

THE RAJASTHAN STATE SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT FUND (PLANNING, ALLOCATION AND UTILISATION OF FINANCIAL RESOURCES) ACT, 2022

RAJASTHAN

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Act 8 of 2022

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THE RAJASTHAN STATE SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT FUND (PLANNING, ALLOCATION AND UTILIZATION OF FINANCIAL RESOURCES) ACT, 2022 (Act No. 8 of 2022) (Received the assent of the Governor on the 5th day of April, 2022) An Act to ensure accelerated development of Scheduled Castes and Scheduled Tribes in the State by earmarking a certain amount in the Annual Budget for use as the Scheduled Castes Development Fund and Scheduled Tribes Development Fund to secure direct and quantifiable benefits to Scheduled Castes and Scheduled Tribes and creating required institutional mechanism for use of these funds in focus sectors and for matters connected therewith or incidental thereto. Be it enacted by the Rajasthan State Legislature in the Seventy-third Year of the Republic of India, as follows:-

Chapter I Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan

State Scheduled Castes and Scheduled Tribes Development Fund (Planning, Allocation and Utilization of Financial Resources) Act, 2022. (2) It extends to the whole of the State of

Rajasthan.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a)"Annual Budget" means total scheme expenditure budget of the State as approved by the State Legislature;(b)"Department" means any Department of the State Government, concerned with implementation of the schemes for the welfare and development of Scheduled Castes and Scheduled Tribes;(c)"Empowered Committees (ECs)" mean the State Level Committees for the development of Scheduled Castes and Scheduled Tribes constituted under section

7.

;(d)"Gaps in development" mean difference in development indicators of Scheduled Castes and Scheduled Tribes when compared to the state averages;(e)"Government" means the Government of Rajasthan;(f)"Nodal Department" means the Social Justice and Empowerment Department for

d Castes and Tribal Area Development Department for Scheduled

Tribes of the State Government;

(g)"notification" means the notification published in the Official Gazette and the word 'notified' shall be construed accordingly;(h)"prescribed" means prescribed by rules made under this Act;(i)"Scheduled Areas" mean areas declared as Scheduled Areas under Part C of Fifth

to the Constitution of India;

(j) "Scheduled Castes" and "Scheduled Tribes" shall have the meaning assigned

respectively under clauses (24) and (25) of article 366 of the Constitution of India;(k)"Scheduled Castes Development Fund (SCDF) and Scheduled Tribes Development Fund (STDF)" means a certain amount as earmarked in the Annual Budget for accelerated development of Scheduled Castes and Scheduled Tribes respectively, under section 3;(l)"Scheduled Castes Sub-Plan (SCSP)" means the total scheme expenditure budget of the State under Demand Number-51 and Minor Head-789 as provided in Rajasthan Appropriation Act;(m)"State" means the State of Rajasthan;(n)"State Councils" mean the State Councils for the development of Scheduled Castes and Scheduled Tribes constituted under section 5; and(o)"Tribal Sub-Plan (TSP)" means the total scheme expenditure budget of the State under Demand Number-30 and Minor Head-796 as provided in the Rajasthan Appropriation Act.

Chapter II

Earmarking certain amount for Scheduled Castes Development Fund and Scheduled

Tribes Development Fund and Preparation of Schemes

3. Earmarking certain amount for the Scheduled Castes Development Fund and

the Scheduled Tribes Development Fund.- (1) The State Government shall earmark ascertain amount in the Annual Budget for the Scheduled Castes Development Fund (SCDF)and Scheduled Tribes Development Fund (STDF).(2)The State Government shall issue separate order for the total amount to be kept in

d Castes Development Fund (SCDF) and Scheduled Tribes Development Fund

(STDF) on year to year basis:

Provided that the Scheduled Caste Sub-Plan (SCSP) and Tribal Sub-Plan (TSP)allocation shall be proportion of Annual Budget, equal to population proportion of ScheduledCastes (SCs) and Scheduled Tribes (STs) of the State.

