THE TELANGANA STATE SCHEDULED CASTES AND SCHEDULED TRIBES SPECIAL DEVELOPMENT FUND (PLANNING, ALLOCATION AND UTILIZATION OF FINANCIAL RESOURCES) ACT, 2017.

(ACT NO. 18 OF 2017)

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THE TELANGANA STATE SCHEDULED CASTES AND SCHEDULED TRIBES SPECIAL DEVELOPMENT FUND (PLANNING, ALLOCATION AND UTILIZATION OF FINANCIAL RESOURCES) ACT, 2017.

ACT No. 18 OF 2017.□

[30th March, 2017]

AN ACT TO ENSURE, ACCELERATED DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES WITH EMPHASIS ON ACHIEVING EQUALITY IN THE COMING YEARS FOCUSING ON ECONOMIC, EDUCATIONAL AND HUMAN DEVELOPMENT ALONGWITH ENSURING THEIR SECURITY AND SOCIAL EMPOWERMENT AND PROMOTING EQUITY AMONG SCHEDULED CASTES AND THE SCHEDULED TRIBES, BY EARMARKING A PORTION, IN PROPORTION TO THE POPULATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN THE STATE, OF THE TOTAL PRAGATIPADDU OUTLAY OF THE STATE OF TELANGANA AS THE SCHEDULED CASTES SPECIAL DEVELOPMENT FUND/ SCHEDULED TRIBES SPECIAL DEVELOPMENT FUND OF THE STATE AND ENSURING EFFECTIVE INSTITUTIONAL MECHANISMS FOR THE IMPLEMENTATION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Telangana in the Sixty-eighth Year of the Republic of India, as follows:-

□ Received the assent of the Governor on the 30th March, 2017.

CHAPTER - I
PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Telangana State Scheduled Castes and Scheduled Tribes Special Development Fund (Planning, Allocation and Utilization of Financial Resources) Act, 2017.

(2) It extends to the whole of the State of Telangana.

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

Definitions.

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

(a) "Department" means, any Government Department concerned with implementation of the Pragathipaddu schemes for the welfare of Scheduled Castes and Scheduled Tribes;

(b) "Gaps in development" means, differences in development indicators of Scheduled Castes/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 Pragathipaddu of the Departments which benefit all social groups including Scheduled Castes and Scheduled Tribes;

(d) "Government" means, the State Government of Telangana;

(e) "Nodal Agency for SCSDF" means, the committee headed by Minister of Scheduled Castes Development;

(f) "Nodal Agency for STSDF" means, the committee headed by the Minister of Tribal Welfare;

(g) "Nodal Department" means, Scheduled Castes Development Department for Scheduled Castes and Tribal Welfare Department for Scheduled Tribes;

(h) "Notification" means notification published in the Telangana Gazette and the word „Notified" shall be construed accordingly;

(i) "Prescribed" means, prescribed by the Government by rules made under the Act;

(j) "Pragathipaddu" means, the total Scheme Expenditure budget of the State as provided in the Appropriation Act;

(k) "State Council" means, State Council for Development of Scheduled Castes and Scheduled Tribes headed by the Chief Minister constituted under the Act;

(l) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clauses (24) and (25) of article 366 of the Constitution of India;

(m) "Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund" means, a portion of the total Pragathipaddu outlays of the State, in a financial year, as earmarked under section 3;

(n) "Scheduled Caste/Scheduled Tribe habitation" means, any habitation where population of Scheduled

Castes or Scheduled Tribes is not less than 40% of the total population of the habitation respectively;

(o) "Special Development Fund" means, Scheduled Castes Special Development Fund (SCSDF) or Scheduled Tribes Special Development Fund (STSDF) or both;

(p) "Scheduled Areas" means, areas notified under Part C of Fifth Schedule to the Constitution of India;

(q) "Report regarding administration of Scheduled Areas" means, the Report by the Governor to the President of India regarding administration of Scheduled Areas as mentioned in paragraph 3 of Part A of Fifth Schedule to the Constitution of India;

(r) "Telangana Tribes Advisory Council" means, the Tribes Advisory Council established for the State of Telangana as mentioned in paragraph 4 of Part B of Fifth Schedule to the Constitution of India.

CHAPTER - II

PLANNING, RESOURCE ALLOCATION AND SCHEMES FOR SCHEDULED CASTES SPECIAL DEVELOPMENT FUND AND SCHEDULED TRIBES SPECIAL DEVELOPMENT FUND

Earmarking of Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund from Pragathipaddu outlays.

3. The State shall, in every financial year, earmark in such manner as may be prescribed, a portion of the total pragathipaddu outlays of the State which shall be proportionate to the Scheduled Castes/Scheduled Tribes population of the State, to be called as Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund.

4. The Department as may be authorized by the Government shall, every financial year, communicate, in the manner prescribed, to the other departments, a provisional

Communication of provisional outlay earmarked as

Scheduled Castes

outlay out of the Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund as earmarked under section 3 for preparation of respective department wise schemes for Scheduled Castes and

Special Development Fund/ Scheduled Tribes Special

Scheduled Tribes.

