



The Andhra Pradesh Minorities Component (Outlay, Allocation and Utilization of Financial Resources) Act, 2022

Act No. 09 of 2022

Keywords:

Gaps in Development, General Schemes

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No. 6] AMARAVATI, WEDNESDAY, 20th APRIL, 2022.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 14th April, 2022 and the said assent is hereby first published on the 20th April, 2022 in the Andhra Pradesh Gazette for general information :

ACT No. 6 of 2022.

AN ACT TO ENSURE, ACCELERATED DEVELOPMENT OF MINORITY COMMUNITIES 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 MINORITY POPULATION, BY EARMARKING A PORTION, IN PROPORTION TO POPULATION OF MINORITIES WELFARE IN THE STATE OF THE TOTAL OUTLAY FOR CSS & SDP SCHEMES OF THE STATE OF ANDHRA PRADESH AS THE OUTLAY OF THE MINORITIES COMPONENT 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 Seventy Third year of the Republic of India as follows :

**CHAPTER-I
PRELIMINARY**

- (1) This Act may be called the Andhra Pradesh Minorities Component (Outlay, Allocation and Utilization of Financial Resources) Act, 2022.
- (2) It extends to the whole of the State of Andhra Pradesh.

Short title
extent
commence
ment,
duration and
savings.

(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.

Act No.1 of
1891

(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such ceases and upon such ceases the Andhra Pradesh General Clauses Act, 1891, shall apply as if this Act had been repealed by a State Act.

Definitions

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

- (a) "Component" means Minorities Component;
- (b) "Gaps in Development" means differences in development indicators of Minorities 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 outlay for CSS & SDP Schemes of the Department which benefit all social groups including Minorities;
- (d) "Government" means the State Government of Andhra Pradesh;
- (e) "Minority" for the purpose of this Act, means a community notified as such by the Central Government;
- (f) "Minorities Component" means the outlay for CSS & SDP Schemes approved by the State Council for inclusion in the Annual Outlay of the Department to bridge the gap in development of "Minorities" and shall include the Minorities component of general schemes;
- (g) "Minorities Component Fund" means a portion of the total outlay for CSS & SDP Schemes of the State, in a financial year, as earmarked under section 3;
- (h) "Minorities Component Schemes" means the Minorities Component schemes included in the Minorities Component of the Departments;
- (i) "Minorities habitation" means any habitation where population of Minorities is not less than 40% of the total population of the habitation;
- (j) "Nodal Agency for Minorities Component" means the committee headed by Minister of Minorities Welfare;
- (k) "Nodal Department" means Minorities Welfare Department for Sub-Component;
- (l) "Notification" means notification published in the Andhra Pradesh Gazette and the word 'Notified' shall be construed accordingly;

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

(n) "State Council" means State Council for Development of Minorities constituted under the Act;

(o) "The Department" means any Government Department concerned with implementation of the outlay for CSS & SDP Schemes for the Minorities;

CHAPTER-II

OUTLAY, RESOURCE ALLOCATION FOR MINORITIES COMPONENT AND SCHEMES

3. The State shall, in every financial year, earmark in such manner as may be prescribed, a portion of the total outlay for CSS & SDP Schemes of the State to be called as Minorities Component Fund:

Earmarking of Minorities Component Fund from 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 Minorities Component Fund outlay shall be revised according to State Annual outlay and:

Provided also that the expenditure of the Minorities Component 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 outlay for CSS & SDP Schemes out of Minorities Component Fund as earmarked under section 3 for preparation of respective department wise Minorities Component.

Communication of outlay earmarked Minorities as Component fund to the Departments.

5. The Components of the Departments shall include only such schemes that secure direct and quantifiable benefits to the Minorities individuals or Minorities 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 Minorities Component.

Provided that the schemes should be consistent with the Annual Outlay.

6. The Departments shall prepare Minorities Component to promote equity in the development among various communities within the Minorities and focused development within.

Promotion of equity among Minorities.

7. The Department shall ensure coverage of Minorities in the ongoing general schemes consistent with their eligibility for the same.

Obligation to cover Minorities in general schemes.

- Formulation of Minorities Component schemes and preparation of Components by the Departments.
8. On receipt of communication under section 4, each department, shall, after estimating the gaps in the development of Minorities, prioritize the development needs of Minorities through a consultative process, as may be prescribed and shall formulate the Minorities Component Schemes and prepare the Component comprising of the Minorities Component schemes, within the State Outlay priorities as communicated under section 5.
- Submission of Component proposed to be included in the Annual outlay for CSS & SDP Schemes for appraisal.
9. Each Department, excluding the departments separately notified under this Act, shall submit each year, to the respective Nodal Departments, the Component comprising of Minorities Component Schemes proposed to be included in the Annual outlay for CSS & SDP Schemes, for appraisal by the Nodal Agency concerned, within the time frame and in the format, as may be prescribed.

