

The Karnataka Scheduled Castes Sub-Plan And Tribal Sub-Plan (Planning, Allocation And Utilization Of Financial Resources) Act, 2013

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Act 65 of 2013

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The Karnataka Scheduled Castes Sub-Plan And Tribal Sub-Plan (Planning, Allocation And Utilization Of Financial Resources) Act, 2013[27th December 2013]Act No. 65 of 2013Preamble—An Act to provide for earmarking a portion of state plan outlay for the Scheduled Castes Subplan and Tribal Sub-Plan in proportion to the population of Scheduled Castes and Scheduled Tribes and to put in place an institutional mechanism for preparation, implementation and monitoring of subplan and for matters connected therewith or incidental thereto;Whereas it is expedient to provide for earmarking a portion of state plan outlay for the Scheduled Castes Sub-plan and Tribal Sub-Plan in proportion to the population of Scheduled Castes and Scheduled Tribes and to put in place an institutional mechanism for preparation, implementation and monitoring of sub-plan and for matters connected therewith or incidental thereto;Be it enacted by Karnataka State Legislature in the Sixty-fourth year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title and commencement.—

(1)This Act may be called the Karnataka Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2013.(2)It shall come into force on such date as the State Government may, by notification in the Karnataka Gazette, appoint, and different dates

2. Definitions.—

In this Act, unless the context otherwise requires,—(a)"Department" means a Government Department entrusted with the implementation of the plan schemes for the welfare of the Scheduled Castes and the Scheduled Tribes;(b)"Gaps in development" means differences in development indicators of the Scheduled Castes or the Scheduled Tribes when compared to the state averages, as may be prescribed particularly relating to human and economic development;(c)"General Schemes" means schemes included in the annual Plans of the Departments which benefit all social groups including the Scheduled Castes and the Scheduled Tribes;(d)"Government" means, the Government of Karnataka;(e)"Nodal Agency for SCSP/TSP" means the Nodal Agency constituted under section 5;(f)"Prescribed" means prescribed by rules made under the Act;(g)"State Council" means the State Council for Development of the Scheduled Castes and the Scheduled Tribes constituted under section 3;(h)"Scheduled Castes and Scheduled Tribes" shall have the meaning assigned respectively under clauses (24) and (25) of Article 366 of the Constitution of India;(i)"Scheduled Castes Sub-Plan (SCSP)" means the Plan approved by the State Council for inclusion in the annual plan of the Department to bridge the gap in development of the Scheduled Castes including the Scheduled Castes component of general schemes;(j)"Scheduled Castes Sub-plan or Tribal Sub-Plan Fund" means a portion of the total plan outlays of the State, in a financial year, as earmarked under the section 13;(k)"Scheduled Castes Sub-Plan/Tribal Sub-Plan Schemes" means the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes included in the Scheduled Castes SubPlan/Tribal Sub-Plan of the Department;(l)"Scheduled Castes or Scheduled Tribe habitation" means any habitation where population of the Scheduled Castes or the Scheduled Tribes or combined population of the Scheduled Castes and the Scheduled Tribes is not less than forty percent of the total population of the habitation;(m)"Sub-Plans" means Scheduled Castes Sub-Plan(SCSP) or Tribal Sub-Plan(TSP) or both;(n)"Total Plan Outlay of the State" means the plan outlay for which resources of the State are applied.(o)"Tribal Sub-Plan (TSP)" means the Plan approved, by the State Council for inclusion in the annual plan of the Department, to bridge the gap in development of the Scheduled Tribes including the Scheduled Tribes component of general schemes;

Chapter II

— Institutional Arrangement

3. The State Council for Development of the Scheduled Castes or the Scheduled Tribes.—

(1)As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute a Council to-be known as the State Council for the Development of Scheduled Castes and Scheduled Tribes 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 council shall consist of the following, namely:-

a The Chief Minister

Chairman

b The Minister for Social Welfare	Ex-officio Member
c The Minister for Parliamentary Affairs and Legislation	Ex-officio Member
d The Minister for Rural Development and Panchayat Raj	Ex-officio Member
e The Minister for Higher Education	Ex-officio Member
f The Minister for Revenue	Ex-officio Member
g Five MLAs or MLCs or MPs belonging to SC/ST as nominated by the Government	Members
h The Development Commissioner & Additional Chief Secretary to Government	Ex-officio Member
i The Secretary/Principal Secretary, Finance Department	Ex-officio Member
j The Secretary/Principal Secretary, Planning Department	Ex-officio Member
k Secretary/Principal Secretary, Social Welfare Department	Ex-officio Member Secretary

