

THE KHYBER PAKHTUNKHWA, FAMINE RELIEF FUND ACT, 1938.

(Act XII of 1938)

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**THE ¹[KHYBER PAKHTUNKHWA] FAMINE
RELIEF FUND ACT, 1938.**

(Act XII of 1938.)

WHEREAS, the Government of India Act, 1935, does not contain any provision for the maintenance and continuance of the Famine Relief Fund maintained under the provisions of Rule 29 and Schedule IV of the Devolution Rules prescribed under Section 45-A and 129-A., of the Government of India Act, 1919, and whereas it is expedient that such a relief fund should be maintained and continued, and whereas the Governor under sub-section (3) of Section 82 of the Government of India Act, 1935, has recommended the consideration of this Act, it is hereby enacted as follows:—

Preamble.

1. (1) This Act may be called the ²[Khyber Pakhtunkhwa] Famine Relief Fund Act, 1938.

Short title, extent and commencement.

(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa].

(3) It shall be deemed to have come into force with effect from the 1st April, 1937.

2. In this Act, "Fund" means the ⁴[Khyber Pakhtunkhwa] Famine Relief Fund.

Definition.

3. The Provincial Government shall, on the commencement of this Act, establish in and for the ⁵[Khyber Pakhtunkhwa] a fund called "the ⁶[Khyber Pakhtunkhwa] Famine Relief Fund". The fund shall consist of—

Establishment of the ⁷[Khyber Pakhtunkhwa] Famine Relief Fund.

(i) the amount outstanding to the credit of the Famine Relief Fund of the ⁸[Province] transferred by the Governor - General-in-Council on the 1st April, 1937;

(ii) the Government securities mentioned in Section 6;

(iii) the interest which may from time to time accrue on such securities; and

(iv) such other sums as the Provincial Government may from time to time contribute to the Fund under Section-4.

4. The Provincial Government shall provide in every year beginning with the financial year 1937-38 in the budget, as contribution of the Fund,

¹. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

². Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

³. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

⁴. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

⁵. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

⁶. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

⁷. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

⁸. The word Province ins. By Khyber Pakhtunkhwa A.L.O. 1975.

a lump sum of ten thousands of rupees which shall be charged upon ¹[the Provincial Consolidated Fund]:

Provided that in any year in which the accumulated total of the Fund is not less than one lakh and fifty thousand of rupees, the Provincial Government may suspend temporarily the provision for annual contribution.

5. The Fund shall not be expended except upon—

Purpose for which the fund may be utilized.

- (i) the relief of famine in the ²[Khyber Pakhtunkhwa]; and
- (ii) the relief of distress caused by serious drought flood or other natural calamities in the said ³[territories]:

Provided that when the Fund exceeds one lakh and fifty thousand of rupees, the Provincial Government may utilize the excess for any of the following purposes, namely:—

- (i) to meet expenditure on protective irrigation works and other works for the prevention of famine in the said ⁴[territories].
- (ii) to grant 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 balance of loans under the said Acts and of loans made from the Provincial Loans Account for relief purposes.

6. The Provincial Government shall from time to time invest or re-invest in securities of the ⁵[Central Government] or of the Government of the ⁶[Khyber Pakhtunkhwa], all sums to the credit of the Fund which may not be immediately required for any of the purposes mentioned in Section 5.

Investment and re-investment of amounts not required.

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.

Accounts of the Fund and making up of the deficiency in the Fund.

(2) If the accounts so made up show that the balance in the Fund at the end of such year falls short of one lakh and fifty-thousand of rupees, the deficiency shall be made up from ⁷[the Provincial Consolidated Fund] as in Section 4.

¹. Subsumed for the words “by the Revenue of the Provincially. W.P. Laws (Adaptation) Order. 1964. Part. III.

². Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

³. Subs by. W.P.A.L. Order 1964.

⁴. Subs by. W.P.A.L. Order 1964.

⁵. Ins. by Khyber Pakhtunkhwa A.L.O. 1975.

⁶. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

⁷. Subsumed for the words “by the Revenue of the Provincially. W.P. Laws (Adaptation) Order. 1964. Part. III.