

9

लाभ के पदों सम्बन्धी संयुक्त समिति

सत्रहवीं लोक सभा

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय
(पशुपालन और डेयरी विभाग)

भारतीय जीव जंतु कल्याण बोर्ड (एडब्लूबी आई) में संसद सदस्यों के निर्वाचन की परीक्षा

नौवा प्रतिवेदन



लोक सभा सचिवालय

नई दिल्ली

दिसंबर, 2022 / अग्रहायण, 1944 (शक)

नौवा प्रतिवेदन

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09-12-2022 को लोक सभा में प्रस्तुत किया गया।

09-12-2022 को राज्य सभा पटल पर रखा गया।



लोक सभा सचिवालय

नई दिल्ली

दिसंबर, 2022 / अग्रहायण, 1944 (शक)

सी. बी. II सं.

मूल्य: ₹

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लोक सभा (सोलहवां संस्करण) के प्रक्रिया तथा कार्य संचालन नियम के नियम 382 के तहत प्रकाशित और लोक सभा सचिवालय द्वारा मुद्रित।

विषय-वस्तु

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भारतीय जीव जंतु कल्याण बोर्ड (एडब्ल्यूबीआई) में संसद सदस्यों के निर्वाचन की परीक्षा।	1 – 81
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परिशिष्ट

I. बुधवार, 20 नवम्बर, 2019 को हुई लाभ के पदों संबंधी संयुक्त समिति (सत्रहवीं लोक सभा) की बैठक की कार्यवाही सारांश का सार।	82 – 84
II. मंगलवार, 18 अक्टूबर, 2022 को हुई लाभ के पदों संबंधी संयुक्त समिति (सत्रहवीं लोक सभा) की बैठक की कार्यवाही सारांश का सार।	85-86

लाभ के पदों संबंधी संयुक्त समिति
(सत्रहवीं लोक सभा)

डॉ.सत्यपाल सिंह

सभापति

सदस्य

लोक सभा

2. श्रीमती अपराजिता सारंगी
3. श्री बालाशौरी वल्लभनेनी
4. श्री बैत्री बेहनन
5. श्री तेजस्वी सूर्या
6. श्री महेंद्र सिंह सोलंकी
7. डॉ. मनोज राजोरिया
8. श्री श्याम सिंह यादव
9. श्री विजय कुमार हांसदाक
10. श्री विनोद चावड़ा

राज्य सभा

11. सुश्री दोला सेन
12. श्री हरद्वार दुबे
13. रिक्त*
14. रिक्त*
15. रिक्त*

सचिवालय

- | | | |
|----------------------------|---|-------------------------|
| 1. श्री विनय कुमार मोहन | - | संयुक्त सचिव |
| 2. श्री नवल किशोर वर्मा | - | निदेशक |
| 3. श्री उत्तम चंद भारद्वाज | - | अपर निदेशक |
| 4. श्रीमती सीमा शर्मा | - | सहायक कार्यकारी अधिकारी |

*सीबी-1 नोट दिनांक 03 फरवरी, 2022 के अनुसार श्री वि. विजयसाई रेड्डी, संसद सदस्य (रा.स.) 21 जून, 2022; डॉ. सस्मित पात्रा, संसद सदस्य (रा.स.) 01 जुलाई, 2022 और श्री महेश पोद्दार, संसद सदस्य (रा.स.) 07 जुलाई, 2022 से सेवानिवृत्त हो गए। इन तीन सदस्यों की सेवानिवृत्ति के परिणामस्वरूप समिति में आकस्मिक रिक्ति को भरने के लिए एक प्रस्ताव पहले ही 15 मार्च, 2022 को लोकसभा द्वारा प्रस्तुत और स्वीकार किया जा चुका है।

(iii)

प्रस्तावना

मैं, लाभ के पदों संबंधी संयुक्त समिति का सभापति, समिति की ओर से नौवा प्रतिवेदन प्रस्तुत करने के लिए प्राधिकृत किए जाने पर मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) के भारतीय जीव जंतु कल्याण बोर्ड (एडब्लूबीआई) में संसद सदस्यों के निर्वाचन की परीक्षा करने से संबंधित यह प्रतिवेदन प्रस्तुत करता हूं।

2. बुधवार, 20 नवम्बर, 2019 को हुई बैठक में समिति ने इसके मद्देनजर भारतीय जीव जंतु कल्याण बोर्ड (एडब्लूबीआई) के कार्यकाल, संरचना, प्रकृति, कार्य आदि की जांच की कि क्या एडब्लूबीआई में संसद सदस्यों का निर्वाचन भारत के संविधान के अनुच्छेद 102(1)(क) के अंतर्गत 'लाभ के पद' की दृष्टि से निरर्हित तो नहीं है। इस प्रतिवेदन पर दिनांक मंगलवार, 18 अक्टूबर, 2022 को हुई बैठक में समिति द्वारा विचार और स्वीकार किया गया।
3. संदर्भ और सुविधा के लिए समिति की सिफारिशों/ टिप्पणियों को प्रतिवेदन में मोटे अक्षरों में मुद्रित किया गया है।
4. समिति मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) तथा विधि और न्याय मंत्रालय (विधायी विभाग तथा विधि कार्य विभाग) के अधिकारियों को समिति के समक्ष उपस्थित होने और एडब्लूबीआई की परीक्षा के संबंध में सूचना प्रदान करने के लिए धन्यवाद देती है।
5. समिति लोक सभा सचिवालय के समिति से संबद्ध अधिकारियों द्वारा दी गई बहुमूल्य सहायता की भी सराहना करती है।

नई दिल्ली;
18 अक्टूबर, 2022
अश्विन 26, 1944 (शक)

डॉ. सत्यपाल सिंह
सभापति,
लाभ के पदों संबंधी संयुक्त समिति

पशुपालन और डेयरी विभाग, मत्स्य पालन, पशुपालन और डेयरी मंत्रालय के प्रशासनिक क्षेत्राधिकार के अंतर्गत भारतीय जीव-जंतु कल्याण बोर्ड (एडब्ल्यूबीआई) के लिए संसद सदस्यों के निर्वाचन की जांच

प्रतिवेदन

श्री एस. पी. गुप्ता, आईएएस (सेवानिवृत्त), अध्यक्ष, भारतीय जीव जंतु कल्याण बोर्ड ने पत्र दिनांक 18 अक्टूबर, 2018 (**अनुबंध-एक**) को लाभ के पदों संबंधी संयुक्त समिति के सभापति से भारतीय जीव जंतु कल्याण बोर्ड में छह संसद सदस्यों (लोक सभा से 4 तथा राज्य सभा से 2) के मनोनयन की लाभ के पद के दृष्टिकोण से जांच किए जाने का अनुरोध किया था।

2. तत्कालीन प्रशासनिक मंत्रालय अर्थात् पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (जीव जंतु कल्याण प्रभाग) द्वारा दिनांक 19 दिसम्बर, 2018 के का. ज्ञा. सं. 11/11/2007-एडब्ल्यूडी के तहत दी गई जानकारी के अनुसार भारतीय जीव जंतु कल्याण बोर्ड पशु कल्याण कानूनों के संबंध में एक सांविधिक सलाहकारी निकाय है और यह देश में पशु कल्याण को बढ़ावा देता है। पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (1960 की संख्या 59) की धारा 4 के अनुसार 1962 में इसकी स्थापना की गई थी। पशुओं के क्रूरता का निवारण अधिनियम, 1960 की धारा 5 (i) के अनुसार छह संसद सदस्य, लोक सभा के चार तथा राज्य सभा से दो, बोर्ड के सदस्य निर्वाचित किए जाते हैं। भारतीय जीव जंतु कल्याण बोर्ड का गठन यह सुनिश्चित करने के लिए किया गया है कि देश में पशु कल्याण कानूनों का निरंतर अनुपालन हो। यह पशु कल्याण मुद्दों के संबंध में भारत सरकार को सलाह देते हुए पशु कल्याण संगठनों को अनुदान प्रदान करता है। बोर्ड देश में पिछले 50 वर्षों से पशु कल्याण आंदोलन का पारिचायक रहा है। भारतीय जीव जंतु कल्याण बोर्ड पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 तथा इसके तहत बनाए गए नियमों के कार्यान्वयन को सुनिश्चित करता है। बोर्ड में गैर-सरकारी सदस्य के रूप में संसद सदस्य का कार्यकाल तीन वर्ष का है जो समाप्त हो जाएगा जैसे ही वह उस निकाय, जिसने उसे निर्वाचित किया अथवा जिसके संबंध में उसे चुना गया [पीसीए अधिनियम, 1960 की धारा 6(2) (ख)] का सदस्य नहीं रहता है। पीसीए अधिनियम, 1960 के खण्ड 5(1) (i) के अनुसार संसद सदस्य निर्वाचित पीसीए अधिनियम, 1960 की धारा 6(2) (घ) के अनुसार केन्द्रीय सरकार उसकी नियुक्ति, उसे पद से हटाने तथा उस पद के कार्यानिष्पादन तथा कार्यों पर नियंत्रण रखती है। मंत्रालय ने प्रश्न सूची के उत्तरों में यह भी बताया है कि

पीसीए अधिनियम, 1960 की धारा 9(छ) के अनुसार बोर्ड के पास पशु कल्याण संगठनों को निधियां वितरित करने की शक्तियां भी हैं।

3. जीव जंतु कल्याण बोर्ड (प्रशासन) नियम 1962 के नियम 14 (1) के अनुसार इस प्रकार अपनी सेवा के कारण बोर्ड के सदस्य को किसी पारिश्रमिक का भुगतान नहीं किया जाएगा। नियम 14 (2) (ख) में स्पष्ट रूप से यह कहा गया है कि बोर्ड में संसद सदस्यों की हकदारी इस प्रकार है:- **(अनुबंध-दो)**

“ 14 (2) (ख) जब वह संसद सदस्य है-

(एक) उसके द्वारा की गई ऐसी यात्रा के लिए उसके द्वारा उपगत किसी व्यय की प्रतिपूर्ति करने के लिए यात्रा अथवा वाहन भत्ता जो कि केन्द्रीय सरकार द्वारा समिति में नियुक्त संसद सदस्य को अनुमत्य भत्ते से अधिक नहीं होगा।

(दो) दैनिक भत्ता जो कि संसद सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 के तहत संसद सदस्य को दिए जाने वाले दैनिक भत्ते से अधिक नहीं होगा।”

4. भारत का संविधान के अनुच्छेद 102 (1) (क) के प्रावधान के अनुसार:-

“कोई व्यक्ति संसद के किसी सदन का सदस्य चुने जाने के लिए और सदस्य होने के लिए निरर्हित होगा-

यदि वह भारत सरकार के या किसी राज्य सरकार के अधीन, ऐसे पद को छोड़कर जिसको धारण करने वाले का निरर्हित न होना संसद ने विधि द्वारा घोषित किया है, कोई लाभ का पद धारण करता है।”

5. संसद ने संसद (निरर्हता निवारण) अधिनियम, 1959 **(अनुबंध-तीन)** नामक कानून पारित किया है जिसके तहत उन पदों को निर्धारित किया गया है जो कि धारक को संसद की सदस्यता से निरर्हित नहीं करेंगे। अधिनियम में यह प्रावधान भी किया गया है कि यदि किसी सांविधिक अथवा गैर-सांविधिक निकाय का अध्यक्ष अथवा निदेशक अथवा सदस्य प्रतिकरात्मक भत्ते के अलावा किसी अन्य परिश्रमिक का हकदार नहीं है तो वह संसद सदस्य चुने जाने के लिए अथवा सदस्य होने के लिए निरर्हित नहीं होगा। उक्त अधिनियम की धारा 2 (क) के अंतर्गत “प्रतिकरात्मक भत्ता” से धन की वह राशि अभिप्रेत है जो किसी पद के धारक को, उस पद के कृत्यों के पालन में उसके द्वारा उपगत किसी व्यय की प्रतिपूर्ति करने के लिए उसे समर्थ बनाने के प्रयोजन के लिए दैनिक भत्ते (जो भत्ता उस दैनिक भत्ते की रकम से अधिक न होगा जिसके लिए कोई संसद सदस्य (संसद सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 के अधीन हकदार है), किसी प्रवहण भत्ते, गृह किराया भत्ते या यात्रा भत्ते के रूप में संदेय है।

6. तत्कालीन प्रशासनिक मंत्रालय अर्थात् पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा प्रस्तुत की गई सूचना से यह देखा जा सकता है कि पीसीए अधिनियम 1968 की धारा 6(2) (घ) के अनुसार सरकार पद पर नियुक्ति और उससे हटाए जाने तथा पद के कार्यनिष्पादन एवं कृत्यों पर नियंत्रण रखती है। बोर्ड को पीसीए अधिनियम, 1960 की धारा 9 (छ) के अनुसार जीव जंतु कल्याण बोर्डों को निधि के संवितरण की शक्तियां हैं। पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 और उसके अंतर्गत बनाए गए नियमों में कहीं भी यह विनिर्दिष्ट नहीं किया गया है कि बोर्ड में नामनिर्णय एवं निर्वाचित संसद सदस्यों को निरहंरता से छूट दी जाती है (अनुबंध-दो)।

7. समिति ने विधि और न्याय मंत्रालय (विधायी विभाग और विधि कार्य विभाग) की लिखित राय मांगी थी। विधि कार्य विभाग ने दिनांक 22 फरवरी, 2019 (अनुबंध-चार) के कार्यालय ज्ञापन द्वारा अपनी लिखित राय निम्नवत् प्रदान की थी:-

2. ".... यह नोट किया जाता है कि विभाग के अनुसार भारतीय जीव जंतु कल्याण बोर्ड पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (पीसीए अधिनियम) की धारा 4 के तहत स्थापित एक सांविधिक परामर्शदात्री निकाय है। बोर्ड के दायित्वों में सामान्यतः जीव जंतुओं के प्रति क्रूरता का निवारण करने और विशेषतः उन्हें अनावश्यक तकलीफ न दी जाए यह सुनिश्चित करने के उद्देश्य के साथ पशुओं के कल्याण को बढ़ावा देना शामिल है। यह बताया गया है कि यह सुनिश्चित करने के लिए देश में जीव-जंतु कल्याण विधानों का अनुपालन सख्ती से हो रहा है, जीव-जंतु कल्याण संगठनों को अनुदान प्रदान करने तथा जीव-जंतु कल्याण संबंधी मुद्दों पर भारत सरकार को परामर्श देने के साथ बोर्ड पिछले 50 वर्षों से देश में जीव-जंतु कल्याण आंदोलन का सूत्रधार रहा है और इसने पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 और इसके अधीन बनाए गए नियमों के कार्यान्वयन में सहायता की है।

3. अधिनियम की धारा 5 (1) (झ) में यह प्रावधान है कि बोर्ड में अन्य बातों के साथ-साथ 6 संसद सदस्य होंगे जिनमें से 4 लोक सभा द्वारा निर्वाचित किए जाएंगे और 2 राज्य सभा द्वारा निर्वाचित किए जाएंगे। यह बताया गया है कि लोक सभा के चार सदस्यों और राज्य सभा के 02 सदस्यों को क्रमशः लोक सभा और राज्य सभा द्वारा निर्वाचन के पश्चात् सरकार द्वारा नियुक्त किया जाता है और बोर्ड के गैर सरकारी सदस्य के रूप में उनका कार्यकाल तीन वर्ष का होता है और धारा 5 (1) (झ) के अनुसार निर्वाचित सदस्य का कार्यकाल संसद में उनकी सदस्यता समाप्त होने के साथ समाप्त हो जाता है [धारा 6(2)(ख)]। यह बताया गया है कि बोर्ड में संसद सदस्यों का मनोनयन 2007 से नहीं किया गया है और अधिनियम की धारा 6(2) (घ) के अनुसार पद पर नियुक्ति तथा पद से हटाने और पद के कार्यनिष्पादन और कृत्यों पर सरकार का नियंत्रण है।