(3)The Secretary to Government in-charge of the Departments for which allocations are made shall be special invitees of the State Council.(4)The term of the nominated MLAs or MLCs or MPs shall be thirty months.(5)The nominated members shall be eligible for such allowances and fee as may be prescribed.(6)The State council shall meet at least twice in a year.

4. Functions of the State Council.—

The State Council shall perform the following functions, namely:-(a)advise the State Government on all the policy matters relating to the Scheduled Castes Sub-Plan/Tribal Sub-Plan;(b)suggest measures for proper planning and implementation of the schemes by the departments;(c)approve the annual Scheduled Castes Sub-Plan/Tribal Sub-Plan proposals of the Departments; and(d)perform such other functions as may be prescribed.

5. Nodal Agency and Nodal Department.-

(1)The Nodal Agency for the Scheduled Castes Sub-Plan/Tribal Sub-Plan shall consist of the following, namely:-

1 The Minister for Social Welfare	Chairman
2 The Development Commissioner and Additional Chief Secretary to Government	Ex-officio Member
3 The Secretary/Principal Secretary to Government Social Welfare Department	Ex-officio Member
4 The Secretary/Principal Secretary to Government Finance Department	Ex-officio Member
5 The Secretary/Principal Secretary to Government Planning Department	Ex-officio Member
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| The Secretary/Principal Secretary of all other Departments for which allocations are to be made shall be Special Invitees | Ex-officio Member |
| 7 The Director, Scheduled Tribes Department. | Convener TSP |
| 8 The Ex-officio Commissioner, Social Welfare Department. | Convener SCSP |
- (2)The Social Welfare Department shall be the Nodal Department for assisting the Nodal Agency to perform its functions and exercise its powers.

6. Functions of the Nodal Agency.—

The Nodal Agency with the assistance of the respective Nodal Department shall perform the following functions, namely:-(1)Evaluate and appraise the Scheduled Castes Sub-Plan or Tribal Sub-Plan proposed by the departments for ensuring conformity to the provisions of this Act;(2)Prepare the State Scheduled Castes Sub-Plan/Tribal Sub-Plan for placing before the State Council for Development of Scheduled Castes and Scheduled Tribes for consideration and approval;(3)Review the implementation and monitoring of the Scheduled Castes Sub-Plan/Tribal Sub-Plan programme;(4)Identify impediments and suggest measures for overcoming the impediments;(5)Co-ordinate with the departments for preparation of the State level and district level Scheduled Castes Sub-Plan/Tribal Sub-Plan;(6)Maintain transparency in expenditure; maintain scheme wise; district wise, village wise and beneficiary wise details as may be prescribed; 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;(7)Facilitate at least annual social auditing of expenditure of Scheduled Castes Sub-Plan or Tribal Sub-Plan funds and facilitate analysis of improvement in Human Development Index against the projections for the State and district: Provided that the directions of the Nodal Agency shall be binding on the Departments.

7. 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 Nodal Agency, while indicating allocation of the Scheduled Castes Sub-Plan or Tribal Sub-Plan Fund to the Scheduled Castes Sub-Plan or Tribal Sub-Plan schemes shall follow the following norms namely:-(a)for schemes exclusively benefiting the Scheduled Castes or the Scheduled Tribes individuals or the Scheduled Castes or Scheduled Tribes households 100% of scheme cost shall be allocated and accounted for under the Scheduled Castes Sub-Plan or Tribal Sub-Plan fund;(b)for schemes benefiting the Scheduled Castes or the Scheduled Tribes habitations, 100% of scheme cost shall be allocated and accounted for under the Scheduled Castes SubPlan or the Tribal Sub-Plan fund. In case of other habitations the cost shall be allocated and accounted for under the Scheduled Caste Sub-Plan or Tribal Sub-Plan in proportion of the population of the Scheduled Castes or the Scheduled Tribes;(c)for general social sector schemes, that is education, health, women and child, labour, physically handicapped included in the Sub-Plans, benefiting the Scheduled Castes or

Scheduled Tribes individuals or the Scheduled Castes or Scheduled Tribes households, along with others, the scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan or Tribal Sub-Plan, in proportion to the Scheduled Castes or Scheduled Tribe population;(d)In respect of non-divisible infrastructure works, a portion of the scheme cost as may be determined by the Government shall be deemed to have been provided for the Scheduled Caste sub-plan and Tribal sub-plan respectively.

