



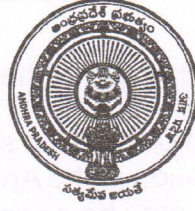
The Andhra Pradesh Backward Classes Sub-Plan (Planning, Allocation and Utilisation of Financial Resources) Act, 2019

Act 13 of 2019

Keyword(s):

Backward Classes, Sub Plan Fund, Habitation, Gaps in development, General Schemes, Nodal Agency for BCSP, Nodel Department

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THE ANDHRA PRADESH GAZETTE PART IV-B EXTRAORDINARY PUBLISHED BY AUTHORITY

No.13]

AMARAVATI, TUESDAY, 19th FEBRUARY, 2019.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 18th February, 2019 and the said assent is hereby first published on the 19th February, 2019 in the Andhra Pradesh Gazette for general information :-

ACT No. 13 of 2019

AN ACT TO ENSURE, ACCELERATED DEVELOPMENT OF BACKWARD CLASSES WITH EMPHASIS ON ACHIEVING EQUALITY IN THE NEXT TEN YEARS FOCUSING ON ECONOMIC, EDUCATIONAL AND HUMAN DEVELOPMENT ALONG WITH ENSURING THE SECURITY AND SOCIAL DIGNITY AND PROMOTING EQUITY AMONG BACKWARD CLASSES, BY EARMARKING A PORTION, IN PROPORTION TO POPULATION OF BACKWARD CLASSES IN THE STATE OF THE TOTAL PLAN OUTLAY OF THE STATE OF ANDHRA PRADESH AS THE OUTLAY OF THE BACKWARD CLASSES SUB-PLAN 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 Andhra Pradesh in the seventieth year of the Republic of India as follows:

CHAPTER - I PRELIMINARY

- (1)** This Act may be called the Andhra Pradesh Backward Classes Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2019.

Short title, extent, commencement, duration and savings.

- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint, and different dates may be appointed for different provisions of this Act.
- (4) It shall cease to have effect after the expiry of ten years from the date of commencement, except in respect of this done or omitted to be done before such cesser and upon such cesser the Andhra Pradesh General Clauses Act, 1891, shall apply as if this Act had been repealed by a State Act.

Act No.1 of 1891.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) "Backward classes" shall have the meanings assigned respectively under Article 15 and 16 of the Constitution of India as specified by the State Government from time to time.
 - (b) "Backward classes Sub-Plan (BCSP)" means the Plan approved by the State Council for inclusion in the Annual Plan of the Department to bridge the gap in development of Backward Classes and shall include the Backward classes component of general schemes;
 - (c) "Backward classes Sub-Plan Fund" means a portion of the total plan outlays of the State, in a financial year, as earmarked under section 3;
 - (d) "Backward Classes habitation" means any habitation where population of Backward Classes is not less than 40% of the total population of the habitation;
 - (e) "Backward classes Sub-Plan Schemes" means the Backward Classes Sub-Plan schemes included in the Backward Classes Sub-Plan of the Departments;
 - (f) "Gaps in development" means differences in development indicators of Backward Classes when compared to the state averages, as may be prescribed particularly relating to human and economic development;
 - (g) "General Schemes" means schemes included in the Annual Plans of the Departments which benefit all social groups including Backward classes;
 - (h) "Government" means the State Government of Andhra Pradesh;
 - (i) "Nodal Agency for BCSP" means the committee headed by Minister of Backward Classes Welfare;
 - (j) "Nodal Department" means Backward Classes Welfare Department for Backward Classes Sub-Plan;

- (k) "Notification" means notification published in the Andhra Pradesh Gazette and the word 'Notified' shall be construed accordingly;
- (l) "Prescribed" means prescribed by the Government by rules made under the Act;
- (m) "State Council" means State Council for Development of Backward Classes constituted under the Act;
- (n) "Sub-Plans" means Backward Classes Sub-Plan (BCSP);
- (o) "The Department" means any Government Department concerned with implementation of the plan schemes for the welfare of Backward classes.

CHAPTER - II

PLANNING, RESOURCE ALLOCATION FOR BACKWARD CLASSES SUB - PLAN FUNDS AND SCHEMES

3. The State shall, in every financial year, earmark one-third portion of the total Plan outlays of the State to be called as Backward Classes Sub-Plan Fund:

Earmarking of Backward Classes Sub-Plan Fund from Plan outlays.

Provided that, the Fund to be earmarked is determined at least 6 months prior to commencement of the next financial year:

Provided further that, the Backward Classes Sub-Plan Fund outlay shall be revised according to State Annual Plan final outlay and:

Provided also that the expenditure of the BCSP Fund shall be accounted for in the manner hereafter specified in this Act.