4. संसद सदस्यों को देय धनराशि के ब्यौरे के संबंध में यह बताया गया है कि एडब्ल्यूबीआई प्रशासन नियम 1962 के अनुसार संसद सदस्य द्वारा की गयी किसी यात्रा पर हुए व्यय की क्षतिपूर्ति के लिए यात्रा अथवा वाहन भत्ता उस दर से किया जाता है जो केन्द्रीय सरकार द्वारा गठित किसी समिति में नियुक्त संसद सदस्य को देय भत्ते की दर से अधिक नहीं होता। संसद सदस्यों को दैनिक भत्ता उस दर से दिया जाता है जो संसद सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 के तहत संसद सदस्यों को देय भत्ते से अधिक नहीं होता। उन्हें अन्य कोई सुविधा प्रदान नहीं की गयी है और एडब्ल्यूबीआई प्रशासन नियम, 1962 के नियम 14 (1) के अनुसार बोर्ड के किसी सदस्य को उसकी सेवाओं के लिए कोई पारिश्रमिक नहीं दिया जाएगा।
5. यह बताया गया है कि बोर्ड के पास नियुक्ति/पद से हटाने, प्रभाव डालने अथवा संरक्षण द्वारा शक्ति उपयोग करने की शक्तियां नहीं हैं और न ही इसके पास कार्यकारी, विधायी अथवा न्यायिक शक्तियां हैं। तथापि, यह बताया गया है कि बोर्ड पशुओं के प्रति क्रूरता का निवारण अधिनियम और उसके तहत बनाये गए नियमों के कार्यान्वयन की शक्तियों का उपयोग करता है। यह बताया गया है कि अधिनियम की धारा 9 (छ) के तहत इसके पास जीव-जंतु कल्याण संगठनों को निधियों के संवितरण की शक्ति है।
6. भारत के संविधान के अनुच्छेद 102 (1) की ओर ध्यान आकृष्ट किया जाता है जिसमें यह प्रावधान है कि कोई व्यक्ति संसद के किसी सदन का सदस्य चुने जाने के लिए और सदस्य होने के लिए निरर्हित होगा। (क) यदि वह भारत सरकार के या किसी राज्य सरकार के अधीन, ऐसे पद को छोड़ कर जिसके धारण करने वाले का निरर्हित न होना संसद ने विधि द्वारा घोषित किया है, कोई लाभ का पद धारण करता है। जैसे कि अनेक मामलों द्वारा स्थापित हो चुका है, इस अनुच्छेद को आकर्षित करने के लिए ये मुख्य बातें होनी चाहिए कि एक पद हो, या 'लाभ' का पद हो, जो भारत सरकार अथवा राज्य सरकार के अधीन हो, उस पद का संसद द्वारा बनायी गयी विधि द्वारा इस उप खंड के दायरे में शामिल न किया गया हो। अतः इस मुद्दे पर निर्णय लेने के लिए यह आवश्यक है कि सरकार के नियंत्रण की प्रकृति, बोर्ड के कृत्यों और सदस्यों को प्राप्त भत्तों की जांच की जाए।
7. शिवमूर्ति स्वामी इनामदार बनाम अगादि संगणना अंदनप्पा (1971) 3 एससीसी 870 के मामले की ओर भी ध्यान आकर्षित किया जाता है जहां सर्वोच्च न्यायालय ने अनुच्छेद 102 (1) (क) के प्रावधानों का विश्लेषण किया और यह निर्णय दिया:

“कि इस अनुच्छेद में यह कहा गया है कि कोई व्यक्ति संसद के किसी सदन का सदस्य चुने जाने के लिए और सदस्य होने के लिए निरर्हित होगा यदि वह भारत सरकार के या किसी राज्य की सरकार के अधीन ऐसे पद को छोड़कर, जिसको धारण करने वाले का निरर्हित न होना संसद ने विधि द्वारा घोषित किया है, कोई लाभ का पद धारण करता है। अतः इस अनुच्छेद के उपबंध को लागू करने से पहले यह स्थापित किया जाना चाहिए कि वह संघ अथवा राज्य सरकार के अधीन पद धारण करता हो और वह पर लाभ का पद हो

का पद होगा। रावत्रा सुबात्रा बनाम जी.एस. काजीरप्पा [एआईआर 1954 एस सी 653], शिवमूर्ति स्वामी इनामदार बनाम अगाड़ी संगत्रा अंदानप्पा [(1971) 3 एस सी सी 870], सत्रुचार्ला चंद्रशेखर राजू बनाम विरिचेर्ला प्रदीप कुमार देव[(1992) 4 एससीसी 404] और शिबू सोरेन बनाम दयानन्द सहाय [(2001) 7 एस सी सी 425] संबंधी निर्णयों से शुरू होते हुए आधी से ज्यादा सदी के लिए विधि संबंधी यह स्थिति लागू होती है।”

9. न्यायलय ने उक्त मामले में इस दलील का खंडन किया था कि शब्द 'लाभ' में वित्तीय लाभों के अतिरिक्त हैसियत तथा प्रभाव आदि को भी शामिल किया जाना चाहिए तथा यह दोहराया कि 'लाभ का पद' एक ऐसा पद है जो केवल लाभ अथवा वित्तीय फायदे कमाने में समर्थ है तथा इसमें वित्तीय फायदे शामिल हैं जो कि पद के संबंध में न केवल प्राप्त हुए हैं अपितु "प्राप्य" भी हैं। जैसा कि उक्त मामले में यात्रा भत्तों तथा दैनिक भत्तों के द्वारा राशि केवल प्रतिकरात्मक स्वरूप की थी तथा वेतन, आय, परिलब्धियां पारिश्रमिक, कमीशन अथवा इसी प्रकार की कोई अन्य चीज पारिश्रमिक नहीं थी।
10. वर्तमान मामले में ए.डब्ल्यू.बी.आई. अधिनियम की धारा 4 के अनुसार स्थापित एक सांविधिक सलाहकारी निकाय है। बोर्ड के कार्य पीसीए अधिनियम की धारा 9 के अनुसार हैं। बोर्ड की एक निर्धारित संरचना है तथा बोर्ड में गैर-सरकारी सदस्य का कार्यकाल तीन वर्ष है तथा संसद [धारा 6 (2) (ख)] न बने रहने के साथ ही धारा 5(1) (झ) के अनुसार निर्वाचित सदस्य का कार्यकाल भी समाप्त हो जाता है। सरकार, अधिनियम की धारा 6 (2) (घ) के अनुसार उन्हें पद से हटाने तथा पद संबंधी कार्यनिष्पादन तथा कार्यों पर नियंत्रण रखती है।
11. धारा 9 के खण्ड (घ), (च) तथा (ज) में विनिर्दिष्ट संगत कार्यों की ओर ध्यान दिलाया गया है जो सरकार की ओर से बोर्ड द्वारा किए गए कार्यकारी कार्य प्रतीत होते हैं। प्रशासनिक विभाग ने स्वयं यह बताया है कि वे पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 के कार्यान्वयन हेतु जिम्मेदार हैं जो बोर्ड को वित्तीय सहायता देने तथा निधियों के संवितरण हेतु अधिकारसंपन्न बनाते हैं। इस प्रकार, बोर्ड के सदस्य 'पद' धारण करते हुए प्रतीत होते हैं।
12. भत्ता तथा 'लाभ का पद' संबंधी मुद्दे के संबंध में मंत्रालय के उत्तर की ओर ध्यान दिलाया गया है जिसमें यह बताया गया है कि एडब्ल्यू.बी.आई प्रशासन नियम 1962 के नियम 14(1) के अनुसार उनकी सेवाओं के कारण बोर्ड के किसी सदस्य को केवल उस दर जो भत्ते से ज्यादा नहीं है पर कार्यनिष्पादन करना सदस्य द्वारा किये गये किसी व्यय को पूरा करने के लिये यात्रा अथवा वाहन भत्ता हेतु समिति में नियुक्त संसद सदस्य हेतु स्वीकार्य है। उस दर पर दैनिक भत्ते जो उस दर से ज्यादा नहीं है जिसके लिए संसद सदस्य, संसद सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 के अंतर्गत योग्य है, देय है तथा उन्हें कोई सुविधाएं प्रदान नहीं की गई है। तथापि, एक सदस्य को देय भत्ते संसद सदस्यों हेतु अनुमेय प्रतिकरात्मक भत्तों के अनुरूप है तथा वर्तमान मामले में 'लाभ' अथवा 'वित्तीय लाभ' की बात नहीं है।

13. प्रशासनिक मंत्रालय द्वारा प्रस्तुत सूचना के आधार पर हमारा यह मत है कि संसद सदस्यों का भारतीय जीव जंतु कल्याण बोर्ड में निर्वाचन को "लाभ का पद" न माना जाए और यह भारत के संविधान के अनुच्छेद 102(1) (क) के अनुसार अनर्ह न हो।"
8. विधि और न्याय मंत्रालय के विधायी विभाग ने दिनांक 17 सितम्बर, 2019 के कार्यालय ज्ञापन संख्या 17(6)/2018/विधायी ।।। (अनुबंध-V) के तहत इस मामले में अपना लिखित मत भी प्रस्तुत किया जो कि निम्नानुसार है:-

".....कि संसद (निरर्हता निवारण) अधिनियम, 1959 (1959 का 10) की धारा 3 का खंड (i) ऐसे किसी निकाय के अलावा किसी कानूनी निकाय या अकानूनी निकाय के अध्यक्ष, निदेशक या सदस्य को छूट प्रदान करता है, जैसा कि खंड (ज) में निर्दिष्ट है, यदि ऐसे पद का धारक प्रतिकरात्मक भत्ते से भिन्न किसी पारिश्रमिक का हकदार नहीं है। तथापि, यह छूट अधिनियम की अनुसूची के भाग-एक में विनिर्दिष्ट निकायों के अध्यक्ष और अधिनियम की अनुसूची के भाग-दो में विनिर्दिष्ट निकायों के अध्यक्ष और सचिव को उपलब्ध नहीं है।

3. उपर्युक्त उपबंधों के आलोक में, भारतीय जीव-जंतु कल्याण बोर्ड में लोक सभा के किसी सदस्य का मनोनयन उसे 'लाभ का पद' के दृष्टिकोण से निरर्हित नहीं करता है। तथापि, यह उल्लेखनीय है कि प्रशासनिक मंत्रालय द्वारा प्रदान किए गए प्रश्न सूची के उत्तर में, क्रम संख्या 7 (iii) में प्रश्न के बारे में, उन्होंने यह कहा है कि बोर्ड के सदस्य के रूप में संसद सदस्य को देय भत्ते संसद (निरर्हता निवारण) अधिनियम, 1959 की धारा 2 के खंड (क) में यथापरिभाषित प्रतिकरात्मक भत्ते के तहत शामिल नहीं किए गए हैं।
4. इसके अलावा, भारतीय जीव-जंतु कल्याण बोर्ड की शक्तियों, जिसमें निधियों का संवितरण शामिल है पर विचार करते हुए इसमें शिवमूर्ति स्वामी इनमदार बनाम संगन्ना अंदनप्पा (1971) 3 एससीसी 870 के मामले में उच्चतम न्यायालय द्वारा निर्धारित परीक्षण और लाभ के पदों संबंधी संयुक्त समिति द्वारा अपने दसवें प्रतिवेदन (सातवीं लोकसभा) में निर्धारित मार्गदर्शक सिद्धांत लागू हो सकते हैं जिनका समिति द्वारा बार-बार अनुसरण किया जा रहा है। अतः, ऐसा प्रतीत होता है कि भारतीय जीव-जंतु कल्याण बोर्ड में लोकसभा सदस्य का मनोनयन 'लाभ का पद' के दृष्टिकोण से निरर्हित करता है।"

9. विधि और न्याय मंत्रालय के दोनों विभागों द्वारा दिये गये विरोधाभासी मत के मद्देनजर विधि और न्याय मंत्रालय (विधायी विभाग तथा विधि कार्य विभाग) तथा पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (जीव-जंतु कल्याण प्रभाग) के प्रतिनिधियों का मौखिक साक्ष्य लेने का निर्णय लिया गया। तथापि, पर्यावरण,

वन और जलवायु परिवर्तन मंत्रालय (जीव-जंतु कल्याण प्रभाग) ने यह बताया कि जीव-जंतु कल्याण विषय को कृषि मंत्रालय (पशुपालन, डेयरी और मत्स्य पालन विभाग) को हस्तांतरित कर दिया गया है। मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) ने दिनांक 18 नवंबर, 2019 के अपने कार्यालय ज्ञापन संख्या 11/11/2007-एडब्ल्यूडी के तहत यह बताया था कि जीव-जंतु कल्याण विषय को मंत्रिमंडल सचिवालय की दिनांक 4 अप्रैल, 2019 की अधिसूचना संख्या एस.ओ. 153 (ई) के तहत पशुपालन, डेयरी और मत्स्य पालन विभाग, कृषि मंत्रालय को हस्तांतरित कर दिया गया। मत्स्यपालन, पशुपालन और डेयरी मंत्रालय नामक नया मंत्रालय सृजित किए जाने के बाद जीव-जंतु कल्याण तथा पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 का प्रशासन पशुपालन और डेयरी विभाग द्वारा किया जाता है (अनुबंध-VI)।

10. मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) ने दिनांक 18 नवंबर, 2019 के कार्यालय ज्ञापन संख्या 11/11/2007-एडब्ल्यूडी (अनुबंध-VI) के तहत जानकारी प्रदान की जिसका सार निम्नवत है: -

- (i) भारतीय जीव-जंतु कल्याण बोर्ड पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 की धारा 4 के तहत स्थापित एक कानूनी निकाय है।
- (ii) बोर्ड के कार्यों में सामान्य तौर पर क्रूरता निवारण के प्रयोजन से और विशेष रूप से, जीव-जंतुओं को अनावश्यक दर्द या पीड़ा से बचाने के प्रयोजन से जीव-जंतु कल्याण को बढ़ावा देना शामिल है।
- (iii) अधिनियम की धारा 5 (1) (झ) में यह उपबंध है कि बोर्ड में छह संसद सदस्य होंगे, जिसमें से चार सदस्य लोक सभा द्वारा निर्वाचित किए जाएंगे और दो सदस्य राज्य सभा द्वारा निर्वाचित किए जाएंगे।
- (iv) पीसीए अधिनियम, 1960 की धारा 38 के तहत बनाए गए प्रशासनिक नियम, 1962 के नियम 14 (1) में यह कहा गया है कि ऐसी किन्हीं सेवाओं के कारण बोर्ड के किसी भी सदस्य को कोई पारिश्रमिक नहीं दिया जाएगा।
- (v) धारा 14 (2) (ख) (i) और 14 (2) (ख) (ii) के अनुसार, संसद सदस्य जो बोर्ड का सदस्य है, उसे संसद सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 के अंतर्गत संसद सदस्य को मिलने वाले भत्तों की दर पर यात्रा भत्ता और दैनिक भत्ता दिया जाता है।
- (vi) संसद सदस्य सहित बोर्ड के किसी भी सदस्य को आर्थिक लाभ या लाभ दिया गया है और जो कुछ भी दिया जाता है, वह केवल बोर्ड के उद्देश्यों को प्राप्त करने और आगे बढ़ाने में योगदान के लिए प्रतिकरात्मक भत्ते के रूप में दिया जाता है।

(vii) बोर्ड में संसद सदस्यों की भूमिका केवल सलाहकारी प्रकृति की है और उन्हें केवल प्रतिकरात्मक भत्ता अर्थात् बोर्ड की बैठकों में भाग लेने के लिए किया गया आकस्मिक व्यय और वास्तविक व्यय प्रदान किया जाता है।

11. बुधवार, 20 नवंबर, 2019 को विधि और न्याय मंत्रालय (विधायी विभाग तथा विधि कार्य विभाग) तथा मत्स्य पालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) के प्रतिनिधियों का मौखिक साक्ष्य लिया गया था।

12. मौखिक साक्ष्य के दौरान मत्स्यपालन, पशुपालन और डेयरी मंत्रालय के सचिव ने समिति को निम्नानुसार जानकारी दी: -

“जीव-जंतु कल्याण बोर्ड पशुओं के प्रति क्रूरता का निवारण अधिनियम की धारा 4 के तहत एक सांविधिक निकाय है। जीव-जंतु कल्याण बोर्ड के कार्य, जो पशुओं के प्रति क्रूरता का निवारण अधिनियम में भी शामिल हैं, यह हैं: (i) वित्तीय सहायता देकर या अन्यथा [पिंजरपोल, बचाव गृहों, पशु आश्रयों, अभयारण्यों और इसी तरह के गठन या स्थापना के लिए] प्रोत्साहित करना। निधियों का संवितरण (ii) किसी भी स्थानीय क्षेत्र में कार्यरत जीव-जंतु कल्याण संगठनों को वित्तीय और अन्य सहायता देना या किसी भी स्थानीय क्षेत्र में जीव-जंतु कल्याण संगठनों के गठन को प्रोत्साहित करना जो बोर्ड के सामान्य पर्यवेक्षण और मार्गदर्शन में काम करेंगे।”

13. जब समिति ने भारतीय जीव-जंतु कल्याण बोर्ड की बैठकों में भाग लेने के लिए संसद सदस्यों को दिए जा रहे मानदेय और यात्रा भत्ते/दैनिक भत्ते के बारे में पूछा तो मंत्रालय के प्रतिनिधियों ने यह बताया कि बोर्ड के सदस्यों को कोई मानदेय या कोई अनुदान नहीं दिया जा रहा है, और बोर्ड की बैठकों में भाग लेने के लिए यात्रा भत्ते और दैनिक भत्ते का ब्यौरा संबंधित नियमों में निर्दिष्ट है।

14. संसद सदस्यों को बोर्ड के गैर-सरकारी सदस्यों के रूप में दिए जा रहे दैनिक भत्ते के बारे में पूछे जाने पर, मंत्रालय के प्रतिनिधियों ने बताया कि “बैठकों में भाग लेने के लिए संसद सदस्यों को दिया जा रहा दैनिक भत्ता उतना ही है जिसकी एमएसए अधिनियम, 1954 में व्यवस्था की गयी है।”

15. विचारों को सुनने के पश्चात्, समिति इस निष्कर्ष पर पहुंची कि एडब्ल्यूबीआई के पद को ‘लाभ का पद’ के रूप में नहीं माना जाना चाहिए क्योंकि यह मूल रूप से जीव-जंतुओं के कल्याण के लिए है। संसद (निरर्हता निवारण) अधिनियम, 1959 की धारा 3(i) के आधार पर, एडब्ल्यूबीआई ‘लाभ का पद’ के