8. Recommendation by the Nodal Agencies and the Nodal Department.—

The schemes that fulfill the norms laid down in the Act shall be recommended by the Nodal Agency for inclusion in the annual Plan proposals of the departments and aggregated for placing before the State Council for Development of the Scheduled Castes and Scheduled Tribes for consideration and approval as pre-budget process.

9. Administrative and technical support to the Nodal Department.—

The Government shall provide required Technical and other staff to the Nodal Department with an Administrative and Technical Support Unit as may be prescribed, to perform the functions and discharge the duties assigned to it and to assist the Nodal Agency.

10. Department Level Sub-Plan Support Unit.—

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

11. Implementation of the scheduled castes sub-plan or tribal sub-plan schemes in districts.—

(1)There shall be a District Monitoring Committee in each district, which shall be responsible for implementation of the Scheduled Castes Sub-Plan or Tribal Sub-Plan in the district consisting of the following members, namely:-

1	The Deputy Commissioner	Chairman
	Members of Legislative Assembly representing a part or whole of the district whose	
2	Constituency lie within district and Members of Legislative Council who are	Member
	registered as electors within the district.	
3	Chief Executive Officer of the Zilla Panchayat	Member
4	The Joint Director, Agriculture	Member
5	The Executive Engineer, PWD	Member
6	The District Health Officer	Member
7	The District level officers respective Departments for which allocations are made	Members
	shall be Special Invitees.	

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| 8 District Social Welfare Officer | Convenor
SCSP |
| 9 The District Tribal Welfare Officer or Project Director for the Scheduled Tribes | Convenor
TSP |

(2) The Zilla Panchayat and the District Monitoring Committee of each district shall review the implementation of the Scheduled Castes Sub-Plan or Tribal Sub-Plan periodically.

12. Institutional strengthening for effective implementation and Monitoring.—

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

Chapter III

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

13. Earmarking of the scheduled Castes sub-plan/tribal sub-plan fund from plan outlays.

The State Government shall, in 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 the Scheduled Castes Sub-Plan and Tribal Sub Plan fund. In case of unspent amount out of allocation in a particular financial year, the same may be added to the next year allocation, but shall not be carried further beyond that year: Provided that, the Fund to be earmarked shall be determined at least two months prior to the commencement of the next financial year: Provided further that, the Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund outlay shall be revised according to State annual Plan final outlay: Provided also that the expenditure of the Scheduled Castes Sub-Plan and Tribal Sub Plan fund shall be accounted for in the manner hereafter specified in this Act.

14. Communication of plan outlay earmarked as the scheduled Castes sub-plan/tribal sub-plan fund to the department.—

The Nodal department shall, for every financial year, communicate, in the manner prescribed, to the other department, a tentative plan outlay out of Scheduled Castes Sub-Plan/ Tribal Sub Plan Fund as earmarked under Section 11 for preparation of respective department wise Scheduled Castes Sub-Plan/Tribal Sub-Plan.

15. Schemes to be included under the Scheduled Castes Sub-Plans and Tribal Sub Plans.—

The Sub-Plans of the departments shall include only such schemes that secure direct and quantifiable benefit to the Scheduled Castes or the Scheduled Tribes individuals or the Scheduled Castes/Scheduled Tribes households or the Scheduled Castes/Scheduled Tribes habitations or Tribal areas and that have the potential to bridge the gaps in the development, following the norms laid down in this Act and the rules made thereunder: Provided that the schemes shall be consistent with the annual and five year Plans and priorities of the State of Karnataka as may be communicated by the Planning department.

