

Bill No. 43 of 2017

THE SCHEDULED CASTES AND SCHEDULED TRIBES SUB PLANS
(BUDGETARY ALLOCATION AND SPECIAL SCHEMES)
BILL, 2017

By

DR. Udit RAJ, M.P.

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to ensure speedy removal of social and economic disparity through targeted expenditure on special schemes for the welfare and development of the persons belonging to the Scheduled Castes and the Scheduled Tribes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes Sub Plans (Budgetary Allocation and Special Schemes) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Definitions.

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

(a) “prescribed” means prescribed by the rules made under this Act;

(b) “Scheduled Castes Sub Plan” means the process of funds allocation, identification and preparation of exclusive schemes, the expenditure on such schemes and the analysis of its final outcome, for the Scheduled Castes;

(c) “special schemes” means schemes which focus on individual beneficiary schemes, family oriented cum income generation schemes for development of persons belonging to the Scheduled Castes and the Scheduled Tribes and Scheduled Castes and Scheduled Tribes families and schemes for improving the physical and social infrastructure of localities and community infrastructure like special schools for girls and boys, coaching centers, working womens’ hostel, special libraries, health and employment; and

(d) “Tribal Sub Plan” means the process of funds allocation, identification and preparation of exclusive schemes, the expenditure on such schemes and the analysis of its final outcome, for the Scheduled Tribes.

Budgetary allocation for Scheduled Castes and the Scheduled Tribes.

3. (1) **The Central Government shall, after due appropriation made by Parliament by law in this behalf, make separate budgetary allocation for the welfare and development of persons belonging to the Scheduled Castes and the Scheduled Tribes, in proportion to their population.**

(2) **The budgetary allocations so earmarked under sub-section (1) shall be spent only on special schemes in such manner, as may be prescribed.**

(3) The budgetary allocations under the Scheduled Castes Sub Plan and Tribal Sub Plan shall not be diverted for any other purposes or allowed to lapse.

(4) For the purposes of this Act, the Ministry of Social Justice and Empowerment, Government of India shall be the nodal Ministry for the Scheduled Castes Sub Plan and the Ministry of the Tribal Affairs shall be the nodal Ministry for Tribal Sub Plan.

(5) **The Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs shall present separate Annual Budgets and Performance Budgets for the Scheduled Castes Sub Plan and Tribal Sub Plan, respectively.**

Penalties.

4. Whoever contravenes the provisions of sub-sections (2) or (3) of section 3 shall be guilty of wilful and deliberate act of dereliction of duty and shall be punished under section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 after fixing the individual responsibility.

Act to have overriding effect.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to remove difficulties.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions contained in this 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 after expiry of two years from the date of commencement of this Act.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the 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.

STATEMENT OF OBJECTS AND REASONS

The legislative efforts undertaken to close the development gap between Dalits and Adivasis and other date back to 1950, when the Constitution provided opportunities for the Scheduled Castes and the Scheduled Tribes in the areas of education, employment in public services and electoral seats through the policy of reservation. From economic point of view, the most important policies approved so far are the Tribal Sub Plan (STP) and the Special Component Plan (SCP), now called Scheduled Castes Sub Plan (SCSP), executive budget policies, according to which funds and resources are to be reserved across Central Ministries and Departments in the State Governments in proportion to the Scheduled Castes/Scheduled Tribes population at the National, as per the current census data.

However, close scrutiny of the current situation reveals that these two policies have not been implemented effectively. The money earmarked under these policies is diverted for general scheme and does not go for funding of the schemes, exclusively for the benefit of the Scheduled Castes and the Scheduled Tribes. It is not surprising that Dalits and Adivasis still remain far away from mainstream development in the country. The literacy gap is still quite high and the dropout rate is still high. The rate of infant mortality and child mortality under five is higher among the Scheduled Castes and the Scheduled Tribes than among other social group; the Scheduled Castes and the Scheduled Tribes are still less equipped with the basic requirements for human survival like water and power supply facilities, latrines, sewerage, houses, etc. and poverty is still very rampant among them.

In fact, positive and substantial changes require making appropriate allocation of funds compulsory, their distribution timely and focused and effective management of the funds for the welfare of the Scheduled Castes/Scheduled Tribes. Hence, there is a need to introduce a new piece of legislation with the objective of achieving the holistic and speedy economic development of these communities. In order to ensure speedy economic development of the persons belonging to the Scheduled Castes and the Scheduled Tribes, it is proposed to give statutory back up to the SCSP and STSP and a strict monitoring on their implementation, without diversion of funds earmarked for welfare of the Scheduled Castes and the Scheduled Tribes.

Hence this Bill.

NEW DELHI;
April 13, 2016.

UDIT RAJ

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3) OF THE CONSTITUTION

[Copy of letter No. 16014/01/2016-SCD-II dated 20 February, 2017 from Shri Thaawarchand Gehlot, Minister of Social Justice and Empowerment to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Scheduled Castes and Scheduled Tribes Sub Plans (Budgetary Allocation and Special Schemes) Bill, 2017 by Dr. Udit Raj, Member of Parliament, recommends to the House for introduction under article 117(1) and consideration of the Bill under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a separate budgetary allocation by the Central Government for the welfare and development of the persons belonging to the Scheduled Castes and the Scheduled Tribes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to estimate the expenditure likely to be incurred.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Dr. Udit Raj, M.P.)