The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 9th May 2024 and is hereby published for general information:—

ACT No. 20 OF 2024

An Act to put in place an institutional mechanism for the preparation, approval, implementation and monitoring of the Development Action Plan for the Scheduled Castes and the Scheduled Tribes and to earmark funds for the development of the Scheduled Castes and the Schedules Tribes not less than the proportion to their population in the State of Tamil Nadu and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER – I.

PRELIMINARY.

1. Short title, extent and commencement. (1) This Act may be called the Tamil Nadu Development Action Plan for the Scheduled Castes and the Scheduled Tribes Act, 2024.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

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

(a) “Development Action Plan” means the Development Action Plan for the Scheduled Castes and the Scheduled Tribes approved by the State Council;

(b) "Empowered Committee" means the Committee constituted under section 5;

(c) "exempted expenditure" means the expenditure on salary, salary grants-in-aid, pension, administrative establishment, capital expenditure, principal repayment, interest payment and any other expenditure of administrative nature as may be notified by the Government and it includes the amounts that could not be spent due to non-release or short release of funds by the Union Government for Central Sector Schemes and Centrally Sponsored Schemes;

(d) "gaps in development" means the shortfall in such development indices, as may be prescribed, pertaining to the Scheduled Castes and the Scheduled Tribes in comparison to the State average;

(e) "General Schemes" means schemes included in the Statement of Welfare Expenditure which benefit all the social groups in the State including the Scheduled Castes and the Scheduled Tribes;

(f) "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning assigned to them, in clauses (24) and (25), respectively, of Article 366 of the Constitution of India;

(g) "Special Schemes" means schemes included in the Statement of Welfare Expenditure which exclusively benefit the Scheduled Castes and the Scheduled Tribes in the State;

(h) "State" means the State of Tamil Nadu;

(i) "State Council" means the Tamil Nadu State Council for the Development of the Scheduled Castes and the Scheduled Tribes constituted under section 3;

(j) "Statement of welfare expenditure" means the statement published by the Government which contains the sector wise abstract of the welfare expenditure and the budgetary allocations for various welfare schemes;

(k) "total welfare expenditure outlay of the State" means overall sum of the budgetary allocation made for the schemes listed in the Statement of welfare expenditure.

CHAPTER-II.

INSTITUTIONAL ARRANGEMENT.

3. Constitution of the State Council. (1) The Government shall, by notification, constitute a Council to be known as the Tamil Nadu State Council for the Development of the Scheduled Castes and the Scheduled Tribes to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The State Council shall consist of the following members, namely:—

(a) the Chief Minister, who shall be the Chairperson, ex-Officio;

(b) the Minister in-charge of the Adi Dravidar and Tribal Welfare, ex-Officio;

(c) the Minister in-charge of Finance, ex-Officio;

(d) the Minister in-charge of Forests, ex-Officio;

(e) five members to be nominated by the Government from among the members of the Legislative Assembly and the members of the Parliament, belonging to the Scheduled Castes or the Scheduled Tribes, ex-officio;

(f) the Chief Secretary to Government, ex-Officio;

(g) the Secretary to Government in-charge of Finance, ex-Officio;

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(h) the Secretary to Government in-charge of Planning, Development and Special Initiatives, ex-Officio;

(i) the Secretary to Government in-charge of Environment, Climate Change and Forests, ex-Officio;

(j) the Secretary to Government in-charge of Adi Dravidar and Tribal Welfare, who shall be the Member-Secretary, ex-Officio; and

(k) four members to be nominated by the Government from among the persons working for the welfare of the Scheduled Castes and the Scheduled Tribes in the State.

(3) The members nominated under clause (e) of sub-section (2) shall hold office till they cease to be a member of the Legislative Assembly or the Parliament, as the case may be.

(4) The member nominated under clause (k) of sub-section (2) shall hold office for a period of one year.

(5) The Government may, at any time, cancel any of the nominations made under clause (e) or clause (k) of sub-section (2) and make fresh nominations under the said clauses.

(6) The nominated members shall be eligible for such allowances as may be prescribed.

(7) The State Council shall meet at least once in a year.