दृष्टिकोण से पद धारक को निरर्हित नहीं करता है। तथापि, एडब्ल्यूबीआई की शक्तियों, जिसमें निधियों का संवितरण शामिल है, को ध्यान में रखते हुए यह निरर्हित करता है।

16. समिति ने मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) को 1959 के अधिनियम में एडब्ल्यूबीआई को छूट प्राप्त श्रेणी में शामिल करने का निर्देश दिया, भले ही बोर्ड को आगे संवितरण के लिए कितनी भी धनराशि मिल रही हो।

टिप्पणियां/ सिफारिशें

17. समिति यह नोट करती है कि भारतीय जीव जंतु कल्याण बोर्ड जीव जंतु कल्याण विधि संबंधी एक सांविधिक सलाहकार निकाय है और देश में जीव जंतु कल्याण को बढ़ावा देता है। इसे पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 की धारा 4 के अनुसार 1962 में गठित किया गया था। पीसीए अधिनियम, 1960 की धारा 5(i) में यह उपबंध है कि बोर्ड के सदस्य के रूप में छह संसद सदस्यों का निर्वाचन, चार लोक सभा से और दो राज्य सभा से, किया जाएगा। बोर्ड में गैर-सरकारी सदस्य के रूप में संसद सदस्य का कार्यकाल तीन वर्षों का होता है।

18. समिति आगे यह नोट करती है कि भारतीय जीव जंतु कल्याण बोर्ड ने पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 और इसके तहत बनाये गये नियमों के कार्यान्वयन में सहायता की। जीव जंतु कल्याण बोर्ड (प्रशासन) नियम, 1962 की धारा 14(1) के अनुसार बोर्ड के किसी भी सदस्य को उनकी सेवा के लिए कोई पारिश्रमिक प्रदान नहीं किया जाएगा। एडब्लूबीआई प्रशासन नियम, 1962 के अनुसार एडब्लूबीआई के लिए निर्वाचित संसद सदस्य को यात्रा करने के लिए उनके द्वारा किये गये खर्च की राशि की प्रतिपूर्ति के लिए उस दर पर यात्रा भत्ता अथवा वाहन भत्ता प्रदान किया जाता है जिस दर पर केंद्र सरकार द्वारा गठित किसी समिति में नियुक्त संसद सदस्य को भत्ता अनुमत्य है और उस दर पर दैनिक भत्ता भी प्रदान किया जाता है जिस दर पर संसद सदस्य, संसद सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 के अंतर्गत भत्ता का हकदार है।

19. समिति पाती है कि संसद (निरर्हता निवारण) अधिनियम, 1959 की धारा 3(i) के कारण एडब्लूबीआई में संसद सदस्यों का निर्वाचन निरर्हता नहीं हो सकता। तथापि, मुख्य मुद्दा जिसके कारण निरर्हता हो सकती है वह संवितरण हेतु बोर्ड द्वारा प्राप्त निधियों की प्रकृति और प्रमात्रा है। मौखिक साक्ष्य के दौरान मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) तथा विधि और न्याय मंत्रालय (विधायी विभाग और विधि कार्य विभाग) के प्रतिनिधियों के साथ विचार-विमर्श में समिति ने टिप्पणी की कि *पिंजरापोल*, बचाव गृह, पशु आश्रय स्थल, अभ्यारण्य आदि की स्थापना के लिए निधियां प्रदान की जाती हैं। स्थानीय क्षेत्र में कार्य कर रहे पशु कल्याण संगठनों को सहायता देने अथवा स्थानीय क्षेत्रों में पशु कल्याण संगठनों के गठन को बढ़ावा देने के लिए बोर्ड को वित्तीय सहायता प्रदान की जाती है जो संगठन बोर्ड की सामान्य पर्यवेक्षण और दिशानिर्देश में कार्य करेंगे।

20. उपर्युक्त के मद्देनजर, समिति की सुविचारित राय है कि भारतीय जीव-जंतु कल्याण बोर्ड में संसद सदस्यों के निर्वाचन को सरकार के अंतर्गत लाभ का पद नहीं माना जाए और इसे भारत के संविधान के अनुच्छेद 102(1)(क) के अंतर्गत निरर्हता नहीं माना जाए। तथापि, किसी विसंगति को दूर करने के लिए समिति सिफारिश करती है कि संबंधित प्रशासनिक मंत्रालय इस मामले को विधि और न्याय मंत्रालय के समक्ष उठाए और एडब्लूबीआई को संसद (निरर्हता निवारण) अधिनियम, 1959 की सारणी में शामिल करने के लिए फाइल चलाए।

21. इसके अतिरिक्त, समिति नोट करती है कि मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) ने संसद (निरर्हता निवारण) अधिनियम, 1959 की छूट वाली श्रेणी में भारतीय जीव जंतु कल्याण बोर्ड को शामिल करने से संबंधित एक फाइल भेजी है। तथापि, समिति प्रशासनिक मंत्रालय के साथ-साथ विधि और न्याय मंत्रालय (विधि कार्य विभाग) को यह निर्देश देती है कि जब भी संसद (निरर्हता निवारण) अधिनियम, 1959 में कोई संशोधन प्रस्तावित हो तो समिति को तत्काल सूचित करें।

नई दिल्ली;
18 अक्टूबर, 2022
अश्विन 26, 1944 (शक)

डॉ. सत्यपाल सिंह
सभापति,
लाभ के पदों संबंधी संयुक्त समिति



भारतीय जीव जन्तु कल्याण बोर्ड
ANIMAL WELFARE BOARD OF INDIA

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
Ministry of Environment, Forest & Climate Change, Govt. of India

एस.पी. गुप्ता, आईएएस (सेवानिवृत्त)
S.P. Gupta, IAS (Retd.)
अध्यक्ष / Chairman

October 18, 2018

Respected Sir,

Sub.: Declaration that the election / nomination of Members of Parliament in the Animal Welfare Board of India does not come under the category of office of profit

The Animal Welfare Board of India is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960. The functions of the Board include the promotion of animal welfare generally for the purpose of prevention of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular. Section 5 (1) (i) of the Act provides that the Board shall consist *inter alia* the following persons :

"(i) six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha)."

Hence, it is the mandate of the Law that six members of Parliament shall be in the Board. Further, clause 14 of the said rules Administrative Rules, 1962, which were framed under section 38 of the Prevention of Cruelty to Animals Act, 1960, provides as under :

"14. Allowances and Remuneration -

(1) No remuneration shall be paid to any member of the Board on account of his service as such.

(2) A member of the Board who is not an official shall be entitled to draw in respect of any journey performed for the purpose of attending a meeting of the Board or of a committee or sub-committee thereof or any other association or society to which he is appointed or nominated as a representative of the Board or any other journey in connection with the work of the Board performed under the direction of the Chairman:

(a) Where he is not a Member of Parliament, travelling and daily allowance at rates admissible to a Government servant of the first grade serving under the Central Government.

(b) Where he is a member of Parliament :

.....2

एन.आई.सूडब्ल्यू कैंपस, 42 माइलस्टोन, दिल्ली-आगरा हाईवे, एन.एच.-2, बल्लभगढ़, फरीदाबाद-121004 (हरियाणा)

NIAW Campus, 42 Milestone, Delhi-Agra Highway, NH-2, Ballabhgarh, Faridabad-121004 (Haryana)

Email: animalwelfareboard@gmail.com, awbi@md3.vsnl.net.in, spguptachairmanawbi@gmail.com

Website: www.awbi.org Tel.: +91 129 2555611

Handwritten notes and signatures in the bottom left corner, including "29/10/18" and "S.P. Gupta".

- (i) Travelling or conveyance allowance to recoup any expenditure incurred by him in performing such journey at a rate not exceeding the allowance admissible to a Member of Parliament appointed to a committee set up by the Central Government.
- (ii) Daily allowance at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954.

From the said rule, it is apparently clear that no pecuniary gain or advantage has been given to any member of the Board including Member of Parliament and whatever is given, is only in the nature of compensatory allowance for contribution in achieving and proceeding towards the objectives of the Board.

The Member of Parliament to be nominated in the Animal Board of India has merely advisory role and they have been provided only compensatory allowance *i.e.* out of pocket expenses and actual expenses incurred for attending meetings of the Board, hence their nomination in the Board cannot be called office of profit. However, from the list of office of profits issued by the Joint Committee on Office of Profit, it is not clear whether the Member of Parliaments to be nominated in the Animal Welfare Board of India falls under the category of office of profit.

In common parlance, an 'office of profit' is an office which is capable of yielding a profit or pecuniary gain. Holding an office under the Central or State Government, to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached, is "holding an office of profit" for the purpose of Article 102 of the Constitution of India.

The expression "office of profit" has not been defined in the Constitution or in the Representation of the People Act, 1951. It is for the court to explain the significance and meaning of this concept. Over the years, courts have decided this issue in the context of specific factual situations. Thus the final interpretation and decision whether a person is disqualified or not rests with the courts and not with Parliament.

The Joint Committee on office of profit constituted has also opined that "if a member of a body gets only compensatory allowance and the body exercises merely an advisory function, then no disqualification would arise. But if the allowance given are more than compensatory allowance and / or the body exercises executive and financial powers and is in a position to wield influence and patronage, then its membership would not be excluded from disqualification.

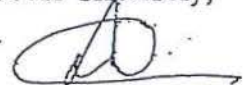
The Hon'ble Supreme Court in *Jaya Bachchan v. Union of India*, (2006) 5 SCC 266 case developed the doctrine of 'potential effect of an office' to ascertain the nature of office, which reads as under :

"... The question whether a person holds an office of profit is required to be interpreted in a realistic manner. Nature of the payment must be considered as a matter of substance rather than of form. Nomenclature is not important. In fact, mere use of the word "honorarium" cannot take the payment out of the purview of profit, if there is pecuniary gain for the recipient. Payment of honorarium, in addition to daily allowance in the nature of compensatory allowances, rent free accommodation and chauffeur driven car at State expense, are clearly in the nature of remuneration and a source of pecuniary gain and hence constitute profit. For deciding the question as to whether one is holding an office of profit or not, what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain. If the "pecuniary gain" is "receivable" in connection with the office then it becomes an office of profit, irrespective of whether such pecuniary gain is actually received or not. If the office carries with it, or entitles the holder to, any pecuniary gain other than reimbursement of out of pocket / actual expenses, then the office will be an office of profit for the purpose of Article 102 (1) (a)." The same was further reiterated in U C Raman v. PTA Rahim and Ors., (2014) 8 SCC 934.

In view of the above, it is humbly requested to kindly make a declaration, if not already made, that the nomination of the Members of Parliament in the Animal Welfare Board of India shall not fall under the office of profit so that the Members of Parliament may be nominated in the Board in compliance of the statutory requirements of Prevention of Cruelty to Animals Act, 1960 at the earliest in order to make the functioning of the Board effective in taking its decision and to achieve its objectives.

With warm regards,

Yours sincerely,


(S. P. Gupta)

Shri Kalraj Mishra,
Chairperson,
Joint Committee on Offices of Profit
119, Parliament House Annexe,
New Delhi - 110001.
Ph. 011-23035698 / 21410262
Email: kalraj@kalraj.com



F. No. 11/11/2007-AWD
Government of India
Ministry of Environment, Forest and Climate Change
(Animal Welfare Division)

5th floor, Vayu Wing,
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi-110003
Dated 19/12/2018

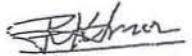
OFFICE MEMORANDUM

Subject:- Examination of nomination of Six Members of Parliament to the Animal welfare Board of India from the angle of Office of Profit.

The undersigned is directed to refer to Lok Sabha Secretariat's O.M. No. 21/14/4/2018:CI dated 30.11.2018 on the above mentioned subject and to furnish herewith the requisite information as per List of Points enclosed.

2. This issues with the approval of competent authority.

Encl: As above


(Ramesh Kumar)
Under Secretary to the Government of India
Ph. No. 24695235

To.
The Deputy Secretary,
(Kind Attention: Shri Munish Kumar Rewari),
Committee Branch-II, Joint Committee on Office of Profit
Lok Sabha Secretariat,
G-013, Parliament House Annexe; Extn. Building, New Delhi-110001



LIST OF POINTS

S. No.	Points	Reply
1	Please state whether the Animal welfare Board of India is a standing or an Ad-hoc body.	Animal Welfare Board of India is a statutory advisory body on Animal Welfare Laws and promotes animal welfare in the country. It was established in 1962 as per Section 4 of the Prevention of Cruelty to Animals (Annexure I) (PCA) Act, 1960 (No. 59 of 1960).
2	Please furnish details of the composition of the committee indicating the number of officials and non officials in the body.	As per Section 5 of the PCA Act, 1960, the composition of the Board is as under: (1) The Board shall consist of the following persons, namely: (a) the Inspector General of Forests, Government of India, ex-officio, (b) the Animal Husbandry Commissioner to the Government of India, ex-officio; (ba) two persons to represent respectively the Ministries of the Central Government dealing with Home Affairs and Education, to be appointed by the Central Government; (bb) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government; (bc) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government; (c) one person to represent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by that association in the prescribed manner; (d) two persons to represent practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government; (e) one person to represent each of such two municipal corporations as in the opinion of the Central Government ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner.
		(f) one person to represent each of such three organisations actively interested in animal welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen by each of the said organisations in the prescribed manner; (g) one person to represent each of such three societies dealing with prevention of cruelty to animal as in the opinion of the Central Government ought to be represented on the Board, to be chosen, in the prescribed manner;

		<p>(h) three persons to be nominated by the Central Government,</p> <p>(i) six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha).</p> <p>The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.</p> <p>Official Members-Five Non Official- Seventeen Member of Parliament-Six</p>
3	<p>Please give in detail the powers and functions of the Animal welfare Board of India .</p>	<p>As per Section 9 of PCA Act, 1960, the Functions of the Board are as under :-</p> <p>(a) to keep the law in force in, India for the prevention of cruelty to animals under constant study and advise the Government on the amendments to be undertaken in any such law from time to time;</p> <p>(b) to advise the Central Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;</p> <p>(c) to advise the Government or any local authority or other person on improvements in the design of vehicles so as to lessen the burden on draught animals;</p> <p>(d) to take all such steps as the Board may think fit for 11(amelioration of animals) by encouraging or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals:</p> <p>(e) to advise the Government or any local authority or other person in the design of slaughterhouses or the maintenance of slaughter houses or in connection with slaughter of animals so that unnecessary pain or suffering, whether physical or mental, is eliminated in the preslaughter-stages as far as possible, and animals are killed; wherever necessary, in as humane a manner as possible;</p> <p>(f) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering.</p> <p>(g) to encourage by the grant of financial assistance or otherwise, 12(the formation or establishment of pinjrapoles, rescue homes, animal shelters, sanctuaries and the like) where animals and birds may find a</p>

		<p>shelter when they have become old and useless or when they need protection:</p> <p>(h) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds;</p> <p>(i) to give financial and other assistance to animal welfare organisations functioning in any local area or to encourage the formation of animal welfare organisations in any local area which shall work under the general supervision and guidance of the Board;</p> <p>(j) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospital, and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;</p> <p>(k) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;</p> <p>(l) to advise the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.</p> <p>Rule 10 of PCA Act define Power of Board to make regulations: The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.</p>
4	Whether the functions of Animal Welfare Board of India are purely advisory in nature.	The Animal Welfare Board of India is a statutory advisory body on Animal Welfare Laws and promotes animal welfare in the country. From ensuring that animal welfare laws in the country are diligently followed, to provide grants to Animal Welfare Organizations and advising the Government of India on animal welfare issues, the Board has been the face of the animal welfare movement in the country for the last 50 years. AWBI helped the implementation of Prevention of Cruelty to animals Act, 1960 and rules made thereunder.
5	Please furnish details with respect to the following:-	
	(i) The term of Member of Parliament as non-official Member in the Committee	The term of the Member of Parliament as non-official Member in the Board is for three years. The term of a Member of Parliament elected as per clause 5(1)(i) of PCA Act shall come to an end as soon as he ceases to be a Member of the body which elected him or in respect of which he was chosen (section 6(2)(b) of the PCA Act, 1960)

	(ii) whether the Government exercises control over the appointment to and removal from the office and over the performance and functions of the Board	As per Section 6(2)(d) of PCA Act-The Central Government exercise control over the appointment to and removal from the office and over the performance and functions of the office.
	The qualification for membership	As per Section 5(1)(i) of PCA Act 1960 the Board shall consist of Six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha). Specific qualification is not prescribed in the Act.
	The role of the member of parliament in the committee	To fulfill the role as a Member of the Board as per the provisions of the PCA Act 1960 and Animal Welfare Board (Administration) Rules, 1962 (Annexure II)
6	Please also give a specific reply to each of the following	
	(i) Whether the Committee exercises executive, legislative or judicial powers.	Powers of the implementation of PCA Act and rules made thereunder.
	(ii) Whether the committee confers powers of disbursement of funds, allotment of lands etc.	Powers of disbursement of funds to Animal Welfare Organizations as per Section 9(g) of PCA Act 1960.
	(iii) Whether it would have powers of appointment/ removal and	No
	(iv) Whether the committee would wield influence or power by way of patronage.	No
	(i) Please indicate the detail of expenses payable to the Member of Parliament as a Member of the Committee specifying the actual rates of payment with break-up of sitting fee, daily allowance, travelling allowance, house-rent allowance, compensatory allowance, honorarium etc.	- As per AWBI Administration Rules 1962, travelling or conveyance allowance to recoup any expenditure incurred by him in performing such journey at a rate not exceeding the allowance admissible to a Member of Parliament appointed to a Committee set up by the Central Government. - Daily allowance at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954.
	(ii) Please specify the facilities, other than the remuneration given or proposed to be given to the member of Parliament as a Member of the Board.	NIL As per Rule 14(t) of the AWBI Administration Rules 1962, no remuneration shall be paid to any Member of the Board on account of his services as such.
	(iii) Please state whether the allowances payable to the Member of Parliament as a member of the Board are covered under the Compensatory Allowance defined in section 2(a) of Parliament (Prevention of	No