Development Fund to the Departments.

5. The Special Development Funds of the departments shall include only 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 that have the potential to bridge the gaps in development following the norms laid down in this Act and the rules made thereunder.

Schemes to be included under the Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund.

6. The departments shall prepare an action plan for

Promotion of

Scheduled Tribes Special Development Fund to promote equity in the development among various social groups within Scheduled Castes/ Scheduled Tribes and focused development of Scheduled Caste/ Scheduled Tribe habitations. In case of Scheduled Tribes Special Development Fund, special attention shall be paid to Scheduled Tribes residing in the Scheduled Areas.

Scheduled Castes and Scheduled Tribes.

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

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

Formulation of schemes for

8. On receipt of communication under section 4, each department, shall, after ascertaining the gaps in the

Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund.

development of Scheduled Castes/Scheduled Tribes, prioritize the development needs of Scheduled Castes/Scheduled Tribes through a consultative process, as may be prescribed, and shall formulate the schemes for Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund within the State Annual Pragathipaddu priorities.

Submission of Schemes to be included in each year in the Special Development Fund for appraisal.

9. Each Department, excluding the departments separately notified under this Act, shall submit, each year to the respective Nodal Departments, the Special Development Fund Schemes proposed to be included in the Special Development Funds, for appraisal by the Nodal Agency concerned, within the time frame and in the format, as may be prescribed.

CHAPTER - III

APPRAISAL, ALLOCATION AND APPROVAL OF SCHEMES UNDER SCHEDULED CASTES SPECIAL DEVELOPMENT FUND AND SCHEDULED TRIBES SPECIAL DEVELOPMENT FUND.

Appraisal of the SCSDF and STSDF Schemes by the Nodal Agency.

10. The Nodal Agency for Scheduled Castes Special Development Fund / Scheduled Tribes Special Development Fund, shall take up appraisal of schemes respectively submitted by the departments, to ensure conformity with the conditions and norms laid down in the Act.

Allocation of Scheduled Castes

11. The respective Nodal Agency, while indicating allocation of Scheduled Castes Special Development Fund and

Scheduled Tribes Special Development Fund to the schemes shall follow the norms mentioned below:-

Special Development Fund and Scheduled Tribes

(a) for schemes exclusively benefitting Scheduled Caste/ Scheduled Tribe individuals or Scheduled Caste/

Special Development

Scheduled Tribe households, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Development Fund or Scheduled Tribes Special Development Fund, as the case may be;

Fund for financing the SCSDF/STSDF Special schemes included in the Special Development Funds.

(b) for schemes benefitting Scheduled Caste/ Scheduled Tribe habitations, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund. In case of other habitations the cost shall be allocated and accounted in proportion of the population of the Scheduled Castes or Scheduled Tribes;

(c) for general schemes, included in the Special Development Fund, 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 Special Development Fund and Scheduled Tribes Special Development Fund, as per 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 Government shall be deemed to have been attributed for Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund respectively.

Recommendation by the Nodal Agencies and Nodal Department.

12. The schemes that fulfill the norms laid down in the Act shall be recommended by Nodal Agency for Scheduled Castes Development and Nodal Agency for Tribal Welfare for inclusion in the Annual Pragathipaddu proposals of the departments and aggregated for placing before the State Council for Development of Scheduled Castes and Scheduled Tribes for consideration and approval.

CHAPTER - IV
BUDGET PROVISIONING, DISTRIBUTION AND STRENGTHENING OF IMPLEMENTATION MACHINERY

Budget allocations.

13. The Schemes proposed by the State Council for Scheduled Castes Special Development Fund/Scheduled Tribes Special Development fund shall be considered for inclusion in the Demands for Grants for the departments under the relevant head of account for the Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund.

Unspent amount to be compensated.

14. If any amount of Special Development Fund remains unspent, it shall be compensated in the next financial year in the same proportion on the reach of actual expenditure to total budget estimate of Pragathipaddu at the end of a financial year in the manner prescribed.

Scheduled Castes Special Development Fund and Budget implementation

15. There shall be an exclusive Secretary, Finance in Finance Department for performing the functions relating to and allocation according to the

Scheduled Tribes Special Fund wing in Finance Department.

provisions of this Act within the overall discipline of the ways and means position as determined by the Finance Development department.

Budget Release Orders.

16. Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund immediately after passing of the budget by the State Legislature in accordance with the Schedule and norms prescribed.

CHAPTER - V

INSTITUTIONAL ARRANGEMENTS

State Council for Development of Scheduled Castes/ Scheduled Tribes.

17. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute a Council under the Chief Minister, to be known as the State Council for 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 thereunder.

(2) The State Council shall meet at least twice in a year.

Functions of the State Council.

18. The State Council shall,-

(a) advise the State Government on all the policy matters relating to Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund;

(b) suggest measures for proper planning and implementation of the schemes by the departments;

(c) approve proposals for Scheduled Castes Special Development fund / Scheduled Tribes Special Development Fund of the departments annually;

(d) perform such other functions as may be prescribed.

Nodal Agency and Nodal Department.

