

Uttarakhand Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization) Act, 2013

UTTARAKHAND

India

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Act 33 of 2013

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Uttarakhand Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization) Act, 2013(Uttarakhand Act No. 33 of 2013)Last Updated 5th March, 2020An Act to ensure, accelerated development of Scheduled Castes and Scheduled Tribes with emphasis on achieving equality economic, educational and human development along with ensuring the security and social dignity and promoting equity among Scheduled Castes and the Scheduled Tribes, by earmarking a portion, in proportion to population of Scheduled Castes and Scheduled Tribes in the State of the total plan outlay of the State of Uttarakhand as the outlay of the Scheduled Castes Sub-Plan/Tribal Sub-Plan of the State and ensuring effective institutional mechanisms for the implementation and for matters connected therewith or incidental thereto.It is hereby enacted by the Uttarakhand Legislative Assembly in the Sixtieth-fourth Year of the Republic of India as follows :-Chapter - I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Uttarakhand Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization) Act, 2013.(2)It extends to the whole of the State of Uttarakhand.(3)They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- In this Act, unless the Context otherwise requires-(a)"State" means Uttarakhand State;(b)"State Government" means the State Government of Uttarakhand;(c)"State Committee" means "the State Committee for Implementation and Monitoring of Scheduled Castes Sub-Plan / Tribal Sub Plan"

headed by Minister of Social Welfare;(d)"Nodal Department" means Social Welfare Department of the Government of Uttarakhand;(e)"the Scheduled Castes" and "Scheduled Tribes" means the Scheduled Castes and Scheduled Tribes as notified in the constitution of India;(f)"Scheduled Castes Sub-Plan(SCSP)" means the plan approved by the State committee for inclusion in the Annual Plan of the Department to bridge the gap in development of Scheduled Castes;(g)"Tribal Sub Plan (TSP)" means the plan approved by the state committee for inclusion in the Annual Plan of the Department, to bridge the gap in development of Scheduled Tribes;(h)"Scheduled Castes Sub-Plan/Tribal Sub-Plan fund" means a portion of the total plan outlays of the state in a financial year, as earmarked under the section 3;(i)"Scheduled Castes Sub-Plan/Tribal Sub-Plan Schemes" means the Scheduled Castes Sub-Plan/Tribal Sub-Plan Schemes included in the Scheduled Castes Sub-Plan/Tribal Sub-Plan of the Departments;(j)"General Schemes" means schemes included in the Annual Plans of the Departments which benefit all social groups including Scheduled Castes and Scheduled Tribes;(k)"Department" means any Government Department concerned with implementation of the plan schemes for the welfare of Scheduled Castes and Scheduled Tribes;(l)"Gaps in development" means differences in development indicators of Scheduled Castes/Scheduled Tribes when compared to the state averages;(m)"Sub-Plans" means Scheduled Castes Sub-Plan(SCSP) /Tribal Sub-Plan(TSP) or both;(n)"Scheduled Castes/Scheduled Tribes habitation" means any habitation where population of Scheduled Castes or Scheduled Tribes is not less than forty percent of the total population of habitation;(o)"Notification" means notification published in the Gazette of Uttarakhand.

Chapter - II Planning, Resource Allocation for Scheduled Castes Sub-Plan and Tribal Sub-Plan Funds and Schemes

3. Earmarking of Scheduled Castes Sub- Plan/Tribal Sub-Plan Fund from Plan outlays.

- The State shall, every financial year, earmark in such manner as may be prescribed, a portion of the total Plan outlays of the State which shall be proportionate to the Scheduled Castes/Scheduled Tribe population of the State, to be called as Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund. The Fund to be earmarked is determined prior to commencement of the next financial year. The Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund outlay shall be revised according to State Annual Plan final outlay and the expenditure of the SCSP/TSP Fund shall be accounted for separately.