4. Functions of the State Council. The State Council shall perform the following functions, namely:—

(a) advise the Government on policy matters relating to the Development Action Plan;

(b) suggest measures for planning and implementation of the Schemes for the development of the Scheduled Castes and the Scheduled Tribes ;

(c) approve the Development Action Plan submitted by the Empowered Committee;

(d) give directions to the Empowered Committee in planning, implementation and monitoring of the Development Action Plan;

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

5. Constitution of the Empowered Committee. (1) There shall be an Empowered Committee of the State Council consisting of the following members, namely:—

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(a) the Minister in-charge of Adi Dravidar and Tribal Welfare, who shall be the Chairperson, ex-Officio;

(b) the Chief Secretary to Government, ex-Officio;

(c) the Secretary to Government in-charge of Adi Dravidar and Tribal Welfare, ex-Officio;

(d) the Secretary to Government in-charge of Finance, ex-Officio;

(e) the Secretary to Government in-charge of Planning, Development and Special Initiatives, ex-Officio;

(f) the Secretary to Government in-charge of Environment, Climate Change and Forests, ex-Officio;

(g) the Director, Adi Dravidar Welfare Department, ex-Officio, who shall be the convener; and

(h) the Director, Tribal Welfare Department, ex-Officio; who shall be the co-convener.

(2) The Secretary to Government of the respective departments for which funds are earmarked or proposed to be earmarked in the Development Action Plan, shall be the special invitees for the meetings of the Empowered Committee.

(3) The Empowered Committee shall meet at least thrice in a year.

6. Functions of the Empowered Committee. The Empowered Committee shall perform the following functions, namely:—

(a) formulate and design suitable schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(b) monitor and review the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes by the respective departments;

(c) evaluate the draft Development Action Plan and place it before the State Council for its approval;

(d) evaluate the outcome and impact of the ongoing schemes of the respective departments for the development of the Scheduled Castes and the Scheduled Tribes and appraise it to the State Council;

(e) finalize the quantum of the unspent funds earmarked under this Act for the development of the Scheduled Castes and the Scheduled Tribes to various departments in a financial year, which shall be carried forward to the financial year next to the immediately succeeding financial year;

(f) perform such other functions, as may be prescribed.

7. Nodal Department and its functions. (1) The Adi Dravidar and Tribal Welfare Department shall be the nodal department for the formulation and implementation of the Development Action Plan.

(2) The nodal department shall,–

(a) prepare the draft Development Action Plan and place it before the Empowered Committee for its consideration and approval;

(b) monitor the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(c) maintain a database as may be required for the planning, allocation and utilization of the funds earmarked under this Act for the development of the Scheduled Castes and the Scheduled Tribes;

(d) undertake research, survey and statistical studies, in such manner as may be prescribed, to track the progress of the implementation of the Schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(e) create a web portal for the dissemination of such information for the development of the Scheduled Castes and the Scheduled Tribes in such manner, as may be prescribed; and

(f) undertake periodical impact analysis of the implementation of the Development Action Plan based on the gaps in development.

8. District Monitoring Committee and its functions. (1) There shall be a District Monitoring Committee in each district, which shall be responsible for the implementation of the Development Action Plan in the district.

(2) The District Monitoring Committee shall consist of the following members, namely:—

(a) the District Collector, who shall be the Chairman, ex-Officio;

(b) not more than five Members of the State Legislative Assembly or of the Parliament, preferably those belonging to the Scheduled Castes or the Scheduled Tribes, whose constituency lies wholly or partly in that District, to be nominated by the Government, ex-Officio;

(c) the Project Director – District Rural Development Agency, ex-Officio;

(d) the District Revenue Officer, ex-Officio;

(e) the District Forest Officer, ex-Officio;

(f) the Joint Director, Agriculture, ex-Officio;

(g) the District Adi Dravidar and Tribal Welfare Officer, ex-Officio, who shall be the Convener; and

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(h) the Project Director of the district, where the Integrated Tribal Development Programme is implemented, ex-Officio, who shall be the co-convener.

(3) The District level officers of the respective departments, for which funds are earmarked or proposed to be earmarked in the Development Action Plan, for the development of the Scheduled Castes and the Scheduled Tribes, shall be the special invitees for the meetings of the District Monitoring Committee.

(4) The members nominated under clause (b) of sub-section (2) shall hold office till they cease to be a member of the Legislative Assembly or the Parliament, as the case may be.

(5) The Government may, at any time, cancel any of the nominations made under clause (b) of sub-section (2) and make fresh nominations under the said clause.

(6) The nominated members shall be eligible for such allowances as may be prescribed.

(7) The District Monitoring Committee shall review the implementation of the Development Action Plan in the District once in three months and submit a progress report to the nodal department.

