

THE RAJASTHAN FISCAL RESPONSIBILITIES AND BUDGET  
MANAGEMENT ACT, 2005

(Act No. 7 of 2005)

(Jaipur, May 3, 2005)

*An Act to ensure prudence in fiscal management and fiscal stability by progressive reduction of revenue deficit, prudent debt management consistent with fiscal sustainability, 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 Rajasthan State Legislature 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 Rajasthan Fiscal Responsibility and Budget Management Act, 2005.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall come into force on such date<sup>1</sup> 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) “annual budget” means the Annual Financial Statement laid before the House of the State Legislature under Article 202 of the Constitution of India;

(b) “Consolidated Fund” means the Fund as defined in Article 266 (1) of the Constitution of India comprising all revenues received by the Government of Rajasthan, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by the Government in repayment of loans;

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<sup>1</sup> 3<sup>rd</sup> May, 2005, vide notification No. F.7(1A) FD-1(1)B/2004, S.O. 63 dated May 26, 2005, Rajasthan Gazette, Part 4(ग)

- (c) “current year” means the year preceding the year for which the annual budget, Medium Term Fiscal Policy Statement and the Fiscal Policy Strategy Statement are being presented;
- (d) “ensuing year” means the financial year for which the budget is being presented;
- (e) “Financial year” means the year beginning on the 1<sup>st</sup> April and ending on 31<sup>st</sup> March next following;
- (f) “fiscal deficit” means the excess of total disbursements from the consolidated Fund of the State (excluding repayment of debt) over the sum of revenue receipts, recovery of loans and non-debt capital receipts into the Fund during a financial year;
- (g) “fiscal indicators” means such indicators as may be prescribed for evaluation of the fiscal position of the State Government;
- (h) “fiscal targets” means the numerical ceiling prescribed in either absolutes (in Rupees crore) or as proportions to the Gross State Domestic Product or other magnitudes for the fiscal indicators;
- (i) “guarantees” means the liabilities (except outstanding guarantees against State Insurance and Provident Fund, which are included in total explicit liabilities), undertaken by State Public Sector Undertakings or Special Purpose Vehicles, where servicing and repayment liabilities fall on the State Government in the event of default by the primary borrower;
- (j) “prescribed” means prescribed by the rules made under this Act;
- (k) “Public Sector Undertaking” means the enterprises having equity contribution of more than 50% from the Government of Rajasthan, whether departmental or non-departmental;
- <sup>2 3 4</sup>(kk) “Rajasthan Development and Poverty Alleviation Fund” means a Fund created under section 6A;”

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<sup>2</sup> Clause (kk) of section 2 inserted by The Rajasthan Finance Act No. 4 of 2007 vide notification dated 10.04.2007

<sup>3</sup> Clause (kk) of section 2 deleted by The Rajasthan Finance Act No. 13 of 2009 vide notification dated 12.08.2009

<sup>4</sup> Clause (kk) of section 2 inserted by The Rajasthan Finance Act No. 14 of 2014 vide notification dated 31.07.2014

- (l) “Reserve Bank” means the Reserve Bank of India constituted under sub-section (1) of section 3 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934);
- (m) “revenue deficit” means the amount of excess of revenue expenditure over revenue receipts in a financial year;
- (n) “Special Purpose Vehicle” means the instruments set up for financing of investments through borrowings not routed through the annual budget of the Government of Rajasthan;
- (o) “State” means the State of Rajasthan;
- (p) “total liability” means the explicit liabilities under Consolidated Fund of the State and the Public Account of the State including General Provident Fund.

**3. Fiscal Management Objectives.-** The State Government shall-

- (a) take appropriate measures to eliminate the revenue deficit and contain the fiscal deficit at sustainable levels;
- (b) pursue non-tax revenue policies with due regard to cost recovery and equity;
- (c) lay down norms for prioritisation of capital expenditure, and pursue expenditure policies that would provide impetus for economic growth, poverty reduction and improvement in human welfare.

**4. Fiscal Management Principles.-** The State Government shall be guided by the following fiscal management principles, namely :—

- (a) *transparency* in setting the fiscal policy objectives, in implementation of public policy and in publication of State Government accounts so as to allow the public to scrutinize the conduct of fiscal policy and the State of public finances as set out in section 7 of this Act;
- (b) *stability* upto a reasonable degree and predictability in the fiscal policy making process;

(c) *responsibility* in the management of public finances.

**5. Fiscal Policy Statement to be laid before the Legislature.**— (1) The State Government shall in each financial year lay before House of the State Legislature the following statements of fiscal policy along with the annual budget, namely:—

(a) Medium Term Fiscal Policy Statement; and

(b) Fiscal Policy Strategy Statement.

(2) The Medium Term Fiscal Policy Statement shall set forth the fiscal objectives and strategic priorities of the state Government with clear enunciation of underlying assumptions.

