GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Bombay Act No. LXXXIII of 1958

The Bombay State Famine Relief Fund Act,

(As modified up to the 30th September, 2007)

The Bombay State Famine Relief Fund Act, 1958
[1958 : Bom . LXXXIII

THE BOMBAY STATE FAMINE RELIEF FUND ACT, 1958

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Establishment and maintenance of the Gujarat State Famine Relief Fund.
4. Transfer of securities held under Bom. XIX of 1936, C. P. and Berar III of 1937 and Sau. XIV of 1951.
4A. Transfer of securities etc., on or after 1st May 1960.
5. Purposes for which the Fund may be utilised.
6. Investment and reinvestment of amounts not required for use immediately.
7. Accounts and making up of the deficiency in the Fund.
8. Repeal and savings.

BOMBAY ACT No. LXXXIII OF 1958.[1]

[THEBOMBAYSTATEFAMINERELIEFFUNDACT,1958.] [9th October 1958]

Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Guj. 5 of 1960.-

An Act to provide for the establishment and maintenance in the State of Bombay of a Famine Relief Fund for meeting expenditure on preventive and remedial measures connected with famine or acute scarcity conditions or on relief of distress caused by serious drought, flood or other natural calamities in the State.

Bom. XIX of 1936. C. P. & Berar III of 1937. Sau. XIV of 1951.

WHEREAS in the pre-Reorganisation State of Bombay, excluding the transfered territories, and in the Vidarbha region and in the Saurashtra area of the State, the Bombay Famine Relief Fund Act, 1936, the Central Provinces and Berar Famine Relief Fund Act, 1937 and the Saurashtra Famine Relief Fund Act, 1951 are, respectively, in force ;

AND WHEREAS there is no corresponding law in force in the Hyderabad and Kutch areas of the State ;

AND WHEREAS it is expedient to provide for the establishment and mainte- nance in the State of a common Fund called the Bombay State Famine Relief Fund for meeting expenditure on preventive and remedial measures connected with famine or acute scarcity conditions or on relief of distress caused by serious drought, flood or other natural calamities in any part of the State ;

It is hereby enacted in the Ninth Year of the Republic of India as follows:-

Short title extent.

1. *(1)* This Act may be called the Bombay State Famine Relief Fund Act, 1958.

(2) It extends to the whole of the 2[State of Gujarat].

Definition

2. In this Act, "Fund" means the 3[Gujarat] State Famine Relief Fund established and maintained under section 3.

Establishn maintenan 3[Gujarat] Famine Be Fund.

3. The State Government shall establish and maintain in and for the State of 3[Gujarat] a Fund called "the 3[Gujarat] State Famine Relief Fund." The Fund shall consist of-

(1) the securities (including cash balances, if any) mentioned in 4[section 4A];

(2) the interest which may, from time to time, accrue on such securities;

(3) such other sums as the State Government may, from time to time, contribute to the Fund under sub-section *(2)* of section 7 or otherwise; and

(4) the interest which may, from time to time, accrue on the securities in which the sums to the credit of the Fund may be invested or reinvested under section 6.

Transfer o securities under Bon 1936, C. P III of 1937 XIV of 19

Bom. XIX of 1936. C. P. & Berar III of 1937. XXX. VII of 1956. Sau. XIV of 1951.

4. With effect from the commencement of this Act, such of the securities (including cash balances, if any) in the Famine Relief Funds established under the Bombay Famine Relief Fund Act, 1936 and the Central Provinces and Berar Famine Relief Fund Act, 1937 as shall pass on to the State of Bombay under section 80 of the States Reorganisation Act, 1956 and all the securities (including cash balance, if any) in the Famine Relief Fund established under the Saurashtra Famine Relief Fund Act, 1951 shall be deemed to be transferred to, and to form part of, the Famine Relief Fund established under this Act and shall be held in or transferred to the name of the

Secretary to the Government of Bombay, Finance Department, or such other Officer as the State Government may specify.

Transfer of securities etc. on or after 1st May 1960.

