

The Orissa Fiscal Responsibility and Budget Management Act, 2005

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Act 6 of 2005

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The Orissa Fiscal Responsibility and Budget Management Act, 2005 Orissa Act 6 of 2005 [Dated 16th May, 2005] Published vide Orissa Gazette Extraordinary No. 802 dated 16.5.2005. No. 7033/Legls. - The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 11th May 2005 is hereby published for general information. An Act To Provide for the Responsibility of the State Government to Ensure Prudence in Fiscal Management and Fiscal Stability by Progressive Elimination of Revenue Deficit and Sustainable debt Management Consistent with Fiscal Stability, Greater Transparency in Fiscal Operations of the Government and Conduct of Fiscal Policy in a Medium Term Fiscal Framework and for Matters Connected therewith or Incidental thereto. Be it enacted by the Legislature of the State of Orissa in the Fifty-sixth Year of the Republic of India as follows ;

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Fiscal Responsibility and Budget Management Act, 2005. (2) It extends to the whole of the State of Orissa. (3) It shall come into force on such date as the State Government may, by notification, in the official Gazette, appoint in this behalf.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Budget" means the annual financial statement laid before the State Legislature under Article 202 of the Constitution; (b) "current year" means the financial year for which Budget and Medium Term Fiscal Plan (MTFP) is being presented; (c) "financial year" means the year beginning from 1st day of April and ending on the 31st day of March following; (d) "fiscal deficit" means the excess of - (i) total disbursements from the Consolidated Fund of the State (excluding repayment of debt) over total receipts into the Fund

excluding the debt receipts during a financial year; or(ii)total expenditure from Consolidated Fund of the State (including loans but excluding repayment of debt) over own tax and non-tax revenue receipts, devolution and other grants from Government of India to the State, and non-debt capital receipts during a financial year which represents the borrowing requirements, net of repayment of debt, of the State Government during the financial year;(e)"fiscal Indicators" means the measures such as numerical ceilings and proportions to gross state domestic product, as may be prescribed, for evaluation of the fiscal position of the State Government;(f)"non-interest Committed Revenue Expenditure" means the sum total of salary expenditure and pension expenditure of the State in the revenue account of the Consolidated Fund of the State;(g)"off Budget Borrowings" means borrowings by the State Government or its Agencies which are not reflected in the Budget;(h)"prescribed" means prescribed by rules made under this Act;(i)"previous year" means the year preceding the current year;(j)"primary deficit/surplus" means the non-interest Fiscal Deficit/Surplus;(k)"Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;(l)"revenue deficit" means the difference between revenue expenditure and revenue receipts which indicates increase in liabilities of the State Government without corresponding increase in assets of the State Government; and(m)"total liabilities" means the liabilities under the Consolidated Fund and the Public Accounts of the State of Orissa.

3. Medium Term Fiscal Plan to be laid before the Legislature.

(1)The State Government shall lay in each financial year before Legislative Assembly a Medium Term Fiscal Plan alongwith the Annual Budget.(2)The Medium Term Fiscal Plan shall set forth a three-year rolling target for prescribed fiscal indicators with specification of underlying assumptions(3)In particular and without prejudice to the provisions contained in Sub-section (2), the Medium Term Fiscal Plan shall include an assessment of sustainability relating to-(i)the balance between revenue receipts and revenue expenditures;(ii)the use of capital receipts including market borrowings for generating productive assets;(iii)the medium term fiscal objectives of the State Government;(iv)the evaluation of performance of the prescribed fiscal indicators in the previous year vis-a-vis the targets set out earlier and the likely performance in the current financial year as per the revised estimates;(v)the strategic priorities of the State Government in the fiscal area for the current financial year in form of a Fiscal Policy Strategy; and(vi)the policies of the State Government for the current financial year relating to expenditure, borrowings and other liabilities, lending and investments and description of other activities, such as guarantees and activities of Public Sector Undertakings which have potential budgetary implications.(4)The Medium Term Fiscal Plan shall be in such Form as may be prescribed.