(3) In particular and without prejudice to the provisions contained in sub-section (2), the Medium Term Fiscal Policy Statement shall include an assessment of sustainability relating to —

(a) the balance between revenue receipts and revenue expenditures;

(b) the use of capital receipts including borrowings for generating productive assets;

(c) the estimated yearly pension liabilities worked out on actuarial basis, for the next ten years:

Provided that for a period of five financial years from the commencement of this Act, pension liabilities may instead of working out on actuarial basis, be estimated by making forecasts on the basis of trend growth rates.

(4) Fiscal Policy Strategy Statement shall, inter alia, contain—

(a) the fiscal policies of the State Government for the ensuing financial year relating to revenue receipts, expenditure, borrowing and other liabilities including guarantees, lending and investments, user charges on public goods/utilities and description of other activities, such as

- guarantees and activities of public sector undertakings which have potential budgetary implications;
- (b) the strategic priorities of the State Government in the fiscal area for the ensuing financial year;
- (c) key fiscal measures and the rational for any major deviation in fiscal measures pertaining to revenue receipts, subsidy, expenditure, administered pricing, borrowings, and other liabilities including guarantees;
- (d) evaluation of the current policies of the State Government vis-a-vis the fiscal management principles set out in section 4 and the fiscal objectives set out in the Medium Term Fiscal Plan.

**6. Fiscal Management Targets.**— In particular and without prejudice to the generality of the foregoing provisions, the State Government shall —

- <sup>5</sup>(a) achieve zero revenue deficit target from financial year 2011-12 and thereafter maintain it or attain revenue surplus;
- <sup>6</sup>(b) achieve fiscal deficit of 3 percent of Gross State Domestic Product by financial year 2011-12 and thereafter maintain the said ratio or reduce it;
- <sup>7 8 9</sup>(c) restrict its total outstanding debt up to 38.2 per cent of Gross State Domestic Product within a period of six years, beginning from the 1<sup>st</sup> day of April 2020, and ending on the 31<sup>st</sup> day of March 2026 and thereafter maintain the said ratio or reduce it;
- (d) ensure to bring out annual statement giving prospects for the State economy and related fiscal strategy;

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<sup>5</sup> Clause (a) of section 6 substituted by Act No. 11 of 2011 vide Notification dated 31.03.2011 (come into force at once)

<sup>6</sup> Clause (b) of section 6 substituted by Act No. 11 of 2011 vide Notification dated 31.03.2011 (come into force at once)

<sup>7</sup> Clause (c) of section 6 substituted by Act No. 18 of 2011 vide Notification dated 14.09.2011 (w.e.f. 31.03.2011)

<sup>8</sup> Clause (c) of section 6 substituted by The Rajasthan Finance Act No. 5 of 2016 vide Notification dated 09.04.2016

<sup>9</sup> Clause (c) of section 6 substituted by The Rajasthan Finance Act No. 3 of 2021 vide Notification dated 25.03.2021

(e) ensure to bring out special statement along with the budget giving in detail number of employees in Government, Public Sector and Aided institutions and related salary;<sup>10</sup>

<sup>11</sup>(f) ensure that total outstanding Government Guarantee on 31.03.2017 shall not exceed 70 per cent of estimated receipts in the Consolidated Fund of State in financial year 2016-17 and thereafter, total outstanding Government Guarantee at the end of each financial year shall not exceed 60 per cent of estimated receipts in the Consolidated Fund of State in that financial year:

<sup>12</sup> Provided that revenue deficit and fiscal deficit may exceed the limits specified under this section-

(a) due to ground or grounds of unforeseen demands on the finances of the state Government arising out of national security or natural calamity including drought relief or such other exceptional circumstances beyond the control of the State Government; or

(b) due to developmental and other unavoidable expenditure; or

(c) up to the limits indicated by the Central Government from time to time; or<sup>13</sup>

<sup>14</sup>(d) due to take-over of loans of the Power Distribution Companies and interest thereon under the Ujwal DISCOM Assurance Yojana promulgated by the Government of India in the Ministry of Power vide Office Memorandum No. 06/02/2015-NEF/FRP dated 20<sup>th</sup> November, 2015; or<sup>15</sup>

<sup>16</sup>(e) due to additional borrowing limit allowed by the Central Government on account of Covit-19 pandemic; or<sup>17</sup>

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<sup>10</sup> Punctuation mark : substituted by The Rajasthan Finance Act No. 5 of 2016 vide notification dated 09.04.2016

<sup>11</sup> Clause (f) of section 6 inserted by The Rajasthan Finance Act No. 5 of 2016 vide notification dated 09.04.2016

<sup>12</sup> First proviso of section 6 substituted The Rajasthan Finance Act No.13 of 2009 vide notification dated 12.08.2009

<sup>13</sup> Punctuation mark : substituted by The Rajasthan Finance Act No. 5 of 2016 vide notification dated 09.04.2016

<sup>14</sup> Clause (d) of section 6 inserted by The Rajasthan Finance Act No. 5 of 2016 vide notification dated 09.04.2016

<sup>15</sup> Punctuation mark : substituted by The Rajasthan Finance Act No. 3 of 2021 vide notification dated 25.03.2021

<sup>16</sup> Clause (e) of section 6 inserted by The Rajasthan Finance Act No. 3 of 2021 vide notification dated 25.03.2021

<sup>17</sup> Punctuation mark : substituted by The Rajasthan Finance Act No. 13 of 2021 vide notification dated 28.09.2021

- <sup>18</sup>(f) due to additional borrowing of 0.50 per cent of Gross State Domestic Product for the period 2021-22 to 2024-25, allowed by Central Government based on performance criteria in the power sector:

Provided further that the excess beyond limits arising due to the grounds mentioned in the first proviso shall be explained with a detailed statement on the said grounds, as soon as possible, before the House of the State Legislature.