5[**4A.** Such of the securities (including cash balances, if any) mentioned in section 4 as may be determined under sub-section (2) of section 51 of the Bombay Reorganisation Act, 1960, shall be held in, or transferred to, the name of such officer as the State Government may specify.] XI of 1960

Purposes for which the Fund may be utilised.

5. The Fund shall not be expended except upon-

(1) the relief of famine or acute scarcity; or

(2) the relief of distress caused by serious drought, flood or other natural calamities, in the 6[State of Gujarat] or any part thereof:

Provided that when the Fund exceeds such sum as the State Government may by order determine in this behalf, the State Government may utilise the excess to meet expenditure on any preventive or remedial measures in connection with famine or acute scarcity conditions in the 6[State of Gujarat] or any part thereof; or for the grant of loans to cultivators, either under the Land Improvement Loans Act, 1883, or under the Agriculturists' Loans Act, 1884, or for relief purposes; or to meet irrecoverable balances of such loans. XIX of 18 1884.

Investment and reinvestment of amounts not required for use immediately.

6. The State Government shall, from time to time, invest or reinvest all sums to the credit of the Fund, which may not be immediately required for any of the purposes mentioned in section 5, in Government securities as defined in clause (2) of section 2 of the Public Debt Act, 1944 or in securities specified . in clause (c) or *(d)* of section 20 of the Indian Trusts Act, 1882, in the name, of the Secretary to the 7[Government of Gujarat], Finance Department, or such other officer as the State Government may specify : XVIII of 1 1882.

Provided that the sums which stand invested in securities mentioned in section 4 at the commencement of this Act may

continue to be so invested, notwith- standing that any such securities are not mentioned in this section, so long as the State Government does not think it fit to reinvest them under this section.

Accounts and making up of the deficiency in the Fund.

7. *(1)* The accounts of the Fund shall be made up at the end of each financial year, the securities belonging to the Fund being valued at their market value on the last day of such year.

(2) If the accounts so made up show that the balance in the Fund at the end of such year falls short of [8][such sum as the State Government may by order determine in this behalf], the deficiency shall be made up from the Consolidated Fund of the State :

Provided that if the deficiency [9][exceeds such sum as the State Government may by order determine in this behalf], it may be made up in annual instalments, the amount of each instalment except the last being not [10][less than such sum].

[11]*(3)* Any expenditure incurred by the State Government under sub-section *(2)* shall be charged on the Consolidated Fund of the State.]

Repeal and savings.

8. The Bombay Famine Relief Fund Act, 1936 and the Central Provinces and Berar Famine Relief Fund Act, 1937, in their application to the [12][State of Bombay] and the Saurashtra Famine Relief Fund Act, 1951 are hereby repealed:

Bom. XIX C. P. & Be 1937. Sau. 1951.

Provided that such repeal shall not affect-

(a) the previous operation of any Act so repealed; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the Acts so repealed; or

(c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

Provided further that anything done or any action taken under any of the Acts so repealed shall, so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provision of this Act, as if the said provision was in force in the relevant part of the State when such thing was done or such action was taken, and shall continue in force accordingly, un- less and until superseded by anything done or any action taken under this Act.

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[2]These words were substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[3]This word was substituted for the word "Bombay", by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[4]This word, figure and letter were substituted for the word and figure "section 4", by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[5]Section 4A was inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960. [6]These words were substituted for the words "State of Bombay", by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[7]These words were substituted for the words "Government of Bombay", by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[8] These words were substituted. For the words “four crores rupees”, by the Gujarat adaption of Laws estate and concurrent subjects, order, 1960.

[9] These words were substituted, for the word “exceeds fifteen lakhs of rupees”, by the Gujarat adaption of Laws “ state and concurrent subjects, order, 1960.

[10] These words were substituted, for the words “ less than fifteen lakhs of rupees”, by the Gujarat adaption of Laws estate and concurrent subjects, order, 1960.

[11] Sub-section *(3)* was inserted in place of original sub-section *(3)* by Guj. 5 of 1960, s. 2 and Schedule.

[12]These words remain unmodified, *vide* the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.