4. Fiscal Management Principles.

- The State Government shall take appropriate measures to eliminate the revenue deficit and to contain the fiscal deficit at sustainable level and build up adequate revenue surplus through appropriate measures such as,-(a)maintaining Government debt at prudent levels;(b)managing guarantees and other contingent liabilities prudently, with particular reference to level of risk of such liabilities;(c)taking policy decisions of the Government with due regard to their financial implications on future generations;(d)borrowings for productive purposes and creation of capital

assets, and are not applied to finance current expenditure;(e)maintaining a reasonable degree of stability and predictability in the level of the tax burden;(f)maintaining the integrity and stability of the tax system by avoiding special incentives, concessions and exemptions;(g)pursuing tax policies with due regard to economic efficiency and compliance costs;(h)pursuing non-tax revenue policies with due regard to cost recovery and equity;(i)pursuing expenditure policies that would provide impetus for economic growth and poverty reduction;(j)building up a revenue surplus for use in capital formation and productive expenditure;(k)maintaining physical assets of the Government properly;(l)disclosing sufficient information to allow the public to scrutinize the conduct of fiscal policy and the state of public finances;(m)using Government resources in ways that give best value for money; and also public assets are put to best possible use;(n)minimizing fiscal risks associated with running of public sector undertakings and utilities providing public goods and services;(o)managing expenditure consistent with the level of revenue generated;(p)formulating budget in a realistic and objective manner with due regard to the general economic outlook and realistic revenue prospects and minimize deviations during the course of the year; and(q)taking appropriate measures in its cash management practices so as to avoid frequent recourse to overdraft from Reserve Bank and to gradually reduce the closing cash balance with Reserve Bank of India on a year to year basis so as to keep the closing balance within the Ways and Means limit.

5. Fiscal Management Targets.

- In particular and without prejudice to the generality of the foregoing provisions, the State Government shall-(a)reduce revenue deficit to nil within a period of five financial years beginning from the initial financial year on the 1st day of April, 2004 and ending on the 31st day of March, 2009, [the annual reduction of revenue deficit on the average being rupees two hundred and eighty-five crores] [Inserted vide Orissa Gazette No. 669/20.5.2006, Notification No. 6866/20.5.2006.](b)reduce fiscal deficit to not more than three per cent of the estimated gross State domestic product within a period of five financial years beginning from the initial financial year on the 1st day of April, 2004 and ending of the 31st day of March 2009;(c)reduce fiscal deficit by 1.5 percentage of Gross State Domestic Product (GSDP) in each of the financial years beginning on the 1st day of April, 2004 in a manner consistent with the goal set in Clause (b);(d)generate a primary surplus of over two per cent of Gross State Domestic Product (GSDP) by the year ending 31st day of March, 2008;(e)other important monitorable targets would be-(i)the ratio of salary to State's own revenue is to be reduced to eighty per cent by the year ending 31st day of March, 2008;(ii)the ratio of non-interest committed revenue expenditure to State's own and Mandated Revenue is to be reduced to fifty-five per cent by the year ending 31st day of March, 2008; and(iii)the ratio of revenue deficit to revenue receipt is to be reduced to zero percent by the year ending 31st day of March, 2009.(f)in order to bring the debt stock to a sustainable level, interest payment as a percentage of revenue receipt is to be limited to eighteen to twenty-five per cent;(g)the total debt stock shall be limited to three hundred per cent of the total revenue receipt of the State by the year ending 2007-08 :Provided that while revenue deficit and fiscal deficit exceed the limits specified under this sub-section due to unforeseen demands on the finances of the State Government because of natural calamity, such excess shall not exceed the actual fiscal cost that can be attributed to the natural calamities:Provided further that the ground or grounds specified in the first proviso shall be placed before the State Legislature, as soon as may be, after it becomes likely that such deficit amount may

exceed the aforesaid limits, with an accompanying report stating the likely extent of excess and reasons therefor