	Disqualification) Act, 1959.	
8	Please furnish any information which the Ministry wish to furnish on the subject.	<p>Animal Welfare Board of India was constituted with 18 members vide Gazette notification No. S.O. 729(E) dated 3rd March, 2017 for a period of three years w.e.f. 01.03.2017 (Annexure-II). Director General of Forests and Special Secretary was nominated as Chairman of the AWBI. This was followed by corrigendum S.O. No. 834(E) dated 15.03.2017 (Annexure-IV). In continuation of notification number S.O. 729(E) dated 3rd March, 2017 issued by the MoEF&CC and in exercise of the powers conferred by subsection (1) of Section 4 and Section 5A of the Prevention of Cruelty to Animals Act, 1960. (59 of 1960), four persons namely Dr. Prakash Arnte, Shri S. P. Gupta, IAS (Retd.), Shri Rakesh Gupta and Ms. Anjali Gopalan were included as the Members in the Board, vide Gazette notification no. S.O. 3847(E) dated 8th December, 2017 (Annexure-V). Shri S. P. Gupta, IAS (Retd.), Founder Chairman, People's Voice, Kamdhenu. Gow Dham & Arogya Sansthan was nominated as the Chairman of the AWBI. The Six Members of Parliament, Four Members from the Lok Sabha and Two Members from Rajya Sabha were not elected and nominated to the present Board. The MPs have not been nominated since 2007 onwards.</p> <p>Advice of Legislative Department was sought as to whether nomination of Member of AWBI being Member of Parliament attract disqualification under the office of profit through Article 102(1)(a) of the Constitution who have viewed that the the Members of Parliament, if nominated as member to the Animal Welfare Board of India may incur disqualification in terms of sub-clause (a) of clause (1) of article 102 of the Constitution.</p>

10

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 OF 1960)

[26th December, 1960]

An Act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.

Enacted by Parliament in the Eleventh Year of the Republic of India as follows. —

Statement of Objects and Reasons.—The Committee for the prevention of cruelty to animals, appointed by the Government of India drew attention to a number of deficiencies in the Prevention of Cruelty to Animals Act, 1890 (Central Act 11 of 1890) and suggested its replacement by a more comprehensive Act. The existing Act has a restricted scope as:—

- (1) it applies only to urban areas within municipal limits;
- (2) it defines the term "animal" as meaning any domestic or captured animal and, thus, contains no provision for prevention of cruelty to animals other than domestic and captured animals;
- (3) it covers only certain specified types of cruelty to animals; and
- (4) penalties for certain offences are inadequate.

This Bill is intended to give effect to those recommendations of the Committee which have been accepted by the Government of India and in respect of which Central legislation can be undertaken. The existing Act is proposed to be repealed.

Besides declaring certain type of cruelty to animals to be offences and providing necessary penalties for such offences and making some of the more serious of them cognizable, the Bill also contains provisions for the establishment of an Animal Welfare Board with the object of promoting measures for animal welfare.

Provision is also being made for the establishment of a Committee to control experimentation on animals when the Government, on the advice of the Animal Welfare Board, is satisfied that it is necessary to do so for preventing cruelty to animals during experimentation. The Bill also contains provisions for licensing and regulating the training and performance of animals for the purpose of any entertainment to which the public are admitted through sale of tickets.

Amendment Act 26 of 1982—Statement of Objects and Reasons.—The Prevention of Cruelty to Animals Act, 1960 was enacted in 1960 to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend and codify all laws relating to the Prevention of Cruelty to Animals. Keeping in view the experience gained in the working of the Act for the last twenty years, it is considered necessary to amend the Act so as to better achieve the purposes thereof.

2. The more important amendments which are proposed to be made are the following:—

(a) The name of the Board is proposed to be changed as the Animal Welfare Board of India to reflect the national character of the Board (*vide* clause 4).

(b) The composition of the Board is being altered for giving representation to well known humanitarians engaged in animal welfare work and to the Ministries of Home Affairs and Education and the Indian Board for Wild Life. At the same time the number of Members representing municipal corporations is being reduced from five to two. As a result of these changes the Board will have 28 Members instead of 25 Members as at present. In order to ensure that the same team continues for a period of three years, provision is being made for the reconstitution of the Board on the expiry of every third year (*vide* clauses 5, 6 and 7).

(c) The function of the Board under clause (a) of section 2 which is confined at present to ameliorating the condition of beasts of burden is being widened so as to cover

amelioration of all animals and the insertion under clause (g) of the section relating to the grant of financial assistance for the foundation of *parapoles*, *sanctuaries*, and the like is being amplified to cover expressly research hospitals for animals and animal shelters (vide clause 9).

(d) Section 11 relating to punishment for treating animals cruelly is proposed to be modified to cover certain additional cases of cruelty and also to provide for a minimum punishment by way of fine for treating animals cruelly (vide clause 10).

(e) Section 12 of the Act provides for penalty for practising *phookia* or *down dew* upon any cow or other milk animal. This section is being amended to make other operations to improve lactation (including injection of any substance) which are injurious to the health of such animals punishable (vide clause 11).

(f) With a view to enabling the Committee for control and supervision of experiments on animals to function more effectively a new section is proposed to be included for enabling the Committee to constitute sub-Committees for exercising any of its powers or discharging any of the duties or for enquiring into or reporting and advising on any matters referred to them by the Committee (vide clause 13).

(g) Section 38 relating to the power to make rules is being amended *inter alia* to provide for the fees which may be charged by the Committee for control and supervision of experiments on animals for the registration of institution for which such experiments are carried on (vide clause 16).

3. The Bill seeks to achieve the above objects.

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for the different provisions contained in this Act.

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

(a) "animal" means any living creature other than a human being;

²[(b) "Board" means the Board established under section 4, and as reconstituted from time to time under section 5-A;]

(c) "captive animal" means any animal (not being a domestic animal) which is in captivity or confinement, whether permanent or temporary, or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement or which is pinioned or which is or appears to be maimed;

(d) "domestic animal" means any animal which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tamed;

¹ Brought into force on 1-4-1961 in the State of Punjab (now divided into States of Punjab and Haryana and Union territory of Chandigarh) and the Union territory of Andaman and Nicobar Islands vide S.O. 323, dated 1-4-1961, see Gazette of India, P. B. 1961, p. 806.

² Substituted by Act 26 of 1982, S. 2, for Cl. (b) (w.e.f. 1-11-1982).

(e) "local authority" means a municipal committee, district board or other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(f) "owner", used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner;

(g) "phooka" or "doom deey" includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

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

(i) "street" includes any way, road, lane, square, Court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

3. Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

CHAPTER II

³[ANIMAL WELFARE BOARD OF INDIA]

4. Establishment of ⁴[Animal Welfare Board of India].—(1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the ⁴[Animal Welfare Board of India].

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

5. Constitution of the Board.—(1) The Board shall consist of the following persons, namely:—

(a) the Inspector-General of Forests, Government of India, *ex officio*;

(b) the Animal Husbandry Commissioner to the Government of India, *ex officio*;

⁵[(ba) two persons to represent respectively the Ministries of the Central Government dealing with home affairs and education, to be appointed by the Central Government;

(bb) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government;

(bc) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government;]

(c) one person to represent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by that association in the prescribed manner;

³ Substituted by Act 26 of 1982, S. 3, for "ANIMAL WELFARE BOARD" (w.e.f. 30-7-1982).

⁴ Substituted by Act 26 of 1982, S. 3, for "Animal Welfare Board" (w.e.f. 30-7-1982).

⁵ Inserted by Act 26 of 1982, S. 5 (w.e.f. 30-7-1982).

(d) two persons to represent practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government;

⁶[(e) one person to represent each of such two municipal corporations as in the opinion of the Central Government ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;]

(f) one person to represent each of such three organisations actively interested in animal welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen by each of the said organisations in the prescribed manner;

(g) one person to represent each of such three societies dealing with prevention of cruelty to animal as in the opinion of the Central Government ought to be represented on the Board, to be chosen in the prescribed manner;

(h) three persons to be nominated by the Central Government;

(i) six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha).

(2) Any of the persons referred to in clause (a) or ⁷[clause (b) or clause (ba) or clause (bb) of sub-section (1) may depute any other person to attend any of the meetings of the Board.

⁸[(3) The Central Government shall nominate one of the Members of the Board to be its Chairman and another Member of the Board to be its Vice-Chairman.]

⁹[5-A. Reconstitution of the Board.—(1) In order that the Chairman and other Members of the Board hold office till the same date and that their terms of office come to an end on the same date, the Central Government may, by notification in the Official Gazette, reconstitute, as soon as may be after the Prevention of Cruelty to Animals (Amendment) Act, 1982 comes into force, the Board.

(2) The Board as reconstituted under sub-section (1) shall be reconstituted from time to time on the expiration of every third year from the date of its reconstitution under sub-section (1).

(3) There shall be included amongst the Members of the Board reconstituted under sub-section (1), all persons who immediately before the date on which such reconstitution is to take effect, are Members of the Board but such persons shall hold office only for the unexpired portion of the term for which they would have held office if such reconstitution had not been made and the vacancies arising as a result of their ceasing to be Members of the Board shall be filled up as casual vacancies for the remaining period of the term of the Board as so reconstituted:

Provided that nothing in this sub-section shall apply in relation to any person who ceases to be Member of the Board by virtue of the amendment made in sub-section (1) of section 5 by sub-clause (ii) of clause (a) of section 5 of the Prevention of Cruelty to Animals (Amendment) Act, 1982.)

6. Substituted by Act 26 of 1982, S. 5, for Cl. (e) (w.e.f. 30-7-1982).

7. Substituted by Act 26 of 1982, S. 5, for "clause (b)" (w.e.f. 30-7-1982).

8. Substituted by Act 26 of 1982, S. 5, for sub S. (3) (w.e.f. 30-7-1982).

9. Inserted by Act 26 of 1982, S. 6 (w.e.f. 30-7-1982).

6. Term of office and conditions of service of Members of the Board.—

(1) The term for which the Board may be reconstituted under section 5-A shall be three years from the date of the reconstitution and the Chairman and other Members of the Board as so reconstituted shall hold office till the expiry of the term for which the Board has been so reconstituted.

(2) Notwithstanding anything contained in sub-section (1),—

(a) the term of office of an *ex officio* Member shall continue so long as he holds the office by virtue of which he is such a Member;

(b) the term of office of a Member elected or chosen under clause (c), clause (e), clause (f), clause (g), clause (h) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a Member of the body which elected him or in respect of which he was chosen;

(c) the term of office of a Member appointed, nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the Member in whose place he is appointed, nominated, elected or chosen;

(d) the Central Government may, at any time, remove for reasons to be recorded in writing a Member from office after giving him a reasonable opportunity of showing cause against the proposed removal and any vacancy caused by such removal shall be treated as casual vacancy for the purpose of clause (c).

(3) The Members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made in this behalf.

(4) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board and in particular, and without prejudice to the generality of the foregoing, during the period intervening between the expiry of the term for which the Board has been reconstituted under section 5-A and its further reconstitution under that section, the *ex officio* Members of the Board shall discharge all the powers and functions of the Board.]

7. Secretary and other employees of the Board.—(1) The Central Government shall appoint ¹[***] the Secretary of the Board.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Board may appoint such number of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Central Government.

8. Funds of the Board.—The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any local authority or by any other person.

10. Substituted by Act 26 of 1982, S. 7, for S. 6 (w.e.f. 30-7-1982).

11. The words "one of its officers to be" omitted by Act 26 of 1982, S. 8 (w.e.f. 30-7-1982).

9. Functions of the Board.—The functions of the Board shall be—

(a) to keep the law in force in India for the prevention of cruelty to animals under constant study and advise the Government on the amendments to be undertaken in any such law from time to time;

(b) to advise the Central Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;

(c) to advise the Government or any local authority or other person on improvements in the design of vehicles so as to lessen the burden on draught animals;

(d) to take all such steps as the Board may think fit for ¹²[amelioration of animals] by encouraging or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(e) to advise the Government or any local authority or other person in the design of slaughter-houses or in the maintenance of slaughter-houses or in connection with slaughter of animals so that unnecessary pain or suffering, whether physical or mental, is eliminated in the pre-slaughter stages as far as possible, and animals are killed, wherever necessary, in as humane a manner as possible;

(f) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering;

(g) to encourage, by the grant of financial assistance or otherwise, ¹³[the formation or establishment of *pinjrapoles*, rescue homes, animal shelters, sanctuaries and the like] where animals and birds may find a shelter when they have become old and useless or when they need protection;

(h) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds;

(i) to give financial and other assistance to animal welfare organisations functioning in any local area or to encourage the formation of animal welfare organisations in any local area which shall work under the general supervision and guidance of the Board;

(j) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals, and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;

(k) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of

12. Substituted by Act 26 of 1982, S. 9, for "ameliorating the condition of beasts of burden" (w.e.f. 30-7-1982).

13. Substituted by Act 26 of 1982, S. 9, for "the formation of *pinjrapoles*, sanctuaries and the like" (w.e.f. 30-7-1982).

unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;

(l) to advise the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.

10. Power of Board to make regulations.—The Board may subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

CHAPTER III CRUELTY TO ANIMALS GENERALLY

11. Treating animals cruelly.—(1) If any person—

(a) beats, kicks, overrides, overdrives, overloads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or

(b) ¹⁴[employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed, or being the owner, permits any such unfit animal to be so employed; or

(c) wilfully and unreasonably administers any injurious drug or injurious substance to ¹⁴[any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by ¹⁴[any animal]; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or

(h) being the owner of ¹⁴[any animal], fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

~~(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or~~

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

14. Substituted by Act 26 of 1982, S. 10, for certain words (w.e.f. 30-7-1982).

¹⁵[(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or

(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or]

(n) ¹⁶[* * *], organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting,

he shall be punishable, ¹⁷[in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both].

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or ¹⁷[by such other methods as may be prescribed]; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

(e) the commission or omission of any act in the course of a destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

12. Penalty for practising *phooka* or *doom dev*.—If any person performs upon any cow or other milch animal the operation called *phooka* or ¹⁸[*doom dev* or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal] or permits such

15. Substituted by Act 26 of 1982, S. 10, for Cls. (l) and (m) (w.e.f. 30-7-1982).

16. The words "for the purposes of his business" omitted by Act 26 of 1982, S. 10 (w.e.f. 30-7-1982).

17. Substituted by Act 26 of 1982, S. 10 for the words "or by such other methods as may be prescribed" (w.e.f. 30-7-1982).

18. Substituted by Act 26 of 1982, S. 11, for "*doom dev*" (w.e.f. 30-7-1982).

operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

13. Destruction of suffering animals.—(1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the Court, if the Court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may be ordered by the Court to be recovered from the owner as if it were a fine:

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any Magistrate, Commissioner of Police or District Superintendent of Police has reason to believe that an offence under section 11 has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion, it would be cruel to keep the animal alive.

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of that area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, may, after obtaining orders from a Magistrate, destroy the animal injured or cause it to be destroyed¹⁹ [in such manner as may be prescribed].

(4) No appeal shall lie from any order of a Magistrate for the destruction of an animal.

CHAPTER IV

EXPERIMENTATION OF ANIMALS

14. Experiments on animals.—Nothing contained in this Act shall render unlawful the performance of experiments (including experiments involving operations) on animals for the purpose of advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants.

15. Committee for control and supervision of experiments on animals.—(1) If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervising experiments on animals, it may, by notification in the Official

Gazette, constitute a Committee consisting of such number of officials and non-officials, as it may think fit to appoint thereto.

(2) The Central Government shall nominate one of the Members of the Committee to be its Chairman.

(3) The Committee shall have power to regulate its own procedure in relation to the performance of its duties.

(4) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person.

²⁰[15-A. Sub-Committees.—(1) The Committee may constitute as many sub-Committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

(2) A sub-Committee shall consist exclusively of the Members of the Committee.]

16. Staff of the Committee.—Subject to the control of the Central Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties, and may determine the remuneration and other terms and conditions of service of such officers and other employees.

17. Duties of the Committee and power of the Committee to make rules relating to experiments on animals.—(1) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for the purpose it may, by notification in the Gazette of India and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

²¹[(1-A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the registration of persons or institutions carrying on experiments on animals;

(b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals.]

