

No.382/XXXVI(3)/2016/76(1)/2016  
Dated Dehradun , December 19, 2016

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**the Uttarakhand Ceiling on Government Guarantee Bill, 2016**' (Adhiniyam Sankhya 41 of 2016).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 14 December, 2016.

**THE UTTARAKHAND CEILING ON GOVERNMENT GUARANTEE ACT, 2016**

(Act no. 41 of 2016)

An

Act

to provide for regulation of Government guarantees and other matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly in the sixty seventh year of the republic of India as follows :-

Short title and  
Commencement:

1. (1) This Act may be Called the Uttarakhand ceiling on Government Guarantees Act, 2016.  
(2) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

**In this Act, unless the context otherwise requires-**

Definition:

2. (a) 'Government' means the Government of Uttarakhand.  
(b) 'Government Guarantees' includes the guarantee given by the State Government on behalf of Departmental Undertakings, Public sector Undertakings, Local Authorities, Statutory Boards and Corporations, Co-operative Institutions and Other authorities and agencies under the Government of Uttarakhand.  
(c) 'Prescribed' means prescribed by rules made under the Act.

- (d) 'Private company' means a private company as defined in section-03 of the companies act, 1956.
- (e) 'Private institution' means who is receive less than 50 percent of its core funding from government agencies.
- (f) 'State' Means the State of Uttarakhand.
- Ceiling on Government Guarantees:
3. (1) The total outstanding Government guarantees as on the first day of April of any year shall not exceed 1 percent of the Gross State Domestic Product estimated for the year.
- (2) The total fresh Government guarantees given in a year shall not exceed 0.3 percent of Gross State Domestic Product estimated for the years.
- Provided that under the extreme exigencies and occurrence of natural calamities of the order which require the Government to take immediate fiscal policy measures, the Government may exceed the ceiling prescribed under sub-sections (1) and (2).
- Restrictions on Government Guarantees:
4. Notwithstanding anything contained in any other Acts:
- (1) The Government guarantee shall ordinarily be extended by the Government on behalf of the Departmental Undertakings, Public Sector Undertakings, Local Authorities, Statutory Boards and Corporations, Co-Operative Institutions and other Authorities and Agencies under the Government.
- (2) No Guarantees shall be award in respect of loan individual, private institutions or private companies.
- Guarantees Commission:
5. (1) The Government shall charge a minimum of 1.00 per cent of the amount of Guaranteed loan as guarantees commission, which shall not be waived under any circumstances.
- (2) Depending on the default risk of the project the Government may, by notification, Specify commission at an enhanced rate.
- Note-** "default risk" means the probability of default by the borrower on whose behalf the Government Guarantees is given, depending on the amount borrowed, the type of industry and the economic situations.

Guarantees  
Redemption  
Fund:

6. (1) The Guarantee commission charged under section 5 shall recover form the corpus of the Guarantee Redemption fund and it shall be remitted in the public Accounts of the States.  
(2) The administration of Guarantee Redemption fund shall be in such manner as may be Prescribed.

Power of Government  
to make rules:

7. The Government may by notification in the Uttarakhand Gazette, make rules for the purpose of carrying into effect the provisions of this Acts.

By Order,

**RAMESH CHANDRA KHULBE,**  
*Principal Secretary.*

## उद्देश्य एवं कारणों का कथन

विभिन्न निगमों, सार्वजनिक उपक्रमों, स्थानीय निकायों, सांविधानिक बोर्डों एवं निगमों, सहकारी संस्थाओं एवं उत्तराखण्ड सरकार के अन्तर्गत अन्य प्राधिकरणों एवं अधिकरणों द्वारा जो ऋण ब्याज पर लिया जाता है, उस पर राज्य सरकार द्वारा प्रत्याभूति प्रदान की जाती है। इस प्रकार की प्रत्याभूति दिये जाने को कानून के द्वारा विनियमित किया जाना उचित है।

2- राज्य सरकार जो ऋण पर गारंटी देती है, उस पर एक सीमा निर्धारित किये जाने के लिये यह विधेयक प्रस्तावित किया जा रहा है। इसमें किसी वर्ष के पहली अप्रैल को राज्य सरकार द्वारा प्रदत्त कुल प्रत्याभूति की मात्रा राज्य के उस वर्ष की अनुमानित सकल राज्य घरेलू उत्पाद के 1 प्रतिशत से अधिक नहीं होगी। साथ ही किसी वर्ष दी जाने वाली नई सरकारी प्रत्याभूति उस वर्ष की अनुमानित सकल राज्य घरेलू उत्पाद के 0.3 प्रतिशत से अधिक नहीं होगी।

3- इस अधिनियम के बन जाने से राज्य सरकार द्वारा दी जाने वाली प्रत्याभूति से सम्बन्धित विषयों का विनियमन प्रभावी ढंग से किया जा सकता है जिससे राज्य के वित्तीय संसाधनों का कुशलतम उपयोग सुनिश्चित हो सके।

4- अधिनियम उपर्युक्त उद्देश्यों की पूर्ति करता है।