4. Communication of Plan outlay.

- The department as may be authorized by the Government shall, every financial year, communicate, in the manner prescribed, to the other departments, a tentative plan outlay out of Scheduled Castes Sub-Plan/Tribal Sub-Plan.

5. Schemes to be included under the Scheduled Castes Sub- Plan and Tribal Sub- Plan.

- The Sub-Plans of the departments shall include such schemes that secure direct and quantifiable benefits to the Scheduled Caste/Scheduled Tribe individuals or Scheduled Caste/Scheduled Tribe households or Scheduled Caste/Scheduled Tribe habitations or Tribal areas and that have the potential to bridge the gaps in development. Besides, outlay for area-oriented schemes directly benefiting Scheduled Castes hamlets/villages having a majority of Scheduled Castes population/tribal hamlets and villages shall be included in SCSP and TSP :Provided that the Schemes should be consistent with the Annual and Five Year Plans and priorities of the State of Uttarakhand as may be communicated by the Planning department.

6. Promotion of equity among Scheduled Castes and Scheduled Tribes.

- The departments shall prepare Scheduled Castes Sub-Plan/ Tribal Sub-Plan to promote equity in the development among various social groups within Scheduled Castes/Scheduled Tribes and focused development of Backward Scheduled Caste/Scheduled Tribe habitations.

7. Obligation to cover Scheduled Castes/ Scheduled Tribes in general schemes.

- The departments shall ensure coverage of Scheduled Castes/Scheduled Tribes in the ongoing general schemes consistent with their eligibility for the same.

8. Formulation of Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes and preparation of Sub-Plans by the department.

- On receipt of communication each department, shall, after estimating the gaps in the development of Scheduled Castes/Scheduled Tribes through a consultative process, as may be prescribed, and shall formulate the Scheduled Castes Sub-Plan/ Tribal Sub-Plan and prepare the Sub-Plans comprising of the Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes, with in the State Plan priorities.

9. Submission of Sub-Plans proposed to be included in the Annual Plan for appraisal.

- Each Department shall submit, each year, to the Nodal Department, the Sub-Plans comprising of Scheduled Castes Sub-Plan/ Tribal Sub-Plan Schemes proposed to be included in the Annual Plans, for appraisal by the State Committee within the time frame and in the format, as may be prescribed. Chapter - III Appraisal, Allocation of Scheduled Castes Sub-Plan /Tribal Sub-Plan Fund and Approval of the Sub-Plans

10. Appraisal of the Scheduled Castes Sub-Plan and Tribal Sub- Plan Schemes by the Nodal Agencies.

- The State Committee for Scheduled Castes Sub-Plan/ Tribal Sub-Plan, shall take up appraisal of the Scheduled Castes Sub-Plan schemes and Tribal Sub-Plan schemes respectively submitted by departments, to ensure conformity with the conditions and norms laid down in the Act.

11. Allocation of Scheduled Castes Sub-Plan Fund and Tribal Sub-Plan Fund for financing the Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes included in the Sub Plan.

- The State committee while indicating allocation of Scheduled Castes Sub-Plan Fund and Tribal Sub-Plan Fund to the Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes shall follow the following norms; namely:-(a)for schemes exclusively benefitting Scheduled Castes/Scheduled Tribes individuals or Scheduled Castes/Scheduled Tribes households, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/ Tribal Sub-Plan fund;(b)for schemes benefitting Scheduled Castes/ Scheduled Tribes habitations/revenue village/urban ward, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/ Tribal Sub-Plan fund. In case of other habitations 100% cost of the schemes shall be allocated and accounted for under Scheduled Castes Sub-Plan and Tribal Sub-Plan if the benefit of schemes is exclusively provided to Scheduled Castes/Scheduled Tribes hamlets or group of scheduled Caste or Scheduled Tribes population inhabiting within the limits of the habitations/revenue village/urban ward;(c)for general schemes, included in the Sub-Plans, benefitting Scheduled Caste/Scheduled Tribe individuals or Scheduled Caste/Scheduled Tribe households, along with others, the scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/ Tribal Sub-Plan, in proportion to the Scheduled Caste/Scheduled Tribe beneficiaries covered;(d)in respect of non-divisible infrastructure works a portion of the scheme cost as may be determined by the Nodal Department shall be deemed to have been attributed for Scheduled Castes Sub-Plan and Tribal Sub-Plan respectively.

