

Bill No. 114 of 2009

THE JHARKHAND CONTINGENCY FUND (AMENDMENT)
BILL, 2009

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BILL

to amend the Jharkhand Contingency Fund Act, 2001.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jharkhand Contingency Fund (Amendment) Act, 2009.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 20th day of October, 2009.

5 2. In section 4 of the Jharkhand Contingency Fund Act, 2001, (hereinafter referred to as the principal Act), the following proviso shall be inserted, namely:—

Amendment
of section 4
of Jharkhand
Act 9 of
2001.

10 **‘Provided that during the period beginning on the date of commencement of the Jharkhand Contingency Fund (Amendment) Act, 2009 and ending on the 31st day of March, 2010, this section shall have effect subject to the modification that for the words "one hundred and fifty crore rupees", the words "five hundred crore rupees" shall be substituted.’**

Repeal and
saving.

3. (1) The Jharkhand Contingency Fund (Amendment) Ordinance, 2009 is hereby repealed.

Ord. 7 of
2009.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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STATEMENT OF OBJECTS AND REASONS

Consequent on the Proclamation issued under article 356 of the Constitution of India, President's Rule was enforced in the State of Jharkhand with effect from the 19th January, 2009. The President's Rule was extended by six months with effect from the 19th July, 2009 to 18th January, 2010. Accordingly, the powers of the Legislature of the State of Jharkhand are exercisable by or under the authority of Parliament.

2. As per Chapter II, section 4 of the Jharkhand Contingency Fund Act, 2001 (Jharkhand Act 9 of 2001), a sum of rupees one hundred and fifty crore shall be made available in the Contingency Fund of the State. As the State was facing a severe drought, the State Government required additional funds for providing relief in the drought affected areas. These additional requirements could not be met from the existing budgetary provisions for 2009-10. The total requirements exceeded the corpus of rupees one hundred and fifty crore available in the Contingency Fund of the State.

3. Since the Parliament was not in session and circumstances existed which rendered it necessary for temporary enhancement of the ceiling of the Jharkhand Contingency Fund from rupees one hundred and fifty crore to rupees five hundred crore for the financial year 2009-10 to carry out drought relief work in the State, the Cabinet had recommended to the President to promulgate an Ordinance in this regard on the 15th October, 2009. Hence, the President promulgated the Jharkhand Contingency Fund (Amendment) Ordinance, 2009 (Ord. 7 of 2009) on the 20th October, 2009.

4. The Bill seeks to replace the Jharkhand Contingency Fund (Amendment) Ordinance, 2009.

NEW DELHI;
The 19th November, 2009.

NAMO NARAIN MEENA.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 2(22)-B(S)/2009 dated 30.11.2009 from Shri Namu Narain Meena, Minister of State for Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to amend the Jharkhand Contingency Fund Act, 2001, recommends the introduction of the Bill in Lok Sabha under clauses (1) and (3) of article 207 read with clause (2) of article 206 thereof and the Proclamation dated 19th January, 2009 issued under article 356 of the Constitution, the introduction of the Jharkhand Contingency Fund (Amendment) Bill, 2009 and also the consideration of the Bill.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for raising the corpus of the Jharkhand Contingency Fund from Rs. 150 crore to Rs. 500 crore by transfer of an amount of Rs. 350 crore from the State Consolidated Fund to the Jharkhand Contingency Fund during the financial year ending on 31st March, 2010. The Bill, thus, involves a withdrawal of Rs. 350 crore from the State Consolidated Fund temporarily. The actual expenditure has been incurred from and out of an advance of Rs. 500 crore from the Jharkhand Contingency Fund sanctioned to various departments of the State of Jharkhand for incurring the expenditure on committed items pending authorisation by law under article 115 of the Constitution.

2. No recurring expenditure is involved.

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to amend the Jharkhand Contingency Fund Act, 2001.

(Shri Namu Narain Meena, Minister of State in the Ministry of Finance)