4. The department as may be authorized by the Government shall, every financial year, communicate, in the manner prescribed, to the other departments, a tentative plan outlay out of Backward Classes Sub-Plan Fund as earmarked under Section 3 for preparation of respective department wise Backward Classes Sub-Plan.

Communication of Plan outlay earmarked Backward Classes as Sub-Plan Fund to the departments.

5. The Sub-Plans of the departments shall include only such schemes that secure direct and quantifiable benefits to the Backward Classes individuals or Backward Classes households and that have the potential to bridge the gaps in development following the norms laid down in this Act and the rules made there under:

Schemes to be included under the Backward Classes Sub-Plans.

Provided that the schemes should be consistent with the Annual and Five Year Plans and priorities of the State of Andhra Pradesh as may be communicated by the Planning department.

6. The departments shall prepare Backward Classes Sub-Plan to promote equity in the development among various Castes within Backward Classes and focused development within.

Promotion of equity among Backward Classes.

Obligation to cover Backward Classes in general schemes.

7. The departments shall ensure coverage of Backward Classes in the ongoing general schemes consistent with their eligibility for the same.

Formulation of Backward Classes Sub-Plan schemes and preparation of Sub-Plans by the departments.

8. On receipt of communication under section 4, each department, shall, after estimating the gaps in the development of Backward Classes, prioritize the development needs of Backward Classes through a consultative process, as may be prescribed and shall formulate the Backward Classes Sub-Plan schemes and prepare the Sub-Plans comprising of the Backward Classes Sub-Plan schemes, within the State Plan priorities as communicated under section 5.

Submission of Sub-Plan proposed to be included in the Annual Plan for appraisal.

9. Each Department, excluding the departments separately notified under this Act, shall submit each year, to the respective Nodal Departments, the Sub-Plans comprising of Backward Classes Sub-Plan Schemes proposed to be included in the Annual Plans, for appraisal by the Nodal Agency concerned, within the time frame and in the format, as may be prescribed.

CHAPTER-III

APPRAISAL, ALLOCATION OF BACKWARD CLASSES SUB-PLAN FUND AND APPROVAL OF THE SUB-PLAN

Appraisal of the Backward Classes Sub-Plan Schemes by the Nodal Agencies.

10. The Nodal Agency for Backward Classes Sub-Plan, shall take up appraisal of the Backward Classes Sub-Plan Schemes submitted by departments, to ensure conformity with the conditions and norms laid down in the Act.

Allocation of Backward Classes Sub-Plan Fund for financing the Backward Classes Sub-Plan Schemes included in the Sub-Plan.

11. The respective Nodal Agency, while indicating allocation of Backward Classes Sub-Plan Fund to the Backward Classes Sub-Plan Schemes shall follow the following norms namely; -

- (a) For schemes exclusively benefiting Backward Classes individuals or Backward Classes households, 100% of scheme cost shall be allocated and accounted for under Backward Classes Sub-Plan fund.
- (b) For schemes benefiting Backward Classes habitations, 100% of scheme cost shall be allocated and accounted for under Backward Classes Sub-Plan fund in case of other habitations the cost shall be allocated and accounted for under Backward Classes Sub-Plan in proportion of the population of the Backward Classes;
- (c) For general schemes, included in the Sub-Plans, benefitting Backward Classes individuals or households, along with others, the scheme cost shall be allocated and accounted for under Backward Classes Sub-Plan, in proportion to the Backward Classes 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 Backward Classes Sub-Plan.

12. The schemes that fulfill the norms laid down in the Act shall be recommended by Nodal Agency for Backward Classes Welfare for inclusion in the Annual Plan proposals of the departments and aggregated for placing before the State Council for Development of Backward Classes, for consideration and approval as a pre-budget process.

Recommendation
by the Nodal
Agencies and Nodal
Department.

CHAPTER-IV

BUDGET PROVISIONING DISTRIBUTION AND STRENGTHENING OF IMPLEMENTATION MACHINERY

13. The budget approved by the State Council for Backward Classes Sub-Plan shall be included in the Demands for Grants for the departments under the relevant head of account for the Backward Classes Sub-Plan.

Budget
allocations.

14. There shall be an exclusive Secretary, Finance in 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 positions as determined by the Finance department.

Backward Classes
Sub-Plan wing in
Finance
Department.

15. Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for Backward Classes Sub-Plan immediately after passing of the budget by the State Legislature in accordance with the schedule and norms prescribed.

Budget Release
Orders.

CHAPTER - V

INSTITUTIONAL ARRANGEMENTS

16. (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 Backward Classes to exercise the powers conferred and to perform the functions assigned to it under the Act and the rules made thereunder.

State Council for
Development of
Backward Classes.