CHAPTER-III.

PREPARATION OF DEVELOPMENT ACTION PLAN AND EARMARKING OF FUNDS.

9. Preparation of Development Action Plan. (1) The nodal department shall evaluate the gaps in development of the Scheduled Castes and the Scheduled Tribes in consultation with the departments concerned and then prepare a draft Development Action Plan in such manner as may be prescribed and place it before the Empowered Committee for its consideration and approval before the beginning of each financial year.

(2) The Empowered Committee shall evaluate the draft Development Action Plan and place it before the State Council for its approval with or without modifications, as it may deem fit.

(3) The State Council shall examine the draft Development Action Plan and approve it subject to the modifications as it may deem fit.

10. Earmarking of Funds for the Development of the Scheduled Castes and the Scheduled Tribes. (1) The Government shall, in every financial year, earmark funds for the development of the Scheduled Castes and the Scheduled Tribes from the total welfare expenditure outlay of the State, in such manner as may be prescribed, which shall be not less than the proportion of the population of the Scheduled Castes and the Scheduled Tribes in the State.

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(2) The unspent funds earmarked in a financial year to a department under sub-section (1) for the development of the Scheduled Castes and the Scheduled Tribes, if any, except the exempted expenditure, shall be carried forward to the financial year next to the immediately succeeding financial year and it shall not be carried forward beyond that year.

(3) Out of the funds so carried forward, two-thirds shall be allocated to the same department and the remaining one-third to the nodal department under a separate head of account and such carried forward funds shall be utilized by the respective departments in accordance with the guidelines issued by the Government, from time to time.

(4) The funds for the development of the Scheduled Castes and the Scheduled Tribes under sub-section (1) shall be earmarked in each financial year in accordance with the annual financial statement of the Government.

11. Expenditures to be included in the Earmarked Funds. While earmarking the funds for the development of the Scheduled Castes and the Scheduled Tribes under section 10, the following expenditures may be included therein, namely:—

(a) in respect of the Special Schemes exclusively benefitting the Scheduled Castes and the Scheduled Tribes, hundred per cent of the expenditure allocated for such schemes;

(b) in respect of General Schemes, a portion of the expenditure allocated to such schemes in proportion to the population of the Scheduled Castes and the Scheduled Tribes in the State or to the number of beneficiaries of such schemes belonging to the Scheduled Castes and the Scheduled Tribes, as the case may be, whichever is higher; and

(c) in respect of the schemes involving non-divisible infrastructure works, a portion of the scheme cost as it may deem fit.

12. Proposal of Schemes. Each department shall measure the gaps in the development of the Scheduled Castes and the Scheduled Tribes in the State in the prescribed manner and prioritize their developmental needs through a consultative process and may propose schemes to the Empowered Committee through the nodal department.

13. Appraisal of proposed Schemes. The Empowered Committee shall evaluate the Schemes, if any, proposed by the nodal department and ensure that those Schemes are in conformity with this Act.

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CHAPTER-IV.

MISCELLANEOUS.

14. Transparency and Accountability. (1) The Government shall ensure transparency and accountability at all levels in the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes.

(2) The Government shall publish the documents along with relevant statistical data on the status of the implementation of Development Action Plan, in the Web Portal created under this Act and in any other web portal or public domain, as may be notified by the Government.

15. Annual Report. The nodal department shall place before the Legislative Assembly, an annual report in respect of each financial year on the impact and outcome of the implementation of the Development Action Plan containing the department wise achievements and the status of the unspent funds earmarked during that financial year.

16. Power to remove difficulties. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act.

17. Power to make rules. (1) The Government may, by notification, make rules for carrying out all or any of the provisions 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) the development indices for the measurement of gaps in development and the manner of such measurement ;

(b) allowances payable to the nominated members of the State Council and the District Monitoring Committee;

(c) such other functions of the State Council and the Empowered Committee;

(d) the manner of undertaking research, survey and statistical studies by the nodal department to track the progress of the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(e) kinds of information which have to be disseminated through the web portal and the manner of such dissemination;

(f) manner of preparation of the Development Action Plan;

(g) manner of earmarking of the funds under section 10 for the development of the Scheduled Castes and the Scheduled Tribes; and

(h) any other matter which is required to be, or may be, prescribed under this Act.

(3) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(4) Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, such rule or notification or order 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 or notification or order.

(By order of the Governor)

S. GEORGE ALEXANDER,

Secretary to Government,

Law Department.

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