

UTTAR PRADESH CONTINGENCY FUND RULES, 1962

1. (i) These rules may be called the Uttar Pradesh Contingency Fund Rules, 1962*.

(ii) They shall come into force on April 1, 1962.

2. The Uttar Pradesh Contingency Fund shall be administered by the Secretary to Government, Uttar Pradesh, Finance Department, on behalf of and in the name of the Governor.

3. Advances from the Fund shall be made only to meet unforeseen expenditure for such services, the expenditure on which, as authorized by the Annual Appropriation Act, is found to be insufficient or where a need has arisen during the current financial year for supplementary or additional new expenditure or expenditure on some new service or scheme, not contemplated in the annual financial statement for that year. The unforeseen expenditure to be sanctioned pending its authorization by the Legislature under appropriation made by law must be of such an emergent character that its postponement would either be not administratively possible or would involve serious inconvenience or serious loss or damage to public service.

@4. (1) A proposal for an advance from the Fund shall be submitted to the Secretary to Government, Uttar Pradesh, in the Administrative Department concerned and on approval by the Administrative Department shall be scrutinized by the Finance Department with a view to ensuring that the conditions contained in rule 3 are fully satisfied. The Administrative Department shall, while referring such a proposal to the Finance Department, prepare a self-contained note indicating—

(i) brief particulars of the expenditure involved,

(ii) the circumstances in which provision for the expenditure could not be made in the annual budget, or adequate provision could not be made in the Vote on Account,

(iii) why postponement of expenditure till its authorization by the Legislature through an Appropriation Act is not administratively possible,

*These Rules were made by the Governor of Uttar Pradesh under the powers exercised by Section 6 of the Uttar Pradesh Contingency Fund Act, 1950 (U. P. Act no. XIX of 1950) and were published in the *Uttar Pradesh Gazette* vide Govt. notification no. P—953/X—129/52, dated March 23, 1962.

@Please see the footnote at the end of these rules.

(iv) the amount required to be advanced from the Fund with full cost of the proposal for the year or part of the year, as the case may be, and

(v) the grant of Appropriation under which any supplementary provision will eventually have to be obtained.

(2) After the Finance Department has agreed to the proposal, the Administrative Department shall obtain the approval of the Minister concerned and thereafter the approval of the Minister in the Finance Department and of the Chief Minister shall be necessary before issuing the order sanctioning the advance :

Provided that where the amount of the advance does not exceed Rs. 50,00,000, the approval of the Chief Minister shall not be necessary and where the advance is required for payment of a decretal amount, the approval of the Minister of Finance shall also not be necessary :

Provided further that notwithstanding anything contained in the preceding proviso, any individual case involving such advance may be submitted by the Finance Department to the Minister of Finance and the Chief Minister, if it discloses any unusual feature which in its opinion deserves to be brought to their notice.

5. A copy of the order sanctioning the advance, which shall specify the amount, the grant or appropriation to which it relates and particulars by minor heads, sub-heads and units of appropriation of the expenditure, shall be forwarded by the Finance Department to the Accountant General, Uttar Pradesh.

6. Actual expenditure incurred against advances from the Fund, shall be recorded by the Accountant General, Uttar Pradesh, in the account relating to the Fund, which shall be maintained by him with the same details, which would have been shown if it had been incurred out of the Consolidated Fund.

7. All bills for such expenditure shall conspicuously be labelled as pertaining to the Contingency Fund, quoting the order sanctioning the advance from the Fund, and the usual classification of expenditure on the bills shall also invariably be given by the disbursing officers.

8. Except as provided under rule 10, supplementary estimates for all expenditure financed from the Fund shall be presented to the Legislature at the earliest opportunity. Such an estimate can either be for the amount equal to the full estimated expenditure for which an advance has been made from the Fund or for a reduced sum owing to certain savings being available within the grant or charged appropriation concerned or because of the estimate of expenditure at the time of sanctioning an advance having been

subsequently found to be in excess of requirements or for a token sum only where expenditure involved can be met entirely by savings in the grant or charged appropriation concerned.

NOTES—(1) While presenting to the State Legislature, supplementary estimates for expenditure financed from the Fund, a note to the following effect shall be made in the explanatory memoranda relating to such estimates:

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

(2) If any new expenditure or expenditure on a new service or scheme not contemplated in the annual financial statement for which an advance from the Contingency Fund has been sanctioned can be met wholly or partly from savings available within the authorized appropriation, the note appended to the estimate submitted shall be in the following form :

“The expenditure is on a new item/service or scheme. 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 namely Rs. can be found by re-appropriation of savings within the grant/charged appropriation and a $\frac{\text{token vote only is now required}}{\text{provision has only been made}}$ | $\frac{\text{a vote is required}}{\text{provision has been made}}$ for the balance that is Rs. only :”

9. If, in any case, after the order sanctioning an advance from the Contingency Fund has been issued in accordance with rule 5 and before action is taken in accordance with rule 8, it is found that the advance sanctioned will remain wholly or partly unutilized, an application shall be made to the sanctioning authority for cancelling or modifying the sanction, as the case may be.