<sup>19</sup> <sup>20</sup> <sup>21</sup>**6A. Rajasthan Development and Poverty Alleviation Fund.—** (1) There shall be created a fund called “Rajasthan Development and Poverty Alleviation Fund” (hereinafter referred to as the Fund) in the Public Account of the State.

<sup>22</sup>(2) The own tax receipts of the State in any year in excess of 17.5% over previous year and any other revenue receipts, as the State Government may think fit, shall, if the State Legislature by appropriation made by law in this behalf so provides, be credited to the Fund in the ensuing year.

(3) The Fund may be used by the State Government only for the following purposes:-

- (a) to meet revenue or capital expenditure in a year wherein tax receipts of the State, comprising of its own taxes and share in central taxes, are estimated to be less than 10% over the previous year;
- (b) to meet expenditure on developmental schemes or poverty reduction programmes.

(4) The Fund shall not be used for meeting non-developmental or establishment expenditure as defined by Controller and Auditor General of India.

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<sup>18</sup> Clause (f) of section 6 inserted by The Rajasthan Finance Act No. 13 of 2021 vide notification dated 28.09.2021

<sup>19</sup> Section 6A inserted by The Rajasthan Finance Act No. 4 of 2007 vide notification dated 10.04.2007

<sup>20</sup> Section 6A deleted by The Rajasthan Finance Act No. 13 of 2009 vide notification dated 12.08.2009

<sup>21</sup> Section 6A inserted by The Rajasthan Finance Act No. 14 of 2014 vide notification dated 31.07.2014

<sup>22</sup> Sub-section (2) of section 6A substituted w.e.f. 01.01.2015 by The Rajasthan Finance Act No. 5 of 2016 vide notification dated 09.04.2016

**7. Measures for fiscal Transparency.** (1) The State Government shall take suitable measures to ensure greater transparency in its fiscal operations and minimise, as far as practicable in the public interest, secrecy in the preparation of the Annual Budget.

(2) In particular, and without prejudice to the generality of the foregoing provision, the State Government shall, at the time of presentation of the annual budget, disclose in a statement in the form as may be prescribed,-

- (a) in case of a change, the significant changes in the accounting standards, policies and practices affecting or likely to affect the computation of prescribed fiscal indicators;
- (b) details of borrowings, ways and means Advances/Overdrafts availed of from the Reserve Bank of India;
- (c) the estimated yearly pension liabilities worked out on an actuarial basis for the next ten years:

Provided that for a period of five financial years from the commencement of this Act, pension liabilities may instead of working out on actuarial basis, be estimated by making forecasts on the basis of trend growth rates.

**8. Public Expenditure Review Committee.**— As soon as may be after the commencement of the Act, the Government may, by notification in the Official Gazette, appoint a Committee to be called the Public Expenditure Review Committee with the following features:—

- (a) The Committee shall consist of not more than five members with professional expertise in the fields of Finance, Economic Management, Planning, Administration, Accounts and Audit and Law;
- (b) The terms and conditions of service of the members of the Committee and functions and duties of the Committee shall be such as may be prescribed.

**9. 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 in the Medium Term Fiscal Policy for the ensuing and future years.

(2) The Minister-Incharge of the Department of Finance, shall review, after every six months, the trends in receipts and expenditure in relation to the budget and remedial measures to be taken to achieve the budget targets. The review report shall be in such form as may be prescribed and shall explain—

- (a) any deviation or likely deviation in meeting the obligations cast on the State Government under this Act;
- (b) the remedial measures, the State Government proposes to take.

**10. 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 form in which Medium Terms Fiscal Policy Statement shall be prepared;
- (b) the form of the Fiscal Policy Strategy Statements;
- (c) the form of Statement in which State Government shall disclose information required to be disclosed under sub-section (2) of section 7;
- (d) terms and conditions of service of members of the committee constituted under section 8 and functions and duties of the committee;
- (e) the form of review report under sub-section (2) of section 9;
- (f) measures to enforce compliance of the targets enumerated in section 6;
- (g) any other matter which is required to be, or may be, prescribed.

**11. Rules to be laid before the State Legislature.**— All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

**12. 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 for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**13. Application of other laws not barred.**— The provision 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.

**14. 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 to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three 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 House of the State Legislature.