the Finance Department. :

Signature of the Secretary
Department applying for advance

* (In case the proposal is agreed to by the Finance Department the relevant file or extract of the views recorded by them with the minutes of Minister or Deputy Minister concerned, if any, should be furnished along with the application)
APPENDICES
No. 7341-Legis.- The following Act of the Orissa Legislative Assembly, having been assented to by the Governor on the 28th July 1967, is hereby published for general information :-

ORISSA ACT 18 OF 1967
THE ORISSA CONTINGENCY FUND ACT, 1967

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A CONTINGENCY FUND FOR THE STATE OF ORISSA

BE it enacted by the Legislature of the State of Orissa in the Eighteenth Year of the Republic of India as follows :-

1. (1) This Act may be called the Orissa Contingency Fund Act, 1967.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

2. (1) There shall be established for the State of Orissa a Contingency Fund called “the Contingency Fund of Orissa” and consisting of a sum of two crores of rupees transferred from the Consolidated Fund of the State.

(2) Such Contingency Fund shall be at the disposal of the Governor of Orissa and he shall have authority to make advances therefrom for the purpose of meeting any unforeseen expenditure, pending authorization of such expenditure by the Legislature of the State under appropriation made by law.

(3) As often as any such expenditure is authorized by law as aforesaid, the State Government shall recoup to the Contingency Fund an amount equal to the advance
taken from such Fund to meet the expenditure.

3. The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

4. (1) The Orissa Contingency Fund (No.2) Ordinance, 1967 is hereby repealed.

(2) Notwithstanding such repeal, the Contingency Fund established under the said Ordinance and anything done, any action taken or any rules made thereunder shall be deemed to have been established, done, taken or made under this Act as if this Act were in force on the day on which such Fund was established, such thing was done, such action was taken or such rules were made.

By Order of the Governor

K. B. PANDA
Secretary to Government
LAW DEPARTMENT

NOTIFICATION

The 6th August 1977

No. 9930-Legis.- The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 6th August 1977, is hereby published for general information:-

ORISSA ACT 6 OF 1977

THE ORISSA CONTINGENCY FUND (AMENDMENT) ACT, 1977

AN ACT TO AMEND THE ORISSA CONTINGENCY FUND ACT, 1967

BE it enacted by the Legislature of the State of Orissa in the Twenty-eighth year of the Republic of India, as follows:-

1. (1) This Act may be called the Orissa Contingency Fund (Amendment) Act, 1977.

(2) It shall come into force at once.

2. In section 2 of the Orissa Contingency Fund Act, 1967 for the words "two crores of rupees", the words "six crores of rupees" shall be substituted.

By Order of the Governor

B.N. MISRA
Secretary to Government
No. 6258-Legis.- The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 17th April 1979 is hereby published for general information.

**ORISSA ACT 11 OF 1979**

**THE ORISSA CONTINGENCY FUND (AMENDMENT) ACT, 1979**

AN ACT TO AMEND THE ORISSA CONTINGENCY FUND ACT, 1967

BE it enacted by the Legislature of the State of Orissa in the Thirtieth Year of the Republic of India, as follows:–

1. This Act may be called the Orissa Contingency Fund (Amendment) Act, 1979.

2. In section 2 of the Orissa Contingency Fund Act, 1967 for the words “six crores of rupees”, the words “ten crores of rupees” shall be substituted.

By Order of the Governor

**B. N. MISRA**

Secretary to Government
LAW DEPARTMENT

NOTIFICATION

The 15th July 1980

No. 12507-Legis.- The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 13th July 1980, is hereby published for general information.

ORISSA ACT 2 OF 1980

THE ORISSA CONTINGENCY FUND (AMENDMENT) ACT, 1980

AN ACT TO AMEND THE ORISSA CONTINGENCY FUND ACT, 1967

BE it enacted by the Legislature of the State of Orissa in the Thirty-first Year of the Republic of India, as follows:-

1. This Act may be called the Orissa Contingency Fund (Amendment) Act, 1980.

2. In section 2 of the Orissa Contingency Fund Act, 1967, in sub- section (1), for the words "ten crores of rupees", the words "twenty crores of rupees" shall be substituted.

By Order of the Governor

D. HOTÁ
Additional Secretary to Government
LAW DEPARTMENT

NOTIFICATION

The 11th June, 1990

No. 8721-Legis.-The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 6th June 1990 is hereby published for general information.

ORISSA ACT 10 OF 1990

THE ORISSA CONTINGENCY FUND (AMENDMENT) ACT, 1990

AN ACT TO AMEND THE ORISSA CONTINGENCY FUND ACT, 1967

BE it enacted by the Legislature of the State of Orissa in the Forty-first Year of the Republic of India, as follows:-

1. This Act may be called the Orissa Contingency Fund (Amendment) Act, 1990.

2. In sub-section (1) of section 2 of the Orissa Contingency Fund Act, 1967, for the words “twenty crores of rupees”, the words “sixty crores of rupees” shall be substituted.

By Order of the Governor

S. K. MOHANTY
Secretary to Government
No. 1467 / Legis-The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 20th January, 2000 is hereby published for general information.

ORISSA ACT 1 OF 2000

THE ORISSA CONTINGENCY FUND (AMENDMENT) ACT, 1999

AN ACT TO AMEND THE ORISSA CONTINGENCY FUND ACT, 1967

BE it enacted by the Legislature of the State of Orissa in the Fiftieth Year of the Republic of India, as follows:-

1. This Act may be called the Orissa Contingency Fund (Amendment) Act, 1999.

2. In sub section (1) of section 2 of the Orissa Contingency Fund Act, 1967, for the words "sixty crores of rupees", the words "one hundred forty crores of rupees" shall be substituted.

3. The Orissa Contingency Fund (Amendment) Ordinance, 1999 is hereby repealed.

By Order of the Governor

G. C. Mohanty
Secretary to Government
LAW DEPARTMENT

NOTIFICATION
The 3rd January, 2009

No. 182/1-Legis.46/08-The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 2nd January, 2009 is hereby published for general information.

ORISSA ACT 1 OF 2009

THE ORISSA CONTINGENCY FUND (AMENDMENT) ACT, 2008

AN ACT FURTHER TO AMEND THE ORISSA CONTINGENCY FUND ACT, 1967

BE it enacted by the Legislature of the State of Orissa in the Fifty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Orissa Contingency Fund (Amendment) Act, 2008.
   
   (2) It shall be deemed to have come into force on the 4th day of October, 2008.

2. In sub-section (1) of section 2 of the Orissa Contingency Fund Act, 1967, for the words “one hundred fifty crores of rupees”, the words “four hundred crores of rupees” shall be substituted.

3. The Orissa Contingency Fund (Amendment) Ordinance, 2008 is hereby repealed.

By Order of the Governor

B.K. NAYAK
Principal Secretary to Government