16. Obligation to cover the scheduled Castes/scheduled tribes in general schemes.—

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

17. Formulation of the scheduled Castes sub-plan or tribal sub-plan schemes and preparation of sub-plans by the department.—

On receipt of communication under section 14, each department, shall after estimating the gaps in the development of the Scheduled Castes and the Scheduled Tribes, prioritize the development needs of the Scheduled Castes and Scheduled Tribe through a consultative process, as may be prescribed, and shall formulate the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes and prepare the Sub-Plans comprising of the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes, -within the State Plan priorities as communicated under section 14.

18. Submission of sub-plans proposed to be included in the Annual Plan for appraisal.—

Each Department, excluding the departments separately notified under this Act, shall submit, each year to the Nodal Department, the Sub-Plans comprising of the Scheduled Castes Sub-Plan or Tribal Sub-Plan Schemes proposed to be included in the annual plans, for appraisal by the Nodal Agency concerned, within such time frame and in such format, as may be prescribed.

Chapter IV

— Appraisal, Allocation of the Scheduled Castes Sub-Plan/Tribal Sub-Plan and Approval of the Sub-Plans

19. Appraisal of the Scheduled Castes sub-plan and Tribal Sub-plan schemes by the nodal Agencies.—

The Nodal Agency for Scheduled Castes Sub-Plan or 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 provisions of this Act.

Chapter V

Budget Provision, Distribution and Strengthening of the Implementation Machinery

20. Budget allocations.—

The annual Scheduled Castes Sub-Plan or Tribal Sub-Plan approved by the State Council shall be included in the Demands for Grants of the departments under the relevant head of account for the Scheduled Castes Sub-Plan or Tribal Sub-Plan.

21. The Scheduled Castes Sub-Plan and Tribal Sub-Plan Cell in Finance Department.—

There shall be an exclusive cell in the Finance Department 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.

22. Budget Release Orders.—Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for the Scheduled Castes Sub-Plan or Tribal SubPlan immediately after passing of the budget by the State Legislature in accordance with the provisions of this Act.

Chapter VI

Transparency and Accountability in the Implementation of the Scheduled Castes Sub-Plan or Tribal Sub-Plan

23. Transparency and accountability.—

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

24. Incentives and penalties.—

The Government shall formulate an appropriate scheme, to award incentives for commendable performance. Any functionary or official being a public servant willfully neglects his duties required to be performed by him under this Act shall be subjected to disciplinary action under the relevant service/disciplinary rules applicable to the Government officials and functionaries or as decided by the Nodal agency for the Scheduled Castes Sub-Plan/Tribal SubPlan depending upon the intensity of such negligence shall be punishable with an imprisonment for a term which may extend up to six months.

25. Cognizance of Offence.—

Offences specified under section 24 shall be non-cognizable. No court shall take cognizance of the said offence except upon a complaint in writing made by the prescribed Authority.

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 the Scheduled Castes Sub-Plan or Tribal Sub-Plan containing, department wise achievements and the un-utilized 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 after previous publication 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 Schedule Tribes under section(b)constitution of and transaction of business in the State Council for development of Scheduled Castes and Scheduled Tribes;(c)the qualification, disqualification and other allowances to the non-official members of the State Council under section 3;(d)maintenance of a web portal by the Nodal Agency under section 6;(e)constitution of Administrative and Technical support Unit in Nodal Department for Schedule Castes Sub-Plan/Tribal Sub-Plan under section 9;(f)constitution of Sub-Plan Support Unit at department level under section 10;(g)institutional strengthening at State, district and sub-district level for ensuring effective implementation, awareness, mass contact programme, social audit and monitoring of Scheduled Castes Sub-Plan and Tribal Sub-Plan under section12;(h)earmarking Scheduled Castes Sub-Plan/Tribal Sub-Plan Funds from the plan outlays under section 13;(i)identification of scheduled Castes Sub-Plan/Tribal Sub-Plan Schemes and preparation of Sub-Plans by the departments under section 18;(j)preparation of budget proposal of Scheduled Castes Sub-Plan/Tribal Sub-Plan for appraisal by the Nodal Departments under section 19;(k)strengthen the Finance Department for monitoring expenditure under the Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 22; and(l)procedures for ensuring transparency and accountability in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 23.(3)Every rule made under this Act, shall be

laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree 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 under that rule.

28. Power to remove difficulties.—

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions as appear to it to be necessary or expedient to remove 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 each House of the State Legislature.