12. Recommendation by the Nodal Agencies and Nodal Department.

- The schemes that fulfill the norms laid down in the Act shall be approved by the state committee for inclusion in the Annual Plan proposals of the departments and aggregated for Development of Scheduled Castes and Scheduled Tribes, so that the Departments can make necessary arrangements for budget provisioning. Chapter - IV Budget Provisioning, Distribution and Strengthening of Implementation Machinery

13. Budget allocations.

- The outlay/budget for Scheduled Castes Sub-Plan/Tribal Sub-Plan approved by the State Committee shall be included in the Demands for grants for the departments under the Grant Head 30 and 31 respectively for the Scheduled Castes Sub-Plan and Tribal Sub-Plan.

14. Scheduled Castes Sub-Plan and Tribal Sub-Plan wing in Finance Department.

- The Government shall appropriately strengthen the Finance Department as may be prescribed for performing the functions relating to Budget implementation and allocation according to the provisions of this Act within the overall discipline of the ways and means position as determined by the Finance department.

15. Budget release Orders.

- Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for Scheduled Castes Sub-Plan/Tribal Sub-Plan immediately after passing of the budget by the State Legislature in accordance with the schedule and norms prescribed. Chapter - V
Institutional Arrangements

16. State Committee for implementation and monitoring of Scheduled Castes/ Scheduled Tribes Sub-Plan.

(1) As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute a State Committee under the Minister of Social Welfare, to be known as the State Committee for implementation and monitoring of Scheduled Castes and Scheduled Tribes Sub-Plan, to exercise the powers conferred and to perform the functions assigned to it under the Act and the rules made there under. (2) The State committee shall meet at least twice in a year.

17. Functions of the State Committee.

- The State Committee shall - (a) advise the State Government on all the policy matters relating to Scheduled Castes Sub-Plan Tribal Sub-Plan. (b) suggest measures for proper planning and implementation of the scheme by the departments; (c) with the assistance of the Nodal Department evaluate and appraise Scheduled Castes Sub-Plan/Tribal Sub-Plan proposed by the departments for ensuring conformity to the provisions of this Act; (d) approve the Annual Scheduled Castes Sub-Plan/Tribal Sub-Plan Plan proposals of the Departments; (e) review the implementation and monitoring of the Scheduled Castes Sub-Plan/Tribal Sub-Plan programme; (f) identify impediments and suggest measures for overcoming the impediments; (g) perform such other functions as may be prescribed. Note. - The directions of the State committee shall be binding on the Departments.

18. Nodal Department.

- The Social Welfare Department will act as Nodal Department for assisting the state committee to perform its functions and exercise its powers.

19. Function of Nodal Department.

- The Nodal department shall be following functions; namely :-(a)Nodal Department shall co-ordinate with the departments for preparation of State level and district level Scheduled Castes Sub-Plan/Tribal Sub-Plan;(b)Prepare State Scheduled Castes Sub-Plan/Tribal Sub-Plan for placing before the State committee for consideration and approval;(c)Recommend reallocation of Scheduled Castes Sub-Plan/Tribal Sub-Plan funds from a department to other department;(d)Set up a web portal for tracking the progress of the implementation, expenditure, output and outcome indicators as may be prescribed of Scheduled Castes Sub-Plan/Tribal Sub-Plan.

20. Establishment of Separate Administrator and Technical unit.

- The Government shall appropriately strengthen the Nodal Department of Social Welfare with an Administrator and Technical Unit to perform the functions and discharge the duties assigned to it and to assist the state committee.