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

17. The State Council shall: -

Functions of the
State Council.

- (a) Advise the State Government on all the policy matters relating to Backward Classes Sub-Plan;
- (b) Suggest measures for proper planning and implementation of the schemes by the departments;
- (c) Approve the Annual Backward Classes Sub-Plan proposals of the Departments;
- (d) Perform such other functions as may be prescribed.

18. (1) Nodal Agencies headed by Minister of Backward Classes Welfare, shall be constituted in the manner prescribed, for Backward Classes Sub-Plan and shall exercise the powers conferred and perform the functions assigned under this Act.

Nodal agency and
Nodal
Department.

(2) The Backward Classes Welfare Department shall act as Nodal Department for assisting the respective Nodal Agency to perform its functions and exercise its powers.

Functions of Nodal Agency and Nodal Department.

19. The Nodal Agency with the assistance of the Nodal Department shall:

- (1) Evaluate and appraise Backward Classes Sub-Plan proposed by the departments for ensuring conformity to the provisions of this Act;
- (2) Prepare State Backward Classes Sub-Plan for placing before the State Council for Development of Backward Classes for consideration and approval;
- (3) Recommend reallocation of Backward Classes Sub-Plan funds from a department to other department;
- (4) Review the implementation and monitoring of the Backward Classes Sub-Plan programme;
- (5) Identify impediments and suggest measures for overcoming the impediments;
- (6) Co-ordinate with the departments for preparation of State Level and district level Backward Classes Sub-Plan;
- (7) 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 Backward Classes Sub-Plan;
- (8) Facilitate at least annual social auditing of expenditure of Backward Classes 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.

Administrative and technical support to Nodal Department for Backward Classes Sub-Plan.

20. The Government shall appropriately strengthen the Nodal Departments of Backward Classes Welfare with an Administrative and Technical Support Unit and a Sub-Plan 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 Sub-Plan Support Unit.

21. The departments as identified by the State Council may establish a Sub-Plan Support Unit, as may be prescribed to manage the Backward Classes Sub-Plan.

Implementation of Backward Classes Sub-Plan schemes in the districts.

22. (1) The Government shall constitute a District Monitoring Committee in each district with the District Collector as its Chairman, which shall be responsible for implementation of the Backward Classes Sub-Plan in the district.

- (2) The District Planning Committees of each district shall review the implementation of Backward Classes Sub-Plan, periodically.

23. 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.

Institutional strengthening for effective implementation and monitoring.

CHAPTER-VI

TRANSPARENCY AND ACCOUNTABILITY IN THE IMPLEMENTATION OF BACKWARD CLASSES SUB-PLAN

24. (1) Each department shall ensure transparency and accountability at all levels in the implementation of Backward Classes Sub-Plan schemes.

Transparency and accountability.

(2) Each department shall, host the documents, as may be prescribed in public domain.

25. Government shall formulate and 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:

Incentives and penalties.

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

26. The Nodal agency shall place before the State Legislature, an Annual Report on outcome of implementation of Backward Classes Sub-Plan containing department-wise achievements and the un-utilized funds during the financial year under report.

Annual Report to be placed before State Legislature.

27. (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.

Power to make Rules.

(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 Backward Classes under section 2 (b);
- (b) Earmarking Backward Classes Sub-Plan Funds from the plan outlays under section 3;
- (c) Identification of Backward Classes Sub-Plan Schemes and preparation of Sub-Plans by the departments under section 8;
- (d) Preparation of budget proposal of Backward Classes Sub-Plan for appraisal by the Nodal Departments under section 9;

- (e) Strengthen the Finance Department for monitoring expenditures under the Backward Classes Sub-Plan under section 14;
- (f) Constitution of, and transaction of business in the State Council for development of Backward Classes; the qualification, disqualification and other allowances to the non-official members of the State Council under section 16;
- (g) Constitution of Nodal Agencies for Backward Classes Sub-Plan under section 18;
- (h) Maintenance of a web portal by the Nodal Agency under section 19;
- (i) Constitution of Administrative and Technical Support Unit in respective Nodal Department for Backward Classes Sub-Plan under section 20;
- (j) Constitution of Sub-Plan Support Unit at department level under section 21;
- (k) Constitution of District Monitoring Committees and the connected matters under section 22;
- (l) Institutional strengthening at State, district and sub-district level for ensuring effective implementation, awareness, mass contact programme, social audit and monitoring of Backward Classes Sub- Plan under section 23; and
- (m) Procedures for ensuring transparency and accountability in the implementation of Backward Classes Sub-Plan under section 24.

(3) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, 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.

28. (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.

R. ARAVIND,
Secretary to Government (I/c),
Legal and Legislative Affairs & Justice,
Law Department.