6. Measures for fiscal transparency.

(1)The State Government shall take suitable measure to ensure greater transparency in its fiscal operations in public interest and minimize secrecy as far as practicable in the preparation of the Annual Budget:Provided that the State Government shall have the power to reserve any such information which would adversely affect the interest of the State Exchequer.(2)The State Government shall at the time of presentation of the Annual Budget disclose in a statement the significant changes in the accounting standards, policies and practices affecting or likely to affect the computation of prescribed fiscal indicators.(3)The consolidated position in respect of all Demands shall be brought out in the Budget at a glance.(4)The estimated yearly pension liability shall be worked out on realistic basis for the next ten years.(5)New policies being introduced in the Annual Budget shall be clearly described.(6)Budget information shall be presented in a way that facilitates policy analysis and promotes accountability.(7)Details regarding arrear of Revenues (both tax and non-tax revenues) shall be given in a separate statement to be appended with the Receipt Budget.(8)Prioritising the allocation of funds shall be done in a manner that would ensure completion of on-going projects as per the time schedule. The State Government shall furnish a list of such projects based on zero base investment review and targeted date of completion and reason of deviation, if any, in the previous years.(9)The statement indicating the institution wise State Government guarantees given, default by these organizations in discharging debt servicing liabilities and contingent liability created in the State Government account, on account of default of these organizations shall be placed before the State Legislature. The statement will also indicate the working of the Escrow Account opened by the Public Sector Undertakings, Co-operatives and Urban Local Bodies.(10)Special statements alongwith the budget giving in detail the number of employees in government, public sector and aided institutions and related salaries shall be brought out.(11)The Budget document shall contain a statement showing tax concession and exemptions given in a financial year.(12)The State Government shall publish full information on the level of its debt and financial assets. The information on debt shall disclose maturity profile and interest rate.(13)A report on execution of the budget and achievement against fiscal targets/indicator shall be presented before the State Legislature.(14)[Annual statement along with the Budget shall be brought out giving prospects of the State's economy and related fiscal strategy.] [Inserted vide Orissa Gazette No. 669/20.5.2006, Notification No. 6866/20.5.2006.]

7. Acknowledgement of liabilities in Annual Budget.

- While presenting the Annual Budget for the current year, the State Government shall furnish a statement showing the deferred liabilities on the following accounts:(i)State's matching share under central sponsored plan schemes not provided for in the previous years and the deficit of such State share in the current financial year;(ii)Bills presented in the treasury but not encashed at the close of the previous financial year;(iii)Central assistance received but not utilized at the end of a particular financial year; and(iv)Undisbursed amount lying in the civil deposits.

8. Measures to enforce compliance.

(1)The Annual Budget and policies announced at the time of the Budget, shall be consistent with objectives and targets specified the Medium Term Fiscal Plan for coming years.(2)The Minister-in-charge of Finance Department shall review the trends in receipts and expenditure in relation to the budget and remedial measures to be taken to achieve the budget targets.(3)Whenever there is either shortfall in revenue or excess of expenditure over pre-specified levels during any period in a financial year, on account of any new policy decision of the State Government that affects the State Government, the State Government prior to taking such policy decision, shall take measures to fully offset the fiscal impact for the current and future years by curtailing the sums authorized to be paid and applied from and out of the Consolidated Fund of the State under any Act to provide for the appropriation of such sums, or by taking interim measures for revenue augmentation or by taking up a combination of both:Provided that nothing in this sub-section shall apply to expenditure charged on the Consolidated Fund of the State under Clause (3) of Article 202 of the Constitution.(4)In case the revenue deficit and fiscal deficit exceed in the case of unforeseen demands on the finances of the State Government, the Government shall identify the net fiscal cost of the calamity and such cost would provide ceiling for extent of non-compliance to the specified limits.(5)Not more than one supplementary statement of expenditure shall be presented in a financial year. Whenever such supplementary estimates are presented before the State Legislature, the State Government shall also present an accompanying statement indicating the corresponding curtailment of expenditure to fully offset the fiscal impact of the supplementary estimates in relation to the budget targets of the current year and the Medium Term Fiscal Plan objectives.(6)No liability shall be created outside the budget provision in a financial year without the approval of Government in Finance Department. Creation of any such unauthorized liability shall be treated as gross negligence and the officer(s) responsible for creation of such liability shall be personally liable for such additional liability created.

9. Power to make rules.

(1)The State Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:(a)the fiscal indicators to be prescribed for the purpose of Subsection (2) of Section 3;(b)the Forms of the Medium Term Fiscal Policy Plan under Subsection (1) of Section 3 and Fiscal Policy Strategy statement under Clause (v) of Sub-section (3) of Section 3;(c)the Form of statement under Sub-section (2) of Section 6; and(d)any other matter which is required to be and not inconsistent with the provisions of the Act.

10. Rules to be laid.

- Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period the State Legislature makes modifications, if any, therein, the rule shall thereafter, have effect only in such modified form so, however, that such modification shall be

without prejudice to the validity of anything previously done under that rule.

11. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government or anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

12. Application of other laws not barred.

- The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

13. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear necessary for removing the difficulty: Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made before the Legislative Assembly.