4. Preparation of Schemes and their approval.- (1) The Departments shall prepare

and send proposals to Nodal Departments for the Scheduled Castes Development Fund(SCDF)and Scheduled Tribes Development Fund (STDF) to promote equity in thedevelopment among various social groups within the Scheduled Castes and Scheduled Tribes.(2)The Nodal Department shall examine the proposals so received from theDepartments and shall submit the proposals to the Empowered Committees (ECs) for theirapprovals under the Scheduled Castes Development Fund (SCDF) and Scheduled TribesDevelopment Fund (STDF).(3)The Nodal Departments and line Departments shall prefer proposing fund for suchschemes that secure direct and quantifiable benefits to the Scheduled Castes and ScheduledTribes that have the potential to bridge the Gaps in development indicators following thenorms as may be laid down in the rules made under the Act.(4)The Empowered Committees (ECs) shall approve the schemes for ScheduledCastes Development Fund (SCDF) and Scheduled Tribes Development Fund (STDF) as perthe norms laid down in the rules made under the Act.

Chapter III

Institutional Arrangements

5. State Councils.- As soon as may be, after the commencement of this Act, the State

Government shall, by notification, constitute State Councils viz. State Scheduled Castes Development Council for Scheduled Castes Development Fund (SCDF) and State Scheduled Tribes Development Council for Scheduled Tribes Development Fund (STDF) each under the chairmanship of Chief Minister, to exercise the powers conferred and to perform the functions assigned to them under the Act and the rules made thereunder. The State Councils shall include such number of members representing the Scheduled Castes and Scheduled Tribes in the State Legislature, as may be prescribed.

6. Functions of the State Councils.- The State Councils shall,-

(a) advise the State Government on all the policy matters relating to Scheduled Castes Development Fund and Scheduled Tribes Development Fund; (b) suggest measures for proper planning and implementation of the schemes by the Departments; and (c) perform such other functions as may be prescribed.

7. Empowered Committees and Nodal Department.- (1) The State Government

shall constitute Empowered Committees each for the development of the Scheduled Castes and Scheduled Tribes. (2) Each Empowered Committee shall be headed by the Chief Secretary. (3) The constitution of Empowered Committees shall be such as may be prescribed. (4) (a) The Convener of the Empowered Committee for development of Scheduled Castes shall be the Secretary, Department of Social Justice and Empowerment. (b) The Convener of the Empowered Committee for development of Scheduled Tribes shall be the Secretary, Department of Tribal Area Development. Explanation.- For the purpose of this sub-section "Secretary" means the Secretary to the Government in charge of Department and includes an Additional Chief Secretary and a Principal Secretary, when he is in charge of a Department. (5) The respective Nodal Department shall assist the respective Empowered Committee to perform its functions and exercise its powers.

8. Functions of Empowered Committees.- The respective Empowered Committee

with the assistance of the respective Nodal Department shall,- (a) evaluate and appraise proposals proposed by various line Department to be posed for funding through Scheduled Castes Development Fund (SCDF) and Scheduled Tribes Development Fund (STDF); (b) review the implementation and monitoring of the Scheduled Castes Sub Plan and Tribal Sub Plan; (c) identify impediments and suggest measures for overcoming the impediments; and (d) perform such other

functions as may be prescribed.

9. Administrative and Technical Support Unit for the Nodal Department.- The

State Government shall appropriately strengthen the Nodal Departments with an Administrative and Technical Support Unit, as may be prescribed, to perform the functions and discharge the duties assigned to it.

Chapter IV

Transparency and Accountability

10. Transparency and Accountability.- Each Department shall ensure transparency

and accountability at all levels in the implementation of activities under Scheduled Castes Development Fund and Scheduled Tribes Development Fund.

11. Annual Report.- The Nodal Department shall lay before the House of the State

Legislature, an annual report on outcome of implementation of Scheduled Castes Development Fund and Scheduled Tribes Development Fund.

Chapter V

Miscellaneous

12. Power to make rules.- (1) Subject to the other provisions of this Act, the State

Government may, by notification, make rules for carrying out 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) earmarking a certain amount for the Scheduled Castes Development Fund (SCDF) and Scheduled Tribes Development Fund (STDF) under section 3; section 4; (c) constitution of State Councils under section 5; (d) constitution of Empowered Committees under section 7; and (e) an Administrative and Technical Support Unit under section 9. (3) Every rule made under this Act shall be laid, as soon as may be after it is 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 or more successive sessions and if before the expiry of the session in which it is so laid or of the session immediately following, the House of the State Legislature makes any modification in the rule or resolves that the rule should not be made, the rule 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.

13. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the

provisions of the Act, the State 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 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 it is made, before the State Legislature. Principal Secretary to the Government.