21. Department level Sub-Plan Support Unit.

- The departments as identified by the State Committee may establish a Sub-Plan Support Unit, as may be prescribed to manage the respective Scheduled Castes Sub-Plan and Tribal Sub-Plan.

22. Implementation of Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes in the districts.

(1)The Government shall constitute a District Monitoring Committee in each district with the District Collector as its Chairman, which shall be responsible for implementation of the Scheduled Castes Sub-Plan/Tribal Sub-Plan in the district.(2)The District Planning Committees of each district shall review the implementation of Scheduled Castes Sub-Plan/Tribal Sub-Plan periodically.

23. Institutional strengthening for effective implementation and monitoring.

- The respective departments of Government shall take such measures as may be necessary for institutional strengthening of State, District and Sub-District units by providing necessary guidelines, staff and training to the staff in the manner prescribed, for effective implementation and monitoring.

Chapter - VI Transparency and Accountability in the Implementation of Scheduled Castes Sub-Plan/ Tribal Sub-Plan

24. Transparency and accountability.

(1)Each department shall ensure transparency and accountability at all levels in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan schemes.(2)Each department shall host the documents, as may be prescribed in public domain.

25. Incentives and penalties.

- The Government shall formulate an appropriate scheme, to award incentives for commendable performance and disincentives for proven negligence and lack of due diligence, in discharge of responsibilities under this Act by any functionary or official concerned.

26. Annual Report to be placed before State Legislature.

- The Nodal agency shall place before the State Legislature, an Annual Report on outcome of implementation of Scheduled Castes Sub- Plan/ Tribal Sub-Plan containing department-wise achievements and the un-utilised funds during the financial year under report.

27. Power to make Rules.

(1) Subject to the other provisions of this Act, the Government may, by notification, make rules for carrying out all or any of the purposes 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) determination of gaps in development of Scheduled Castes and Scheduled Tribes; (b) earmarking Scheduled Castes Sub-Plan/Tribal Sub-Plan Funds from the plan outlays; (c) identification of Scheduled Castes Sub-Plan/Tribal Sub-Plan and preparation of Sub-Plans by the departments; (d) preparation of budget proposal of Scheduled Castes Sub-Plan/Tribal Sub-Plan for appraisal by the Nodal Departments; (e) strengthen the Finance Department for monitoring expenditures under the Scheduled Castes Sub-Plan and Tribal Sub-Plan; (f) constitution of, and transaction of business in the State committee for implementation and monitoring of Scheduled Castes Sub-Plan and Tribal Sub-Plan; the qualification, disqualification and other allowances to the non-official members of the State Council; (g) Designation of Nodal Department for Scheduled Castes Sub-Plan and Tribal Sub-Plan; (h) maintenance of a web portal by the Nodal Department; (i) constitution of Administrative and Technical Support unit in Nodal Department for Scheduled Castes Sub-Plan/Tribal Sub-Plan; (j) constitution of Sub-Plan Support Unit at department level; (k) constitution of District Monitoring Committees and the connected matters; (l) institutional strengthening at State, district and sub-district level for ensuring effective implementation, awareness, mass contact programme and monitoring of Scheduled Castes Sub-Plan and Tribal Sub-Plan; (m) procedures for ensuring transparency and accountability in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan. (3) Every rule made under this Act shall, immediately after it is made shall be laid before the Cabinet.

28. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of the Act as may appear to it to be necessary or expedient for the removal of the difficulty : Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this

Act.(2)Every order made under this section shall be laid as soon as it is made before the Vidhan Sabha.

29. Repeal and saving.

(1)The Uttarakhand Scheduled Castes Sub Plan and Tribal Sub Plan (Planning, Allocation and Utilization) ordinance, 2013 (Ordinance No. 02, year 2013) is hereby repealed.(2)Notwithstanding such repeal, anything done, or any action taken under the said ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.