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely:—

(a) that in cases where experiments are performed in any institution, the responsibility therefor, is placed on the person in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, the individuals are qualified in that behalf and the experiments are performed on their full responsibility;

(b) that experiments are performed with due care and humanity, and that as far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;

²⁰. Inserted by Act 26 of 1982, S. 13 (w.e.f. 30-7-1982).

²¹. Inserted by Act 26 of 1982, S. 14 (w.e.f. 30-7-1982).

(c) that animals which, in the course of experiments under the influence of anaesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;

(d) that experiments on animals are avoided wherever it is possible to do so; as for example in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the like, may equally suffice;

(e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits, frogs and rats;

(f) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;

(g) that animals intended for the performance of experiments are properly looked after both before and after experiments;

(h) that suitable records are maintained with respect to experiments performed on animals.

(3) In making any rules under this section, the Committee shall be guided by such directions as the Central Government (consistently, with the objects for which the Committee is set up) may give to it, and the Central Government is hereby authorised to give such directions.

(4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons in charge of institutions in which experiments are performed.

18. Power of entry and inspection.—For the purpose of ensuring that the rules made by it are being complied with, the Committee may authorise any of its officers or any other person in writing to inspect any institution or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorised may—

(a) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and

(b) require any person to produce any record kept by him with respect to experiments on animals.

19. Power to prohibit experiments on animals.—If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 18 or otherwise, that the rules made by it under section 17 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

20. Penalties.—If any person—

(a) contravenes any order made by the Committee under section 19; or

(b) commits a breach of any condition imposed by the Committee under that section,

he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

CHAPTER V
PERFORMING ANIMALS

21. "Exhibit" and "train" defined.—In this Chapter, "exhibit" means exhibit or any entertainment to which the public are admitted through sale of tickets and "train" means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings.

22. Restriction on exhibition and training of performing animals.—No person shall exhibit or train—

(i) any performing animal unless he is registered in accordance with the provisions of this Chapter;

(ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

COMMENTS

S. 29 of the Prevention of Cruelty to Animals Act, 1960 gives power to the Court to deprive a person convicted under the Act of the ownership of animals. It is true that the Act is silent with regard to the ownership of the animals with respect to whom a notification under S. 22 is issued, but inasmuch as the circus owners keep the animals only for the purpose of training and exhibition, it must follow that they cannot retain them for that purpose: *N.R. Nair v. Union of India* A.I.R. 2001 S.C. 2337: (2001) 6 S.C.C. 84.

23. Procedure for registration.—(1) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless he is a person who, by reason of an order made by the Court under this Chapter, is not entitled to be so registered.

(2) An application for registration under this Chapter shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the prescribed authority.

(3) The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(4) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts therefrom.

(5) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any Court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

24. Power of Court to prohibit or restrict exhibition and training of performing animals.—(1) Where it is proved to the satisfaction of any Magistrate on a complaint made by a police officer or an officer authorised in writing by the prescribed authority referred to in section 23, that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to

conditions; the Court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions in relation thereto, as may be specified by the order.

(2) Any Court by which an order is made under this section shall cause a copy of the order to be sent, as soon as may be after the order is made, to the prescribed authority by which the person against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate, on being so required by the Court for the purposes of endorsement, and the prescribed authority to which a copy of an order is sent under this section shall enter the particulars of the order in that register.

25. Power to enter premises.—(1) Any person authorised in writing by the prescribed authority referred to in section 23 and any police officer not below the rank of a Sub-Inspector may—

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and any such animals found therein; and

(b) require any person who, he has reason to believe, is a trainer or exhibitor of performing animals to produce his certificate of registration.

(2) No person or police officer referred to in sub-section (1) shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

26. Offences.—If any person—

(a) not being registered under this Chapter, exhibits or trains any performing animal; or

(b) being registered under the Act, exhibits or trains any performing animal with respect to which, or in a manner with respect to which, he is not registered; or

(c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or

(d) obstructs or wilfully delays any person or police officer referred to in section 25 in the exercise of powers under this Act as to entry and inspection; or

(e) conceals any animal with a view to avoiding such inspection; or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered,

he shall be punishable on conviction with fine which may extend to five hundred rupees or with imprisonment which may extend to three months, or with both.

27. Exemptions.—Nothing contained in this Chapter shall apply to—

(a) the training of animals for *bona fide* military or police purposes or the exhibition of any animals so trained; or

(b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

CHAPTER VI
MISCELLANEOUS

28. Saving as respects manner of killing prescribed by religion.—Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community.

29. Power of Court to deprive person convicted of ownership of animal.—

(1) If the owner of any animal is found guilty of any offence under this Act, the Court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty.

(3) Without prejudice to the provision contained in sub-section (1), the Court may also order that a person convicted of an offence under this Act shall either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or, as the Court thinks fit, of any animal of any kind or species specified in the order.

(4) No order under sub-section (3) shall be made unless—

(a) it is known by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the request that an order be made as aforesaid; and

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a license is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(6) Any Court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

COMMENTS

S. 29 of the Prevention of Cruelty to Animals Act, 1960 gives power to the Court to deprive a person convicted under the Act of the ownership of animals. It is true that the Act is silent with regard to the ownership of the animals with respect to whom a notification under S. 22 is issued, but inasmuch as the circus owners keep the animals only for the purpose of training and exhibition, it must follow that they cannot retain them for that purpose: *N.R. Nair v. Union of India* A.I.R. 2001 S.C. 2337; (2001) 6 S.C.C. 84.

30. Presumption as to guilt in certain cases.—If any person is charged with the offences of killing a goat, cow or its progeny contrary to the provisions of clause (1) of sub-section (1) of section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary proved that such animal was killed in a cruel manner.

31. Cognizability of offences.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898)²², an offence punishable under clause (1), clause (11) or clause (12) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that Code.

32. Powers of search and seizure.—(1) If a police officer not below the rank of Sub-Inspector or any person authorised by the State Government in this behalf has reason to believe that an offence under clause (1) of sub-section (1) of section 11 in respect of any such animal as is referred to in section 30 is being, or is about to be, or has been, committed in any place, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission of such offence.

(2) If a police officer not below the rank of Sub-Inspector, or any person authorised by the State Government in this behalf, has reason to believe that *phooka* or ²³*doom dev* or any other operation of the nature referred to in section 12] has just been, or is being, performed or any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the veterinary officer in charge of the area in which the animal is seized.

33. Search warrants.—(1) If a Magistrate of the first or second class or a Presidency Magistrate or a Sub-Divisional Magistrate or a Commissioner of Police or District Superintendent of Police, upon information in writing, and after such inquiry as he thinks necessary, has reason to believe that an offence under this Act is being, or is about to be, or has been committed in any place, he may either himself enter and search or by his warrant authorise any police officer not below the rank of Sub-Inspector to enter and search the place.

(2) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898)²⁴, relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

34. General power of seizure for examination.—Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

²² Now see the Code of Criminal Procedure, 1973 (2 of 1974).

²³ Substituted by Act 25 of 1982, s. 15, for the words "phooka or doom dev" in section 32(2).

²⁴ Now see the Code of Criminal Procedure, 1973 (2 of 1974).

35. Treatment and care of animals.—(1) The State Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a Magistrate.

(2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such other veterinary officer as may be authorised in this behalf by rules made under this Act.

(4) The cost of transporting the animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the District Magistrate, or, in presidency-towns, by the Commissioner of Police:

Provided that when the Magistrate so orders on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) Any amount payable by an owner of an animal under sub-section (4) may be recovered in the same manner as an arrear of land revenue,

(6) If the owner refuses or neglects to remove the animal within such time as a Magistrate may specify, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

36. Limitation of prosecutions.—A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

37. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act, may, subject to such conditions as it may think fit to impose, be also exercisable by any State Government.

38. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for all or any of the following matters, namely:—

(a) the ²⁵[* *] conditions of service of Members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

²⁶[(aa) the manner in which the persons to represent municipal corporations are to be elected under clause (c) of sub-section (1) of section 5;]

(b) the maximum load (including any load occasioned by the weight of passengers) to be carried or drawn by any animal;

(c) the conditions to be observed for preventing the over-crowding of animals;

(d) the period during which, and the hours between which, any class of animals shall not be used for draught purposes;

(e) prohibiting the use of any bit or harness involving cruelty to animals;

²⁶[(ea) the other methods of destruction of stray dogs referred to in clause (b) of sub-section (3) of section 11;]

(eb) the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (3) of section 13;]

(f) requiring persons carrying on the business of a carrier to be licensed and registered by such authority as may be prescribed and levying a fee for the purpose;

(g) the precautions to be taken in the capture of animals for purposes of sale, export or for any other purpose, and the different appliances or devices that may alone be used for the purpose; and the licensing of such capture and the levying of fees for such licences;

(h) the precautions to be taken in the transport of animals, whether by rail, road, inland waterway, sea or air and the manner in which and the cages or other receptacles in which they may be so transported;

(i) requiring persons owning or in charge of premises in which animals are kept or milked to register such premises, to comply with such conditions as may be laid down in relation to the boundary walls or surroundings of such premises to permit their inspection for the purpose of ascertaining whether any offence under this Act is being, or has been committed therein, and to expose in such premises copies of section 12 in a language or languages commonly understood in the locality;

(j) the form in which applications for registration under Chapter V may be made, the particulars to be contained therein, the fees payable for such registration and the authorities to whom such applications may be made;

²⁶[(ja) the fees which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose;]

(k) the purposes to which fines realised under the Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapole* and veterinary hospitals,

(l) any other matter which has to be, or may be prescribed.

25. The word, "to be and" omitted by Act 26 of 1982, S. 16 (w.e.f. 30-7-1982).

26. Inserted by Act 26 of 1982, S. 16 (w.e.f. 30-7-1982).

PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(3) If any person contravenes, or abets the contravention of, any rule made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

27[***]

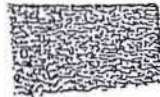
²⁸[38-A. Rules and regulations to be laid before Parliament.—Every rule made by the Central Government or by the Committee constituted under section 15 and every regulation made by the Board shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and it, 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 regulation, as the case may be, or both Houses agree that the rule or regulation 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 regulation.]

39. Persons authorised under section 34 to be public servants.—Every person authorised by the State Government under section 34 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

40. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person, who is, or who is deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) in respect of anything in good faith done or intended to be done under this Act.

41. Repeal of Act 11 of 1890.—Where in pursuance of a notification under sub-section (3) of section 1 any provision of this Act comes into force in any State, any provision of Prevention of Cruelty to Animals Act, 1890 (11 of 1890), which corresponds to the provision so coming into force, shall thereupon stand repealed.

27. Sub-S (1) inserted by Act 26 of 1982 S. 16 (w.e.f. 30-7-1982).
28. inserted by Act 26 of 1982, S. 17 (w.e.f. 30-7-1982).



MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

NOTIFICATION

New Delhi, the 23rd June, 1967.

S.O. 2005.- In exercise of the powers conferred by section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published, as required by the said section, namely:-

ANIMAL WELFARE BOARD (ADMINISTRATION)
RULES, 1962.

1. Short title. These rules may be called the Animal Welfare Board (Administration) Rules, 1962.

2. Definitions. In these rules, unless the context otherwise requires:-

- (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
- (b) "Board" means the Animal Welfare Board established under section 4;
- (c) "Chairman" means the Chairman of the Board nominated under sub-section (3) of section 5;
- (d) "member" means a member of the Board; and
- (e) "Secretary" means the Secretary to the Board appointed under sub-section (1) of section 7.

3. Headquarters of the Board. The headquarters of the Board shall be at New Delhi or at such other place as the Central Government may, after consultation with the Board direct.

3A. Vice-Chairman. - (1) The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.

(2) The Vice-Chairman shall exercise such powers and perform such functions as the Chairman may, with the previous approval of the Central Government, delegate to him from time to time.

4. Casual vacancies. - (1) Any casual vacancy arising in the office of a member shall be filled in the manner provided in one or the other of the clauses or sub-sections (1) of section 5 according to the capacity in which such person had found a place in the Board as a member.

(2) A member appointed to fill a casual vacancy shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

5. Resignation. - (1) A member, other than the Chairman, may by a letter addressed to the Chairman, resign his membership.

(2) The Chairman may resign his membership by a letter addressed to the Secretary to the Government of India, Ministry of Food and Agriculture, (Department of Agriculture)

(3) A resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of resignation, whichever is earlier.

6. Removal from the Board. - (1) The Central Government may remove from office any member of the Board who,

(a) absents himself from three consecutive meetings of the Board without the leave of the Board; or

(b) has been adjudged an insolvent or;

(c) has been convicted of an offence involving moral turpitude; or

(d) has become physically or mentally incapable of acting as such member.

* Ins. by Prevention of Cruelty to Animals (Amendment) Act, 1982 (26 of 1982) S. 5(3)

(2) No person shall be removed from office as a member except after being given an opportunity of showing cause against such removal.

7. Disposal of business:- (1) All questions which the Board is required to consider shall be considered either at its meeting or by circulation of papers, as the Chairman may direct.

(2) When a question is referred by circulation of papers, any member may request that the question be considered at a meeting of the Board and thereupon the Chairman may direct that it be so considered.

Provided that if three or more members make such a request, the Chairman shall direct that it be so considered.

8. Meetings of the Board:- (1) The Board shall meet not less than twice a year or more often if the Chairman thinks it necessary for transaction of its business.

(2) The meetings shall ordinarily be held at the headquarters of the Board but the Chairman may, if necessary, fix the venue of the meetings at places other than the headquarters of the Board.

9. Annual general meeting:- (1) of the meetings of the Board held annually, one shall be the Annual General Meeting:

* (2) At one of its General Meeting to be held sometime in August or September each year, the Secretary shall submit the annual report and the yearly accounts of the Board for the working of the preceding financial year and the budget for the next financial year for the approval of the Board.

10. Special meetings:- (1) The Chairman shall convene a special meeting of the Board on the written requisition of not less than eight members of the Board.

(2) Any requisition made by the members of the Board shall specify the object of the meeting proposed to be called and shall be left at the address of the Secretary or posted to his address.

* Substituted by Animal Welfare Board (Administration) Amendment Rules, 1981.

(2) Upon such requisition, the Chairman shall give notice of a meeting to be held within thirty days after the receipt of such requisition.

11. Form of notices of meetings:— Every notice calling a meeting of the Board shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Board not less than fourteen clear days before the day appointed for the meeting, other than the Annual General Meeting in which case the period of notice shall be not less than twenty-one days.

12. Quorum for meetings:— Eight members of the Board, including substitutes debated under sub-section (2) of section 5 shall form a quorum at every meeting of the Board.

Provided that at any meeting in which less than eight members are present, the Chairman may adjourn the meeting to a date not less than fourteen days later and inform the members present and notify other members that he proposes to dispose of the business at the adjourned meeting irrespective of the quorum and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

13. Procedure at meetings.—(1) If the Chairman is not present at any meeting of the Board, the Vice-Chairman shall be the Chairman of the meeting. In the absence of the Chairman and the Vice-Chairman from any meeting of the Board, the members shall choose one among themselves to be the Chairman of the meeting.

(2) In case the difference of opinion amongst the members at the meeting of the Board, the opinion of the majority shall prevail.

(3) Each member shall have one vote and if there shall be equality of votes on any question to be decided at a meeting of the Board, the Chairman of the meeting shall have a casting vote.

(4) No business which is not on the agenda shall be considered at any meeting without the permission of the Chairman.

*Inserted by Annual Welfare Board (Administration)

14. Allowances and remuneration: (1) No remuneration or allowances shall be paid to any member of the Board on account of his services as such.

(2) A member of the Board who is not an official shall be entitled to draw in respect of any journey performed for the purpose of attending a meeting of the Board or of a committee or sub-committee thereof or any other association or society to which he is appointed or nominated as a representative of the Board or any other journey in connection with the work of the Board performed under the direction of the Chairman:-

(a) where he is not a Member of Parliament, travelling and daily allowance at rates admissible to a Government servant of the first grade serving with the Central Government;

(b) where he is a Member of Parliament:-

(i) travelling or conveyance allowance to recover any expenditure incurred by him in performing such journey at a rate not exceeding the allowance admissible to a Member of Parliament appointed to a committee set up by the Central Government,

(ii) daily allowance at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954.

(3) A member of the Board who is an official shall be entitled to draw in the circumstances mentioned under sub-rule (2) travelling and daily allowance in accordance with the travelling allowance rules applicable to him.

(4) Where a person who is not official or a member is asked by the Chairman of the Board to perform any journey for the purpose of attending a meeting of the Board or of a committee or sub-committee thereof or any other journey in connection with the work of the Board, he shall in respect of such journey be entitled to the payment of travelling or conveyance allowance or daily allowance at the rates specified in sub-rule (2).

15. Power of the Board to appoint Executive Committees and to co-opt persons therein. (1) For the administration of its affairs and for carrying out its functions, the Board may by resolution appoint an Executive Committee consisting of such number of members as it may think fit to appoint thereto, and may by resolutions made in this behalf define their functions and duties.

(2) The Board may co-opt a person representing the Ministry of Finance to the Government of India, as a member of the Executive Committee and such person shall be entitled to attend the meeting of the Committee and to take part in the discussions, but shall not have the right to vote.

