

**Bill No. XVI of 2015**

THE SCHEDULED CASTES AND SCHEDULED TRIBES SUB PLANS  
(BUDGETARY ALLOCATION AND SPECIAL SCHEMES) BILL, 2015

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BILL

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

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

1. (1) This Act may be called the Scheduled Castes and Scheduled Tribes Sub Plans (Budgetary Allocation and special schemes) Act, 2015.

Short title,  
and  
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "Prescribed" means prescribed by rules made under this Act;

10 (a) "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 Scheduled Castes;

(c) "Special schemes" means such schemes which focus on individual beneficiary schemes, family oriented cum income generating schemes for development of Scheduled Castes and Scheduled Tribes communities and Scheduled Castes and Scheduled Tribes

families, and for improving the physical and social infrastructure of localities, community infrastructure like special schools, for girls and boys, coaching centers, working women hostel, special libraries, health, employment, etc.

(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 Tribal Sub Plan for the Scheduled Tribes; 5

Budgetary allocation for Scheduled Castes and Scheduled Tribes.

**3. (1)** The Central Government and the State Governments shall make separate plan for budgetary allocation for the welfare and development of the members of the Scheduled Castes and the Scheduled Tribes Communities in proportion to their population at the national and state levels. 10

(2) The funds so earmarked under sub-section (1), shall be spent only on special schemes exclusively for the benefit of Scheduled Castes and Scheduled Tribes in such manner, as may be prescribed.

(3) Funds allocated under Scheduled Castes Sub Plan and Tribal Sub Plan shall not be diverted or lapse. 15

(4) The Ministry of Social Justice and Empowerment, Government of India shall be the nodal Ministry for Scheduled Castes Sub Plan and the Ministry of 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 a separate Annual Budget and Performance Budget for Scheduled Castes Sub Plan and Tribal Sub Plan, as the case may be. 20

(6) The Department of Social Welfare or the Department looking after the welfare of Scheduled Castes and Scheduled Tribes shall work as Nodal department in each State.

Penalties.

**4.** Whoever contravenes any provisions contained in sub-sections (1), (2) and (3) of section 3 shall be guilty of wilful and deliberate act of dereliction of duty and shall be punishable under section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 after fixing the individual responsibility. 25  
33 of 1989.

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, or in any instrument having effect by virtue of any such law. 30

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 them to be necessary or expedient for the removal of the difficulty.

Power to make rules.

**7. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. 35

(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 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. 40

## STATEMENT OF OBJECTS AND REASONS

The legislative efforts undertaken to close the development gap between Dalits and Adivasis and others date back to 1950, when the Indian Constitution provided opportunities for Scheduled Castes and Scheduled Tribes in the areas of education, employment in public services and electoral seats through the policy of reservation. This important measure was the first of a series of legislations enacted in favour of SCs and STs, the last of which is the Bill on Reservation in Promotions for SCs though passed by Rajya Sabha but pending in the Lok Sabha. From economic point of view, the most important policies approved so far are the Tribal Sub Plan (TSP) and the Special Component Plan (SCP), now called Scheduled Caste 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 SC/ST population at the National and State level, as per the current census data at each respective level.

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 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. National mortality, infant mortality, child mortality and under five mortality is higher among SCs and STs than among other social groups. SCs and STs 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.

Though, small improvement in the conditions of SCs and STs has taken place over a period of time, the progress of thirty years of the initiation of the SCSP/TSP, clearly indicate that legislators need to reckon with this sorry state of affairs and must feel obligated to take drastic steps to remedy the situation. In fact, only by making compulsory the appropriate allocation, timely and focused distribution and effective management of the funds for SCs/STs can bring positive and substantial changes. 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 member of SC&ST, it is proposed to invoke section 4 the Scheduled Castes and the Scheduled Tribes Act, 1989 against the willful defaulters.

Hence this Bill.

P.L. PUNIA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill envisages a separate budgetary allocation by the Central Government and the State Government for the welfare and development of the members belonging to the Scheduled Castes and Scheduled Tribes communities. Hence, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to quantify the exact amount. A non-recurring expenditure is also 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 this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

RAJYA SABHA

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*(Shri P.L. Punia, M.P.)*