19. (1) Nodal Agencies headed by Ministers of Scheduled Castes Development and Tribal Welfare, shall be constituted in the manner prescribed, for Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund respectively and they shall exercise the powers conferred and perform the functions assigned under this Act.

(2) The Scheduled Castes Development Department and Tribal Welfare Department shall act as Nodal Departments for assisting the respective Nodal Agency to perform its functions and exercise its powers.

Functions of Nodal Agency and Nodal Department.

20. The respective Nodal Agency with the assistance of the respective Nodal Department shall,-

(a) evaluate and appraise the proposals of the Department for Special Development Fund for ensuring conformity to the provisions of this Act;

(b) prepare State Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund proposals for placing before the State Council for Development of Scheduled Castes and Scheduled Tribes for consideration and approval;

(c) recommend reallocation of Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund from a department to other department;

(d) review the implementation, monitoring, preparation and submission of periodical report/s of the Special Development Fund Schemes as may be prescribed;

(e) identify impediments and suggest measures for overcoming the impediments;

(f) co-ordinate with the departments for preparation of State level and district level Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund plan;

(g) maintain scheme wise, district wise, village wise and beneficiary wise details as may be prescribed, for transparency and monitoring the progress of the implementation, expenditure, output and outcome indicators as may be prescribed for Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund;

(h) facilitate annual social auditing of expenditure of Special Development Funds and facilitate analysis of improvement in Human Development or any other indicator as may be prescribed.

21. The directions of the Nodal Agency shall be binding on the Departments.

Administrative and technical support to Nodal Department for SCSDF & STSDF.

22. The Government shall appropriately strengthen the Departments of Scheduled Castes Development and Tribal Welfare with an Administrative and Technical Support Unit and a Special Development Fund Research Centre as may be prescribed, to perform the functions and discharge the duties assigned to it and to assist the respective Nodal Agency.

Department level Special Development Fund Unit.

23. The departments as identified by the State Council may establish a Special Development Fund Support Unit, as may be prescribed to manage the respective Scheduled Castes Support Special Development Fund/Scheduled Tribes Special Development Fund.

Implementation of Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund schemes in the district.

24. (1) The Government shall constitute a District Monitoring Committee in each district with the Collector as its Chairman, which shall be responsible for implementation of the Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund in the district.

(2) The District Monitoring Committee of the district shall review the implementation of Scheduled Castes Special Development Fund and Scheduled Tribes Special Development Fund periodically.

Institutional strengthening for effective implementation and monitoring.

25. 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 SPECIAL DEVELOPMENT FUND/SCHEDULED TRIBES SPECIAL DEVELOPLMENT FUND SCHEMES

Transparency and accountability.

26. Each department shall ensure transparency and accountability at all levels in the implementation of Scheduled Castes Special Development Fund/Scheduled Tribes Special Development Fund schemes.

Incentives and penalities.

27. 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:

Provided that disciplinary action shall be governed by the relevant service/disciplinary rules applicable to the Government officials and functionaries.

Annual Report to be placed before State Legislature.

28. The Nodal agency shall place before the State Legislature, an Annual Report on outcome of implementation of Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund containing department-wise achievements and the un-utilised funds during the financial year under report. The report on Scheduled Tribes Special Development Fund to the extent of Scheduled Areas shall form part of the Report regarding the administration of Scheduled Areas to be submitted to Governor in consultation with Telangana Tribes Advisory Council.

Power to make rules.

29. (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 under section 2;

(b) earmarking Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Funds from the Pragathipaddu outlays under section 3;

(c) identification of and preparation of schemes under Special Development Fund by the departments under section 8;

(d) preparation of budget proposal of Scheduled Castes Special Development Fund/ Scheduled Tribes

Special Development Fund for appraisal by the Nodal Departments under section 9;

(e) strengthen the Finance Department for monitoring expenditures under the Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund under section 15;

(f) constitution of, and transaction of business in the State Council for Development of Scheduled Castes and Scheduled Tribes, the qualification, disqualification and other allowances to the non-official members of the State Council under section 17;

(g) constitution of Nodal Agencies for Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund under section 19;

(h) constitution of Administrative and Technical Support Unit in respective Nodal Department for Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund under section 22;

(i) constitution of Special Development Fund Support Unit at department level under section 23;

(j) constitution of District Monitoring Committee and the connected matters under section 24;

(k) institutional strengthening at State, district and sub-district level for ensuring effective implementation, awareness, mass contact programme, social audit and monitoring of Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund under section 25; and

(l) procedures for ensuring transparency and accountability in the implementation of Scheduled Castes Special Development Fund/ Scheduled Tribes Special Development Fund under section 26.

(3) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

Power to remove difficulties.

30. (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 each House of the State Legislature.

31. The Government may constitute a committee consisting of such official and non-official members on such terms and conditions as may be prescribed, to carry out the functions

entrusted to it in connection with monitoring the implementation of the provisions under this Act.

Repeal and savings.

Act 1 of 2013.

Act 1 of 1891.

32. The Telangana Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilisation of Financial Resources) Act, 2013 is hereby repealed and upon such repeal the Telangana General Clauses Act, 1891 shall apply.

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