CHAPTER-III

APPRAISAL, ALLOCATION OF MINORITIES COMPONENT FUND AND APPROVAL OF THE COMPONENT

- Appraisal of the Minorities Component Schemes by the Nodal Agencies.
10. The Nodal Agency for Minorities Component, shall take up appraisal of the Minorities Component Schemes submitted by Departments, to ensure conformity with the conditions and norms laid down in the Act.
- Allocation of Minorities Component fund for financing the Minorities Component Schemes included in the Component.
11. The respective Nodal Agency, while indicating allocation of Minorities Component Fund to the Minorities Component Schemes shall follow the following norms namely:-
- (a) For schemes exclusively benefiting in Minorities individuals or Minorities households, 100% of scheme cost shall be allocated and accounted for under Minorities Component fund.
 - (b) For schemes benefitting Minorities habitations, 100% of scheme cost shall be allocated and accounted for under Minorities Component fund in case of other habitations the cost shall be allocated and accounted for under Minorities Component in proportion of the population of the Minorities.
 - (c) For general schemes, included in the Component, benefitting Minorities individuals or households, along with others, the scheme cost shall be allocated and accounted for under Minorities Component, in proportion to the Minorities 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 Minorities Component.

12. The schemes that fulfill the norms laid down in the Act shall be recommended by the Nodal Agency for Minorities for including in the Annual Outlay for CSS & SDP Schemes proposals of the departments and aggregated for placing before the State Council for Development of Minorities constituted under section 15 for consideration and approval as a pre-budget process.
- Recommendation by the Nodal Agencies and Nodal Departments.

CHAPTER-IV

BUDGET PROVISIONING DISTRIBUTION AND STRENGTHENING OF IMPLEMENTATION MACHINERY

13. 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.
- Minorities Component wing in Finance Department.
14. Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for Minorities Component 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

15. (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 Minorities 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 Minorities.
- (2) The State Council shall meet at least twice in a year,
16. The State Council shall: -
- Functions of the State Council.
- (a) Advise the State Government on all the policy matter relating to Minorities Component;
- (b) Suggest measures for proper planning and implementation of the schemes by the departments;
- (c) Approve the Annual Minorities Component proposals of the Departments;
- (d) Perform such other functions as may be prescribed.

Nodal Agency and Nodal Department. 17. (1) Nodal Agencies headed by Minister of Minorities Welfare, shall be constituted in the manner prescribed, for Minorities Component and shall exercise the powers conferred and perform the functions assigned under this Act.

(2) The Minorities 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. 18. The Nodal Agency with the assistance of the Nodal Department shall:

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

19. The Government shall appropriately strengthen the Nodal Departments of Minorities Welfare with an Administrative and Technical Support Unit and a Component 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 Minorities Component Support Unit.

20. The Department as identified by the State Council may establish a Minorities Component Supporting Unit, as may be prescribed to manage the Minorities Component.

21. (1) The Government shall constitute a District Monitoring Committee in each district with the District Collector as its Chairman, which shall be responsible or implementation of the Minorities Component in the District
- (2) The District Monitoring Committee of each district shall review the implementation of Minorities Component, periodically.

Implementation of Minorities Component Schemes in the Districts.

22. 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 MINORITIES COMPONENT

23. (1) Each department shall ensure transparency and accountability at all levels in the implementation of Minorities Component Schemes.
- (2) Each Department shall, host the documents, as may be prescribed in public domain.

Transparency and accountability.

24. 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 of 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.

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

Annual Report to be placed before State Legislature.

26. (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 Minorities under section 2 (b);

- (b) Earmarking Minorities Component Funds from the outlay for CSS & SDP Schemes under section 3;
 - (c) Identification of Minorities Component Schemes and preparation of Component by the departments under section 8;
 - (d) Preparation of budget proposal of Minorities Component for appraisal by the Nodal Departments under section 9;
 - (e) Strengthen the Finance Department for monitoring expenditures under the Minorities Component under section 13;
 - (f) Constitution of and transaction of business in the State Council for development of Minorities, the qualification, disqualification and other allowances to the non-official members of the State Council under section 15;
 - (g) Constitution of Nodal Agencies for Minorities Component under section 17;
 - (h) Maintenance of a web portal by the Nodal Agency under section 18;
 - (i) Constitution of Administrative and Technical Support Unit in respective Nodal Department for Minorities Component under section 19;
 - (j) Constitution of Minorities Component Supporting Unit at Department level under section 20;
 - (k) Constitution of District Monitoring Committees and the connected matters under section 21;
 - (l) Institutional strengthening at State, District and Sub-District level for ensuring effective implementation, awareness, mass contact program, social audit and monitoring of Minorities Component under section 22; and
 - (m) Procedures for ensuring transparency and accountability in the implementation of Minorities Component under section 23.
- (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.

27. (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: Power to remove difficulties.

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.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.