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

11. As soon as the State Legislature has authorised the expenditure by including it in a Supplementary Appropriation Act, the advance made from the Fund shall be recouped to the Fund and necessary adjustment made in the accounts by the Accountant General, Uttar Pradesh.

12. As soon as the advance made from the Fund has been recouped to the Fund consequent on the enactment of the Appropriation Act, the Administrative Department shall inform the Accountant General, Uttar Pradesh,

through the Finance Department about it, indicating the number and date of the order under which the original advance was made. A copy of the Appropriation Act shall be forwarded to the Accountant General by the Finance Department.

13. The Controlling/Disbursing Officers shall maintain a separate record of all transactions connected with the expenditure out of the advances from the Contingency Fund in the same form or forms as are used for the maintenance of records of expenditure out of the Consolidated Fund and in similar details in respect of major and minor heads and units of appropriation as would have been operated upon, had the expenditure been incurred out of the Consolidated Fund. The form or forms referred to above may, however, be so amplified as to enable the controlling officers to keep a close watch on the progress of expenditure from and out of individual advances from the Fund as also to keep a record of the details in respect of recoupment, when made, of those advances to the Fund.

14. Where an advance from the Contingency Fund is recouped to that Fund in a year subsequent to the one in which the advance was taken, the actual debit in respect of the expenditure incurred out of that advance will fall on the Consolidated Fund in the year in which such recoupment is made. The controlling officers shall accordingly make necessary adjustment entries between the account relating to the expenditure incurred from the Contingency Fund and that in respect of expenditure from the Consolidated Fund.

15. Except as provided under rule 10, supplementary estimates shall be presented to the Legislature for the recoupment of advances as far as possible, before the close of the financial year concerned. But if for any reason it does not become possible to recoup the expenditure financed from the Fund before the end of the financial year, necessary provision for expenditure remaining unrecouped should be made through a supplementary estimate for a substantive or a token sum, as the case may be, in the subsequent year.

16. Where the savings of a year are utilized for the recoupment of any advance from the Contingency Fund taken in a previous year the Controlling Officer shall ensure that necessary re-appropriation is sanctioned by such authority as may be competent to do so under the relevant rules.

17. For purposes of Appropriation Account, the total expenditure in the financial year will be the expenditure met from the Consolidated Fund plus the expenditure met out of the advance(s) from the Contingency Fund remaining unrecouped to that Fund at the close of the Financial year.

NOTES—(1) The Accountant General, Uttar Pradesh, will furnish the Finance Department as early as possible after the close of each financial year, with a statement showing expenditure incurred out of advances from the Contingency Fund remaining unrecouped on March 31.

(2) With a view to ensuring that the total amount of advances sanctioned out of the Contingency Fund does not, at any time, exceed the amount placed at the credit of the Fund, a list of the advances sanctioned out of the Fund shall be maintained by the Finance Department in a separate register in the Form annexed to these rules. Copies of all orders sanctioning advances from the Fund shall be endorsed by the Administrative Departments concerned to the Finance Department. No order sanctioning the advance shall issue unless the Finance Department is satisfied that the balance in the Fund is sufficient for the advance to be made.

[NOTE—Rule 4 of these Rules is that substituted by U. P. Contingency Fund (Fourth Amendment) Rules, 1981 and published *vide* Government notification no. B-2-3455/X—129-52—U.P.A./1950/Rules—1962-A.M. (4) 1981, dated December 16, 1981. Prior to this substitution, Rule 4 was amended on three occasions, the references whereof are given below :

The Uttar Pradesh Contingency Fund (First Amendment) Rules, 1972, published with notification no. B-2-5201/X—129-52, dated December 2, 1972.

The Uttar Pradesh Contingency Fund (Second Amendment) Rules, 1973, published with notification no. B-2-2230/X—129-52, dated July 26, 1973.

The Uttar Pradesh Contingency Fund (Third Amendment) Rules, 1973, published with notification no. B-2-4364/X—129-52, dated December 28, 1973.

FORM

[See NOTE (2) BELOW RULE 17]

Uttar Pradesh Contingency Fund

Amount of the Fund Rs. _____

Sl. Number and name of grant or appropriation	Number and date of order	Purpose	Amount advanced	Supplementary Appropriation Act providing for additional expenditure	Amounts resumed after each transaction	Balance after each transaction	Initials of Officer in charge	Remarks
1	2	3	4	5	6	7	8	9
				Rs		Rs.	Rs.	10

NOTE—The balance should be struck after each transaction.