(3) For rule 16, the following rule shall be substituted, namely:-

16. Powers of the Board to appoint other Committees and sub-committees and to co-opt persons therein. (1) For the purpose of the Executive Committee referred to in rule 15, the Board may by resolution constitute such other Committee or Committees from amongst its members for the administration of its affairs and for carrying out its functions.

(2) The Board may co-opt such persons to the Committees or sub-committees appointed under sub-rule (1) as it considers necessary and suitable, and may permit them to attend the meetings of such Committees or sub-committees.

(3) A person co-opted under sub-rule (2) for any purpose shall have the right to take part in the discussions relevant to that purpose, but shall not have the right to vote.

17. Powers and duties of the chairman.

(1) The Chairman shall preside at meetings of the Board.

(2) The Chairman shall be responsible for the proper functioning of the Board and the implementation of its decisions and the discharge of its duties under the Act.

* Substituted by Animal Welfare Board (Administration) Amendment Rules, 1963.

(3) The Chairman shall--

- (a) Cause important papers and matters to be presented to the Board as early as practicable;
- (b) Issue directions as to the method of carrying out the decisions of the Board;
- (c) cause to be maintained an account of the receipt and expenditure of the Board; and
- (d) cause an annual report of the working of the Board to be prepared which after being approved at its annual General Meeting shall be submitted to the Central Government;

(4) The chairman shall exercise administrative control over all employees of the board.

(5) The Chairman shall exercise such administrative and financial powers as are specified in column 2 of the schedule to these rules subject to the limitation specified in column 3 thereof.

18. Powers of the secretary.-- (1) The Secretary shall work under the general control of the chairman who may delegate to him all or any of the following powers and duties:

- (a) convening of meetings of the Board under the directions of the Chairman;
- (b) drawing up agenda for each meeting under the Chairman's directions and supplying the same to each member of the Board, along with the notice of the meeting;

(c) maintenance of minutes of meetings of the Board;

(d) furnishing to the Central Government copies of all reports, including annual reports and returns and necessary documents required under the Act or the rules;

(e) preparation of the annual budget of Board.

*Inserted by Animal Welfare Board (Administration) Amendment Rules, 1967.

(2) The Chairman may, with the permission of the Board, delegate to the Secretary any other function of the Board or of the Chairman.

(3) The Secretary shall exercise such administrative and financial powers as are specified in column 2 of the schedule to these rules subject to the limitation specified in column 4 thereof.

(4) The Secretary shall keep a record of the members of the Board and their addresses.

(5) If a member changes his address, he shall notify his new address to the secretary who shall thereupon enter his new address in the record, but if the member fails to notify his new address, the address on official record shall for all purposes be deemed to be the member's address.

19. Preparation and submission of annual budget estimates:— (1) The budget estimates of the Board for every financial year beginning with the 1st day of April and ending on the 31st day of March following shall be prepared by the Secretary.

(2) A copy of the budget estimates so prepared shall be sent to each member of the Board.

(3) The Board shall consider and approve the budget estimates with such changes as it thinks fit at the meeting fixed for the consideration of the budget estimates.

(4) The budget estimates as approved by the Board shall be submitted to the Central Government for their formal approval before the 1st March or such other date as the Central Government may fix for the purpose.

(5) Subject to such orders as may be issued by the Central Government from time to time, no expenditure shall be incurred until the budget is sanctioned by the Central Government and expenditure authorised by a competent authority in the Board.

20. Supplementary estimates:— If, during any financial year, for any reasons, substantial modification in the budget estimates as finally approved by the Central Government is likely to be involved, the Board shall submit for approval to the Central Government supplementary estimates in such form and on such date as the Central Government may direct.

21. Investment and withdrawal of moneys.

(1) The bankers of the Board shall be the State Bank of India.

(2) All funds of the Board shall be paid into the Board's account and shall not be withdrawn except on cheques signed by the Chairman or any other member specifically authorized by the Chairman for the purpose and countersigned by the Secretary.

(3) Cheque books shall remain in the personal custody of the Secretary.

22. Permanent advance. - There shall be drawn from the bank and kept at the disposal of the Secretary a permanent advance of Rs. 500/- to be re-couped as and when required, to meet the petty expenditure of the office of the Board.

23. Contracts. - (1) The draft of every contract involving consideration exceeding Rs. 5,000/- shall be submitted to any legal adviser appointed by the Board for the purpose as to its legality and the correctness of its form. Such contracts shall be executed only with the prior approval of the Board or of any of its committees or sub-committees competent for the purpose and shall bear the seal of the Board.

(2) Neither the chairman nor the secretary nor any member of the Board shall be personally liable for any assurance or contract made under this rule but any liability arising under such assurance or contract shall be discharged from the money at the disposal of the Board.

* 24. Accounts and Audit. - (1) The Board shall maintain proper accounts and other relevant records.

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor General of India or by any person appointed by him in this behalf and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any person appointed by him audit the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Board.

* Inserted by Animal Welfare Board (Administration) Amendment Rules, 1963.

(4) The Annual Report as approved by the Board and the accounts of the Board, as certified by the Comptroller and Auditor General of India or any person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and the Government shall cause the same to be laid before each House of Parliament.

(5) The accounts of receipts shall include a statement of all sums received by the Board during the financial year which shall be shown under the following heads:-

(a) money received from the Central and State Governments;

(b) other moneys received by the Board;

(c) interest received from the investment of such moneys as aforesaid.

(6) Total receipts shall be shown under each of the heads specified under sub-rule (5) and the opening balance shall also be stated.

(7) The expenditure incurred during the financial year shall be shown under the following heads:-

(a) administration of the Board;

(b) measures taken in connection with the functions of the Board specified in section 9, each item being shown separately;

(c) Miscellaneous.

(8) The closing balance for the financial year shall be shown at the foot of the accounts on the expenditure side.

25. Legal advice:- The Board shall make its own arrangement to obtain legal advice in respect of contracts or agreements into which it may enter with other parties and other matters where such advice may be necessary.

26. Provident Fund:- The Board may, with the approval of the Central Government, establish and maintain a contributory provident fund for the benefit of its servants other than servants of the Government whose services may be lent to the Board and require any of its servants or any class of its servants to subscribe to the fund.

* Inserted by Animal Welfare Board (Administration) Amendment Rules, 1981.

Schedule of Powers Delegated to the Chairman and Secretary of the Board

Sl. No.	Power	Limits and Restrictions, if any	
		Chairman	Secretary
1.	(1) To create temporary posts (for any specified period). (2) To make appointments to sanctioned posts.	Posts in the scale of pay the minimum of which does not exceed Rs. 400/-	Scale in the scale of pay the ceiling of which does not exceed Rs. 575/-
2.	(1) To sanction grant of leave. (2) To make officiating appointments. (3) To sanction annual increments under Fundamental Rule 25.	Do. Do. Do.	Do. Do. Do.
3.	To authorize a member or any other person to proceed on tour connected with the Board to any part of India.	Full powers.	
4.	To grant travelling allowances to persons (other than members and employees) required to travel in the interest of the Board.	According to the status of the person but not exceeding amounts admissible under the Supplementary Rules of the Government of India.	Full powers provided no increment has not already been withheld.

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<p>5. To authorize employees of the Board to proceed on duty to any part of India and to grant them travelling allowance in accordance with the Supplementary Rules of the Government of India.</p>	<p>Secretary</p>	<p>All posts other than Secretary.</p>
<p>6. To counter sign Pay and Travelling Allowance Bills.</p>	<p>Travelling Allowance Bills of Secretary</p>	<p>(1) Pay and travelling allowance bills of all staff except Secretary.</p>
<p>"</p>	<p>"</p>	<p>(ii) Travelling Allowance bills of:</p> <ul style="list-style-type: none"> (a) Extra Assistant Members. (b) Persons, other than members and employees, who are required to travel in the interest of the Board.
<p>7. To sanction advances for the purchase of conveyance in accordance with the Rules made by the Government of India.</p>	<p>Secretary</p>	<p>All staff except Secretary</p>
<p>8. To grant concessions to persons proceeding to pesteur Institute for antibiotic treatment in accordance with the Rules made by Government of India.</p>	<p>Do.</p>	<p>Do.</p>

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9. To institute criminal proceedings against employees.

Full powers.

10. To sanction punishment increments.

Posts in the scale of pay the maximum of which does not exceed Rs. 800/-

Posts in the scale of pay the maximum of which does not exceed Rs. 575/-

11. To sanction Travelling Allowance.

Full powers.

12. To sanction the grant or suspension of an honorarium of Rs. and to sanction the undertaking of work for which an honorarium or fee is sanctioned.

upto Rs. 1,000/- in any individual case.

upto Rs. 250/- in any individual case.

13. To sanction expenditure of Rs. 1,000/- or contingent funds.

Maximum limit Rs. 1,000/- per annum. Requiring Rs. 1,000/- Non-Recd. Rs. 5,000/-

Maximum limit:
(i) Also, upto Rs. 200/- Non-Recd. Rs. 1,000/-
(ii) Contingent Expc. Rs. 1,000/- P.A. Non-Recd. Rs. 5,000/- per annum

14. To write off losses (a) fire covered losses or losses of public money.

Rs. 1,000/-

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1.	2.	3.	4.
	(b) Loss of revenue, irrevocable loans and advances.		R.1,000/-
	(c) Deficiencies and depreciation in the value of stores included in the stock and other accounts.		R.1,000/-
15.	To sanction medical attendance fee and cost of medicines for the servants of the Board, subject to the rules made by the Board.	For the Secretary, full powers.	Full for other staff.
16.	To appoint authorised medical attendants on the staff.		Full powers.
17.	To select a board servant to be a ministerial servant.		Full powers.
18.	(a) To retain non-ministerial Government servants in service after the age of 55 and not beyond the age of 60.	Full powers in the case of staff drawing pay in time scale the maximum of which is over R.575/- and does not exceed R.900/-	Full powers in the case of staff drawing pay in the scales the maximum of which does not exceed R.575/-
	(b) To retain a class IV servant in the service of the Board after the age of 60 and not beyond the age of 65.		Full powers.

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10. To retain ministerial Board's servant in service after the age of 55 and not beyond the age of 60.

Full powers in the case of staff drawing pay in the scale the maximum of which does not exceed Rs. 500/- and provided extensions are limited to one year at a time.

20. Power to order destruction of records.

Full powers

21. To order sale by auction or otherwise in the interest of the Board of unserviceable stores or perishable articles.

Full powers.

22. Power to impose all the penalties.

Full power in the case of the staff appointed by Chairman. The staff concerned shall have the right to appeal to the Board from any orders passed against them in exercise of this power.

Full power in the case of the staff appointed by Secretary. The staff concerned shall have the right of appeal to the Chairman from any orders passed against them in exercise of this power.

23. Power to make small monthly payments in class IV servants for dusting offices, for doing photocopying work, etc., in addition to their own duties.

Full powers provided the payment in each case does not exceed Rs. 15/- per m.

-15-

24. Sanctioning additional funds for approved schemes.

Up to Rs. 5,000/- when the cost of the approved scheme exceeds Rs. 50,000/- and Rs. 2,500/- when the cost of the scheme is Rs. 50,000/- or less, provided in all cases that the additional grant is not inconsistent with the nature and object of the scheme.

25. Re-appropriation of funds.

Full power to re-appropriate funds from one primary unit to another provided that the total sanctioned cost of each scheme is not exceeded thereby.

Full power to re-appropriate funds from one secondary unit to another within the same primary unit subject to the total sanctioned cost of the scheme being not exceeded.

26. Passing bills for payment of grant-in-aid for schemes already sanctioned by competent authority.

Full power.

27. Attending entries in Cash Book.

Full power.

28. Checking monthly cash balance.

Full power.

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29. Attesting entries in service books.		Full powers.
30. To sanction an advance to the servants of the Board out of Contributory Provident Fund.	<p>(1) Amount exceeding three months pay of the subscribers.</p> <p>(2) Before the expiry of 12 months after the final repayment of all previous advances together with the interest thereon.</p>	<p>Amount not exceeding three months pay of the subscriber.</p>
31. Reversal of D.A. allowance by audit and setting off over payments made to the servants of the Board.		Full powers, subject to the provisions of para 2 of General Financial Rules, Vol. I.
32. Grant of overtime allowance to staff.		Full powers.

(No. 910/61-2D.)
 Secy. to Govt. of India.

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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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NEW DELHI, FRIDAY, MARCH 3, 2017/PHALGUNA 12, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 3 मार्च, 2017

का.आ. 729(अ).—पशुओं के प्रति क्रूरता निवारण अधिनियम, 1960 (1960 का 59) की धारा 4 की उप-धारा(1) और धारा 5क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा दिनांक 01.03.2017 से तीन वर्षों की अवधि के लिए सदस्यों के रूप में निम्नलिखित व्यक्तियों से युक्त भागतीय पशु कल्याण बोर्ड का पुनर्गठन करती है अर्थात् :

- | | |
|---|----------------------------------|
| 1. वन महा निदेशक एवं विशेष सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, नई दिल्ली | धारा 5(1)(क) के तहत सदस्य (पदेन) |
| 2. पशु पालन आयुक्त, कृषि मंत्रालय, नई दिल्ली | धारा 5(1)(ख) के तहत सदस्य (पदेन) |
| 3. संयुक्त सचिव या उनके प्रतिनिधि, गृह मंत्रालय, नई दिल्ली | धारा 5(1)(खक) के तहत सदस्य |
| 4. संयुक्त सचिव या उनके प्रतिनिधि, मानव संसाधन विकास मंत्रालय, नई दिल्ली | धारा 5(1)(खक) के तहत सदस्य |
| 5. वन महा-निरीक्षक (वन्यजीव), पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, नई दिल्ली | धारा 5(1)(खख) के तहत सदस्य |
| 6. श्री मोहन सिंह आहलूवालिया, हरियाणा | धारा 5(1)(खग) के तहत सदस्य |
| 7. श्री राजीव गुप्ता, सेवानिवृत्त सचिव, युवा कार्य विभाग, भारत सरकार, नई दिल्ली | धारा 5(1)(खग) के तहत सदस्य |
| 8. श्री गिरीश शाह, समस्ता महाजन, मुंबई | धारा 5(1)(खग) के तहत सदस्य |
| 9. डा. आर.एस. चौहान, कॉलेज ऑफ़ वेटेरीनरी एंड एनिमल साइंसेस, जी.बी. पंत कृषि एवं प्रौद्योगिकी विश्वविद्यालय, उत्तराखंड | धारा 5(1)(ग) के तहत सदस्य |

1230 GI/2017

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| 10. वैद्य हितेश जानी, अध्यक्ष एवं प्रमुख चिकित्सक,
पंचकर्म यूजी विभाग, जामनगर, गुजरात आयुर्वेद
विश्वविद्यालय | धारा 5(1)(घ) के तहत सदस्य |
| 11. डीजी, आईसीएमआर | धारा 5(1)(घ) के तहत सदस्य |
| 12. पुत्राहाट्टी नगर निगम के प्रतिनिधि, असम | धारा 5(1)(ड.) के तहत सदस्य |
| 13. _____ नगर निगम के प्रतिनिधि, कर्नाटक | धारा 5(1)(ड.) के तहत सदस्य |
| 14. श्री सुनील भानुसिंघका, गौविज्ञान अनुसंधान केंद्र,
देवलापर, नागपुर | धारा 5(1)(च) के तहत सदस्य |
| 15. श्री राम कृष्ण रघुवंशी, पीपल ऑफ एनिमल
जनकल्याण समिति, विदिशा, मध्य प्रदेश | धारा 5(1)(च) के तहत सदस्य |
| 16. संयुक्त सचिव (पशु कल्याण); पर्यावरण, वन और
जलवायु परिवर्तन मंत्रालय, भारत सरकार | धारा 5(1)(छ) के तहत सदस्य |
| 17. श्री अजीत शरद केलकर, इंदौर, मध्य प्रदेश | धारा 5(1)(छ) के तहत सदस्य |
| 18. श्री धनपाल सिंह, गायत्री परिवार, देव संस्कृति
विश्वविद्यालय, हरिद्वार | धारा 5(1)(छ) के तहत सदस्य |

केंद्र सरकार एतद्वारा उक्त अधिनियम की धारा 5 की उप-धारा (3) के अनुसार भारतीय पशु कल्याण बोर्ड के अध्यक्ष पद के लिए वन महानिदेशक एवं विशेष सचिव को नामित करती है।

बोर्ड के शेष चार पदों के लिए धारा 5(1)(च) और धारा 5(1)(छ) के अंतर्गत अलग से नामांकन किया जाएगा।

[फा. सं. 11/14/2016-एडव्ल्यूडी]

एन. गौरी शंकर, उप सचिव (एडव्ल्यूडी)

टिप्पण: भारतीय पशु कल्याण बोर्ड के पुनर्गठन से संबंधित पूर्ववर्ती अधिसूचनाएं भारत के राजपत्र असाधारण में दिनांक 29.11.2007 की अधिसूचना सं.का.आ.2005(अ), दिनांक 29.12.2008 की अधिसूचना सं.का.आ.2981(अ), दिनांक 30.11.2009 की अधिसूचना सं.का.आ.3077(अ), दिनांक 01.12.2010 की अधिसूचना सं.का.आ.2882(अ), दिनांक 28.02.2014 की अधिसूचना सं.का.आ.602(अ), दिनांक 13.05.2015 की अधिसूचना सं.का.आ.1301(अ), दिनांक 23.12.2016 की अधिसूचना सं.का.आ.4156(अ) और दिनांक 26.12.2016 की अधिसूचना सं.का.आ.4165(अ) द्वारा प्रकाशित की गई थीं।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 3rd March, 2017

S.O. 729(E).—In exercise of the powers conferred by sub-section (1) of Section 4 and Section 5A of the Prevention of Cruelty to Animals Act 1960 (59 of 1960), the Central Government hereby reconstitutes the Animal Welfare Board of India consisting of the following persons as its Members for a period of three years w.e.f. 01.03.2017, namely:-

- | | |
|---|---|
| 1. Director General of Forests & Special Secretary,
Ministry of Environment and Forests, New Delhi | Member (ex-officio) under Section 5(1)(a) |
| 2. The Animal Husbandry Commissioner,
Ministry of Agriculture, New Delhi | Member (ex-officio) under Section 5(1)(b) |

3.	The Joint Secretary or his representative, Ministry of Home Affairs, New Delhi	Member under Section 5(1)(ba)
4.	The Joint Secretary or his representative, Ministry of Human Resources Development, New Delhi	Member under Section 5(1)(ba)
5.	The Inspector General of Forest (Wildlife), Ministry of Environment & Forests, New Delhi.	Member under Section 5(1)(bb)
6.	Shri Mohan Singh Ahluwalia, Haryana.	Member under Section 5(1)(bc)
7.	Shri Rajeev Gupta, Retired Secretary, Department of Youth Affairs, Government of India, New Delhi	Member under Section 5(1)(bc)
8.	Shri Girish Shah, Samasta Mahajan, Mumbai	Member under Section 5(1)(bc)
9.	Dr. R.S. Chauhan, College of Veterinary and Animal Sciences, G.B. Pant University of Agriculture and Technology, Uttarakhand.	Member under Section 5(1)(c).
10.	Vaidya Hitesh Jani, Head & Chief Physician, Department of Panchkarma UG, Jamnagar, Gujarat Ayurved University.	Member under Section 5(1)(d)
11.	DG, ICMR	Member under Section 5(1)(d)
12.	Representative of Municipal Corporation of Guwahati, Assam.	Member under Section 5(1)(e)
13.	Representative of Municipal Corporation of _____, Karnataka.	Member under Section 5(1)(e)
14.	Shri Sunil Mansinghka, Gauvigyan Anusandhan Kendra, Devlappar, Nagpur	Member under Section 5(1)(f)
15.	Shri Ram Krishan Raghuvanshi, People for Animal Jankalyan Samiti, Vidisha, Madhya Pradesh	Member under Section 5(1)(f)
16.	The Joint Secretary (Animal Welfare), Ministry of Environment, Forest and Climate Change, Government of India.	Member under Section 5(1)(h)
17.	Shri Ajit Sharad Kelkar, Indore, Madhya Pradesh	Member under Section 5(1)(h)
18.	Shri Dhan Pal Singh, Gayatri Parivaar, Dev Sanskriti Vishwavidhyala, Haridwar	Member under Section 5(1)(h)

The Central Government hereby nominates the Director General of Forests and Special Secretary to be the Chairman of the Animal Welfare Board of India as per sub-Section (3) of Section 5 of the aforesaid Act.

Nominations under Section 5(1)(f) and Section 5(1)(g) for the remaining four positions of the Board shall be made separately.

[F.No. 11/14/2016-AWD]

S. GOWRI SHANKAR, Dy. Secy. (A.W)

Note: The earlier notifications regarding reconstitution of the Animal Welfare Board of India were published in the Gazette of India vide number S.O.2005(E) dated 29.11.2007, S.O.2981(E) dt.29.12.2008, S.O.3077(E) dt.30.11.2009, S.O. 2882(E) dt. 1.12.2010, S.O. 602(E) dt. 28.02.2014, S.O. 1301(E) dt. 13.05.2015, S.O. 4156(E) dt. 23.12.2016 and S.O. 4165(E) dt. 26.12.2016.

संसद् (निरर्हता निवारण) अधिनियम, 1959

(1959 का अधिनियम संख्यांक 10)

[4 अप्रैल, 1959]

यह घोषित करने के लिए कि सरकार के अधीन के कतिपय लाभ के पद उनके धारकों को संसद्-सदस्य चुने जाने या संसद्-सदस्य होने या रहने के लिए निरर्हित न करेंगे
अधिनियम

भारत गणराज्य के दसवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो—

1. संक्षिप्त नाम—यह अधिनियम संसद् (निरर्हता निवारण) अधिनियम, 1959 कहा जा सकेगा।

2. परिभाषाएं—इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “प्रतिकरात्मक भत्ता” से धन की वह राशि अभिप्रेत है जो किसी पद के धारक को, उस पद के कृत्यों के पालन में उसके द्वारा उपगत किसी व्यय की प्रतिपूर्ति करने के लिए उसे समर्थ बनाने के प्रयोजन के लिए दैनिक भत्ते (जो भत्ता उस दैनिक भत्ते की रकम से अधिक न होगा जिसके लिए कोई संसद्-सदस्य, ¹[संसद् सदस्य वेतन, भत्ता और पेंशन अधिनियम, 1954 (1954 का 30)] के अधीन हकदार है), किसी प्रवहण भत्ते, गृह भाटक भत्ते या यात्रा भत्ते के रूप में संदेय है;

(ख) “कानूनी निकाय” से किसी तत्समय प्रवृत्त विधि के द्वारा या अधीन स्थापित कोई निगम, समिति, आयोग, परिषद्, बोर्ड या व्यक्तियों का अन्य निकाय अभिप्रेत है, चाहे वह निगमित हो या न हो;

(ग) “अकानूनी निकाय” से व्यक्तियों का कोई ऐसा निकाय अभिप्रेत है जो कानूनी निकाय से भिन्न हो।

3. कतिपय लाभ के पद निरर्हित न करेंगे—एतद्द्वारा यह घोषित किया जाता है कि निम्नलिखित पदों में से कोई भी पद, उसके धारक को संसद्-सदस्य चुने जाने या संसद्-सदस्य होने या रहने के लिए वहां तक निरर्हित न करेगा जहां तक कि वह भारत सरकार या किसी राज्य की सरकार के अधीन लाभ का पद है, अर्थात् :-

(क) संघ के या किसी राज्य के मंत्री, राज्य मंत्री, या उपमंत्री द्वारा चाहे पदेन या नाम से धृत कोई पद;

²[(कक) संसद् में विपक्षी नेता का पद;]

³[(कख) योजना आयोग के उपाध्यक्ष का पद;]

⁴[(कग) संसद् के किसी सदन में किसी मान्यताप्राप्त दल और किसी मान्यताप्राप्त समूह के ⁵[प्रत्येक नेता और प्रत्येक उपनेता] का पद;

⁶[(कघ) भारत सरकार द्वारा, मंत्रिमंडल सचिवालय में आदेश सं० 631/2/1/2004-मंत्रिमंडल, तारीख 31 मई, 2004 द्वारा गठित राष्ट्रीय सलाहकार परिषद् के अध्यक्ष का पद;]

(ख) संसद् में मुख्य सचेतक, उप मुख्य सचेतक या सचेतक का पद या संसदीय सचिव का पद;

⁷[(खक) निम्नलिखित के अध्यक्ष का पद—

(i) राष्ट्रीय अल्पसंख्यक आयोग अधिनियम, 1992 (1992 का 19) की धारा 3 के अधीन गठित राष्ट्रीय अल्पसंख्यक आयोग;

⁸[(ii) संविधान के अनुच्छेद 338 के खंड (1) के अधीन गठित राष्ट्रीय अनुसूचित जाति आयोग;

(iii) संविधान के अनुच्छेद 338क के खंड (1) के अधीन गठित राष्ट्रीय अनुसूचित जनजाति आयोग;]

(iii) राष्ट्रीय महिला आयोग अधिनियम, 1990 (1990 का 20) की धारा 3 के अधीन गठित राष्ट्रीय महिला आयोग;]

¹ 1993 के अधिनियम सं० 54 की धारा 2 द्वारा (27-8-1993 से) प्रतिस्थापित।

² 1977 के अधिनियम सं० 33 की धारा 12 द्वारा (1-11-1977 से) अन्तःस्थापित।

³ 1993 के अधिनियम सं० 54 की धारा 3 द्वारा (19-7-1993 से) अन्तःस्थापित।

⁴ 1999 के अधिनियम सं० 5 की धारा 5 द्वारा (5-2-1999 से) अन्तःस्थापित।

⁵ 2000 के अधिनियम सं० 18 की धारा 5 द्वारा (7-6-2000 से) प्रतिस्थापित।

⁶ 1993 के अधिनियम सं० 54 की धारा 3 द्वारा (27-8-1993 से) अन्तःस्थापित।

⁷ 2006 के अधिनियम सं० 31 की धारा 2 द्वारा अन्तःस्थापित।

⁸ 2013 के अधिनियम सं० 28 की धारा 2 द्वारा प्रतिस्थापित।

(ग) नेशनल केडेट कोर ऐक्ट, 1948 (1948 का 31), टेरिटोरियल आर्मी ऐक्ट, 1948 (1948 का 56) या रिजर्व एण्ड आर्जिलरी एयर फोर्स ऐक्ट, 1952 (1952 का 62) के अधीन समुत्थापित या बनाए रखे गए किसी बल के सदस्य का पद ;

(घ) किसी राज्य में किसी तत्समय प्रवृत्त विधि के अधीन गठित होमगार्ड के सदस्य का पद ;

(ङ) मुंबई, कलकत्ता या मद्रास के नगर में शेरिफ का पद ;

(च) विश्वविद्यालय या विश्वविद्यालय से संसक्त किसी अन्य निकाय की सिंडीकेट, सिनेट, कार्यपालिका समिति, परिषद् या कोर्ट के अध्यक्ष या सदस्य का पद ;

(छ) सरकार द्वारा किसी विशेष प्रयोजन के लिए भारत के बाहर भेजे गए किसी प्रत्यायोग या मिशन के सदस्य का पद ;

(ज) लोक महत्व के किसी मामले के बारे में सरकार या किसी अन्य प्राधिकारी को सलाह देने के प्रयोजन के लिए या ऐसे किसी मामले की जांच करने या उसके बारे में सांख्यिकियां संगृहीत करने के प्रयोजन के लिए अस्थायी रूप से बनाई गई (चाहे एक या अधिक सदस्यों से मिलकर बनी) समिति के अध्यक्ष या सदस्य का पद, यदि ऐसे पद का धारक प्रतिकरात्मक भत्ते से भिन्न किसी पारिश्रमिक का हकदार नहीं है ;

¹[(झ) किसी ऐसे निकाय से, जो खंड (ज) में निर्दिष्ट है, भिन्न किसी कानूनी या अकानूनी निकाय के अध्यक्ष, निदेशक या सदस्य का पद, यदि ऐसे पद का धारक प्रतिकरात्मक भत्ते से भिन्न किसी पारिश्रमिक का हकदार नहीं है, किन्तु इसमें (i) अनुसूची के भाग 1 में विनिर्दिष्ट किसी कानूनी या अकानूनी निकाय के अध्यक्ष का पद, ²[(ii) अनुसूची के भाग 2 में विनिर्दिष्ट किसी कानूनी या अकानूनी निकाय के अध्यक्ष या सचिव का पद ; और (iii) अनुसूची के भाग 3 में विनिर्दिष्ट अकानूनी निकाय के उपाध्यक्ष का पद, सम्मिलित नहीं है ;]

(ञ) चाहे लंबरदार, मालगुजार, पटेल, देशमुख या किसी अन्य नाम से कहे जाने वाले ऐसे ग्राम राजस्व आफिसर का पद जिसका कर्तव्य भू-राजस्व संगृहीत करना है और जिसका पारिश्रमिक अपने द्वारा संगृहीत भू-राजस्व की रकम के अंश या उस पर कमीशन द्वारा मिलता है, किन्तु जो किन्हीं पुलिस कृत्यों का निर्वहन नहीं करता ;

³[(ट) सारणी में विनिर्दिष्ट किसी कानूनी या अकानूनी निकाय में अध्यक्ष, उपाध्यक्ष, सचिव या सदस्य का पद (चाहे वह किसी भी नाम से ज्ञात हो) ;

(ठ) किसी न्यास के, चाहे वह लोक न्यास हो या प्राइवेट, जो अनुसूची में विनिर्दिष्ट कोई निकाय नहीं है, अध्यक्ष या न्यासी का पद (चाहे वह किसी भी नाम से ज्ञात हो) ;

(ड) सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधीन या सोसाइटियों के रजिस्ट्रीकरण से संबंधित किसी अन्य विधि के अधीन रजिस्ट्रीकृत किसी सोसाइटी के शासी निकाय के, जो अनुसूची में विनिर्दिष्ट निकाय नहीं है, सभापति, अध्यक्ष, उपाध्यक्ष या प्रधान सचिव या सचिव का पद ।]

⁴[स्पष्टीकरण 1]—इस धारा के प्रयोजनों के लिए ⁵[अध्यक्ष, उपाध्यक्ष या सचिव] के पद के अन्तर्गत उस प्रकार का हर पद आएगा, चाहे वह किसी भी नाम से कहा जाए ।

⁶[स्पष्टीकरण 2—खंड (कक) में “विपक्षी नेता” पद का वही अर्थ होगा जो उसका संसद् में विपक्षी नेता वेतन और भत्ता अधिनियम, 1977 (1977 का 33) में है ।]

⁷[स्पष्टीकरण 3—खंड (कग) में “मान्यताप्राप्त दल” और “मान्यताप्राप्त समूह” पद के वही अर्थ हैं, जो संसद् में मान्यताप्राप्त दलों तथा समूहों के नेता और मुख्य सचेतक (प्रसुविधाएं) अधिनियम, 1998 में हैं ।]

4. कतिपय दशाओं में निरर्हता का अस्थायी निलम्बन—यदि संसद् सदस्य होते हुए कोई व्यक्ति, जो इस अधिनियम के प्रारम्भ से अव्यवहित पूर्व ऐसा लाभ का पद धारण करता था जिसे इस अधिनियम द्वारा निरसित किसी विधि द्वारा ऐसा सदस्य होने के लिए उसके धारक को निरर्हित न करने वाला घोषित किया गया था, इस अधिनियम में अन्तर्विष्ट उपबंधों में से किसी के कारण ऐसे निरर्हित हो जाता है, तो ऐसा पद उसको संसद्-सदस्य रहने के लिए न करेगा, यदि वह ऐसे व्यक्ति द्वारा इस अधिनियम के प्रारम्भ से छह मास की कालावधि से आगे विस्तृत न होने वाली किसी कालावधि के लिए धृत है ।

¹ 1993 के अधिनियम सं० 54 की धारा 3 द्वारा (19-7-1993 से) खंड (झ) के स्थान पर प्रतिस्थापित ।

² 2006 के अधिनियम सं० 31 की धारा 2 द्वारा अन्तःस्थापित ।

³ 1977 के अधिनियम सं० 33 की धारा 12 द्वारा (1-11-1977 से) स्पष्टीकरण को स्पष्टीकरण 1 के रूप में संख्यांकित किया गया ।

⁴ 1993 के अधिनियम सं० 54 की धारा 3 द्वारा (27-8-1993 से) “अध्यक्ष या सचिव” शब्दों के स्थान पर प्रतिस्थापित ।

⁵ 1977 के अधिनियम सं० 33 की धारा 12 द्वारा (1-11-1977 से) अन्तःस्थापित ।

⁶ 1999 के अधिनियम सं० 5 की धारा 5 द्वारा (7-1-1999 से) अन्तःस्थापित ।

⁷ 2006 के अधिनियम सं० 21 की धारा 2 द्वारा अन्तःस्थापित ।

5. निरसन—पार्लियामेन्ट (प्रीवेन्शन आफ डिसक्वालिफिकेशन) ऐक्ट, 1950 (1950 का 19), पार्लियामेन्ट प्रीवेन्शन आफ डिसक्वालिफिकेशन ऐक्ट, 1951 (1951 का 68), प्रीवेन्शन आफ डिसक्वालिफिकेशन ऐक्ट, 1953 (1954 का 1) और किसी अन्य अधिनियम में का कोई उपबन्ध जो इस अधिनियमिति से असंगत है, एतद्द्वारा निरसित किए जाते हैं।

अनुसूची

[धारा 3 (अ) देखिए]

भाग 1

केन्द्रीय सरकार के अधीन निकाय

- एयर कारपोरेशन ऐक्ट, 1953 (1953 का 27) की धारा 3 के अधीन स्थापित एयर-इण्डिया इन्टरनेशनल कारपोरेशन।
- एयर कारपोरेशन ऐक्ट, 1953 (1953 का 27) की धारा 30 के अधीन गठित एयर ट्रांसपोर्ट काउन्सिल।
- एक्सपोर्ट रिस्क इश्योरेंस कारपोरेशन ¹*** लिमिटेड का निदेशक बोर्ड।
- हेवी इलेक्ट्रिकल्स ¹*** लिमिटेड का निदेशक बोर्ड।
- हिन्दुस्तान केबल्स ¹*** लिमिटेड का निदेशक बोर्ड।
- हिन्दुस्तान इन्सेक्टीसाइड्स ¹*** लिमिटेड का निदेशक बोर्ड।
- हिन्दुस्तान मशीन टूल्स ¹*** लिमिटेड का निदेशक बोर्ड।
- हिन्दुस्तान शिपयार्ड ¹*** लिमिटेड का निदेशक बोर्ड।
- ²[हिन्दुस्तान केमिकल्स एण्ड फर्टिलाइजर्स ¹*** लिमिटेड] का निदेशक बोर्ड।
- नेशनल कोल डेवलपमेन्ट कारपोरेशन ¹*** लिमिटेड का निदेशक बोर्ड।
- नेशनल ³[इंडस्ट्रियल] डेवलपमेन्ट कारपोरेशन ¹*** लिमिटेड का निदेशक बोर्ड।
- नेशनल इंस्ट्रुमेंट्स ¹*** लिमिटेड का निदेशक बोर्ड।
- नेशनल स्माल इण्डस्ट्रीज कारपोरेशन ¹*** लिमिटेड का निदेशक बोर्ड।
- नेयवेली लिगनाईट कारपोरेशन ¹*** लिमिटेड का निदेशक बोर्ड।
- सिन्धी फर्टिलाइजर्स एण्ड केमिकल्स ¹*** लिमिटेड का निदेशक बोर्ड।
- स्टेट ट्रेडिंग कारपोरेशन आफ इंडिया ¹*** लिमिटेड का निदेशक बोर्ड।
- एग्रिकल्चरल प्रोड्यूस (डेवलपमेंट एण्ड वेयरहाउसिंग) कारपोरेशन ऐक्ट, 1956 (1956 का 28) की धारा 17 के अधीन स्थापित सेन्ट्रल वेयरहाउसिंग कारपोरेशन।
- कोल माइन्स (कन्जरवेशन एण्ड सेफ्टी) ऐक्ट, 1952 (1952 का 12) की धारा 4 के अधीन स्थापित कोल बोर्ड।
- कोल माइन्स लेबर वेलफेयर फण्ड ऐक्ट, 1947 (1947 का 32) की धारा 6 के अधीन गठित कोल माइन्स लेबर हाउसिंग बोर्ड।
- कलकत्ते के पत्तन के कमिश्नर्स।
- गांधीधाम नगर में भूमि के आबंटन के लिए समिति।
- कम्पनी ऐक्ट, 1956 (1956 का 1) की धारा 410 के अधीन गठित कम्पनी ला एडवाइजरी कमीशन।
- टैक्सटाइल फण्ड्स आर्डिनेंस, 1944 (1944 का 34) के अधीन गठित काटन टैक्सटाइल फण्ड कमेटी।
- डाक वर्कर्स (रेगुलेशन आफ एम्पलायमेन्ट) ऐक्ट, 1948 (1948 का 9) के अधीन बनाई गई बाम्बे डाक वर्कर्स (रेगुलेशन आफ एम्पलायमेन्ट) स्कीम, 1956 के अधीन स्थापित डाक लेबर बोर्ड, बाम्बे।
- डाक वर्कर्स (रेगुलेशन आफ एम्पलायमेन्ट) ऐक्ट, 1948 (1948 का 9) के अधीन बनाई गई कलकत्ता डाक वर्कर्स (रेगुलेशन आफ एम्पलायमेन्ट) स्कीम, 1956 के अधीन स्थापित डाक लेबर बोर्ड, कलकत्ता।

¹ 1960 के अधिनियम सं० 58 की धारा 3 और अनुसूची द्वारा कोष्ठक और शब्द "(प्राइवेट)" का लोप किया गया।

² 1960 के अधिनियम सं० 58 की धारा 3 और अनुसूची द्वारा "नांगल फर्टिलाइजर्स एंड केमिकल्स (प्राइवेट) लिमिटेड" के स्थान पर प्रतिस्थापित।

³ 1960 के अधिनियम सं० 58 की धारा 3 और अनुसूची द्वारा अंतःस्थापित।

डाक वर्कर्स (रेग्युलेशन आफ एम्पलायमेन्ट) ऐक्ट, 1948 (1948 का 9) के अधीन बनाई गई मद्रास डाक वर्कर्स (रेग्युलेशन आफ एम्पलायमेन्ट) स्कीम, 1956 के अधीन स्थापित डाक लेबर बोर्ड, मद्रास ।

फारवर्ड कान्ट्रेक्ट्स (रेग्युलेशन) ऐक्ट, 1952 (1952 का 74) की धारा 3 के अधीन स्थापित फारवर्ड मार्केट्स कमीशन ।

एयर कारपोरेशन्स ऐक्ट, 1953 (1953 का 27) की धारा 3 के अधीन स्थापित इंडियन एयरलाइन्स कारपोरेशन ।

इण्डस्ट्रियल फाइनेन्स कारपोरेशन ऐक्ट, 1948 (1948 का 15) की धारा 3 के अधीन स्थापित इण्डस्ट्रियल फाइनेन्स कारपोरेशन आफ इण्डिया ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) के अधीन बनाए गए रजिस्ट्रेशन एण्ड लाइसेंसिंग आफ इण्डस्ट्रियल अण्डरटेकिंग्स रूल्स, 1952 के नियम 10 के अधीन गठित लाइसेंसिंग कमेटी ।

माइन्स ऐक्ट, 1952 (1952 का 35) की धारा 12 के अधीन गठित माइनिंग बोर्ड ।

एग्रिकल्चरल प्रोड्यूस (डेवलपमेन्ट एण्ड वेयरहाउसिंग) कारपोरेशन्स ऐक्ट, 1956 (1956 का 28) की धारा 3 के अधीन स्थापित नेशनल कोआपरेटिव डेवलपमेन्ट एण्ड वेयरहाउसिंग बोर्ड ।

रिहेबिलिटेशन फाइनेन्स एडमिनिस्ट्रेशन ऐक्ट, 1948 (1948 का 12) की धारा 3 के अधीन गठित रिहेबिलिटेशन फाइनेन्स एडमिनिस्ट्रेशन ।

टैरिफ कमीशन ऐक्ट, 1951 (1951 का 50) की धारा 3 के अधीन स्थापित टैरिफ कमीशन ।

बाम्बे के पत्तन के ट्रस्टीज ।

मद्रास के पत्तन के ट्रस्टीज ।

कलकत्ता, मुम्बई या मद्रास के पत्तन से भिन्न, इण्डियन पोर्ट्स ऐक्ट, 1908 (1908 का 15) में यथापरिभाषित किसी महापत्तन के ट्रस्टीज या कमिश्नर ।

राज्य सरकारों के अधीन निकाय

आन्ध्र प्रदेश

हैदराबाद एग्रिकल्चरल इम्प्रूवमेन्ट ऐक्ट, 1952 की धारा 3 के अधीन गठित एग्रिकल्चरल इम्प्रूवमेन्ट फण्ड कमेटी ।

कोआपरेटिव एग्रिकल्चरल एण्ड मार्केटिंग डेवलपमेन्ट फण्ड कमेटी ।

लाइवस्टॉक परचेसिंग कमेटी ।

आसाम

आसाम अधियार्स प्रोटेक्शन एण्ड रेगुलेशन ऐक्ट, 1948 की धारा 2क के अधीन गठित अधि कन्सिलियेशन बोर्ड्स ।

आसाम इवैक्यूई प्रापर्टी ऐक्ट, 1951 की धारा 12 के अधीन गठित आसाम इवैक्यूई प्रापर्टी मैनेजमेन्ट कमेटी ।

आसाम टैक्स्ट बुक कमेटी ।

बिहार

माइनिंग बोर्ड फार कोल माइन्स ।

टैक्स्ट बुक एण्ड एजुकेशन लिट्रेचर कमेटी ।

मुम्बई

एम्प्लॉईज स्टेट इश्योरेंस स्कीम के अधीन ऐलोकेशन कमेटी (एलोपैथिक) ।

एम्प्लॉईज स्टेट इश्योरेंस स्कीम के अधीन ऐलोकेशन कमेटी (आयुर्वेदिक) ।

नरसिंगगिरिजी मिल्स, शोलापुर के कारबार और कामकाज के सर्वोपरि पर्यवेक्षण के संचालन के लिए बोर्ड ।

बाम्बे हाउसिंग बोर्ड ऐक्ट, 1948 की धारा 3 के अधीन गठित बाम्बे हाउसिंग बोर्ड ।

इलेक्ट्रिसिटी (सप्लाई) ऐक्ट, 1948 (1948 का 54) की धारा 5 के अधीन गठित बाम्बे स्टेट इलेक्ट्रिसिटी बोर्ड ।

इलेक्ट्रिसिटी (सप्लाई) ऐक्ट, 1948 (1948 का 54) की धारा 16 के अधीन गठित बाम्बे स्टेट इलेक्ट्रिसिटी कन्सल्टेटिव काउन्सिल ।

एम्प्लॉईज स्टेट इश्योरेंस स्कीम के अधीन मेडिकल सर्विस कमेटी ।

एम्पलाईज स्टेट इश्योरेंस स्कीम के अधीन फार्मेस्युटिकल कमेटी ।

मोटर वेहिकल्स ऐक्ट, 1939 (1939 का 4) की धारा 44 के अधीन गठित अहमदाबाद, औरंगाबाद, मुम्बई, नागपुर, पूना, राजकोट और थाणा के लिए रीजनल ट्रांसपोर्ट अथारिटी ।

सौराष्ट्र हाउसिंग बोर्ड ऐक्ट, 1954 की धारा 3 के अधीन गठित सौराष्ट्र हाउसिंग बोर्ड ।

मोटर वेहिकल्स ऐक्ट, 1939 (1939 का 4) की धारा 44 के अधीन गठित स्टेट ट्रांसपोर्ट अथारिटी ।

मध्य प्रदेश हाउसिंग ऐक्ट, 1950 की धारा 3 के अधीन गठित विदर्भ हाउसिंग बोर्ड ।

केरल

ट्रावनकोर-कोचीन बायलर अटेन्डेन्ट्स रूल्स, 1954 के नियम 8 के अधीन नियुक्त बोर्ड आफ एग्जामिनर्स ।

ट्रावनकोर-कोचीन बायलर अटेन्डेन्ट्स रूल्स, 1954 के नियम 63 के अधीन गठित पेनल आफ असेसर्स ।

ट्रावनकोर-कोचीन इकोनोमाइजर रूल्स, 1956 के अधीन गठित पेनल आफ असेसर्स ।

मध्य प्रदेश

मध्य प्रदेश हाउसिंग बोर्ड ऐक्ट, 1950 की धारा 3 के अधीन गठित मध्य प्रदेश हाउसिंग बोर्ड ।

महाकौशल हाउसिंग बोर्ड ।

¹[तमिलनाडु]

एस० एस० एल० सी० परीक्षा के लिए अध्ययन के लिए पुस्तकें वरण करने वाली कमेटी ।

छोटे पत्तनों के लिए लेंडिंग एण्ड शिपिंग फीस कमेटीज ।

एम्पलाईज स्टेट इश्योरेंस (जनरल) रेगुलेशन्स, 1950 के विनियम 10क के अधीन गठित लोकल कमेटी ।

तमिलनाडु बोर्ड आफ ट्रांसपोर्ट ।

इलेक्ट्रिसिटी (सप्लाई) ऐक्ट, 1948 (1948 का 54) की धारा 5 के अधीन गठित ²[तमिलनाडु स्टेट इलेक्ट्रिसिटी बोर्ड] ।

इलेक्ट्रिसिटी (सप्लाई) ऐक्ट, 1948 (1948 का 54) की धारा 16 के अधीन गठित तमिलनाडु स्टेट इलेक्ट्रिसिटी कन्सल्टेटिव काउन्सिल ।

पोर्ट कंजरवैन्सी बोर्ड्स ।

छोटे पत्तनों के पोर्ट ट्रस्ट बोर्ड्स ।

स्टेट बोर्ड आफ कम्युनिकेशन्स ।

टेक्स बुक्स कमेटी ।

³[कर्नाटक]

बोर्ड आफ मैनेजमेन्ट, मैसूर आयरन एण्ड स्टील वर्क्स, भद्रावती ।

बोर्ड आफ मैनेजमेन्ट आफ इण्डस्ट्रियल कन्सर्न्स ।

उड़ीसा

बोर्ड आफ सेकण्डरी एजुकेशन के अधीन अपील कमेटी ।

उड़ीसा बोर्ड आफ कम्युनिकेशन्स एण्ड ट्रांसपोर्ट ।

मोटर वेहिकल्स ऐक्ट, 1939 (1939 का 4) की धारा 44 के अधीन गठित रीजनल ट्रांसपोर्ट अथारिटी ।

मोटर वेहिकल्स ऐक्ट, 1939 (1939 का 4) की धारा 44 के अधीन गठित स्टेट ट्रांसपोर्ट अथारिटी ।

¹ मद्रास राज्य (नाम परिवर्तन) (संघ के विषयों पर विधियों का अनुकूलन) आदेश, 1970 द्वारा (14-1-1969 से) "मद्रास" के स्थान पर प्रतिस्थापित ।

² मद्रास राज्य (नाम परिवर्तन) (संघ के विषयों पर विधियों का अनुकूलन) आदेश, 1970 द्वारा "मद्रास स्टेट इलेक्ट्रिसिटी बोर्ड" के स्थान पर प्रतिस्थापित ।

³ मैसूर राज्य (नाम परिवर्तन) (संघ के विषयों पर विधियों का अनुकूलन) आदेश, 1974 द्वारा (1-11-1973 से) "मैसूर" के स्थान पर प्रतिस्थापित ।

पंजाब

पंजाब स्टेट नेशनल वर्कर्स (रिलीफ एण्ड रिहैबिलिटेशन) बोर्ड ।

राजस्थान

सिटी आफ कोटा इम्प्रूवमेन्ट ऐक्ट, 1946 के अधीन गठित सिटी इम्प्रूवमेन्ट ट्रस्ट, कोटा ।

एक्साइज अपीलेट बोर्ड, अजमेर ।

इलेक्ट्रिसिटी (सप्लाई) ऐक्ट, 1948 (1948 का 54) की धारा 5 के अधीन गठित राजस्थान स्टेट इलेक्ट्रिसिटी बोर्ड ।

अर्बन इम्प्रूवमेन्ट बोर्ड, जयपुर ।

उत्तर प्रदेश

गवर्नमेन्ट सीमेन्ट फैक्ट्री बोर्ड ।

एम्प्लॉयज स्टेट इन्श्योरेंस ऐक्ट, 1948 (1948 का 34) की धारा 25 के अधीन नियुक्त आगरा, कानपुर, लखनऊ और सहारनपुर के लिए स्थानीय समितियां ।

शिक्षा विस्तार विभाग के लिए पुस्तकें वरण करने वाली उपसमिति ।

यू० पी० शूगर एण्ड पावर अल्कोहल इण्डस्ट्रीज लेबर वेलफेयर एण्ड डेवलपमेन्ट फण्ड ऐक्ट, 1950 की धारा के अधीन गठित यू० पी० शूगर एण्ड पावर अल्कोहल एण्ड लेबर हाउसिंग बोर्ड ।

पश्चिम बंगाल

इण्डियन इलेक्ट्रिसिटी रूल्स, 1956 के नियम 45 के अधीन बनाए गए विनियमों के अधीन गठित लाइसेन्सिंग बोर्ड ।

वेस्ट बंगाल डेवलपमेन्ट कारपोरेशन ऐक्ट, 1954 के अधीन गठित वेस्ट बंगाल हाउसिंग बोर्ड ।

संघ राज्यक्षेत्रों में के निकाय

दिल्ली डेवलपमेन्ट ऐक्ट, 1957 (1957 का 61) की धारा 3 के अधीन गठित दिल्ली डेवलपमेन्ट अथारिटी ।

दिल्ली को यथा लागू बाम्बे इलेक्ट्रिसिटी (स्पेशल पावर्स) ऐक्ट, 1946 की धारा 5 के अधीन गठित दिल्ली इलेक्ट्रिसिटी पावर कंट्रोल बोर्ड ।

इलेक्ट्रिसिटी (सप्लाई) ऐक्ट, 1948 (1948 का 54) की धारा 16 के अधीन गठित दिल्ली स्टेट इलेक्ट्रिसिटी काउन्सिल ।

भाग 2

केन्द्रीय सरकार के अधीन निकाय

एयर कारपोरेशन ऐक्ट, 1953 (1953 का 27) की धारा 41 के अधीन नियुक्त एयर-इण्डिया इन्टरनेशनल कारपोरेशन के लिए एडवाइजरी कमेटी ।

एयर कारपोरेशन ऐक्ट, 1953 (1953 का 27) की धारा 41 के अधीन नियुक्त इण्डियन एयर लाइन्स कारपोरेशन के लिए एडवाइजरी कमेटी ।

सेन्ट्रल सिल्क बोर्ड ऐक्ट, 1948 (1948 का 61) की धारा 4 के अधीन गठित सेन्ट्रल सिल्क बोर्ड ।

काफी ऐक्ट, 1942 (1942 का 7) की धारा 4 के अधीन गठित काफी बोर्ड ।

कयर इण्डस्ट्रीज ऐक्ट, 1953 (1953 का 45) की धारा 4 के अधीन गठित कयर बोर्ड ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार एसिड्स एण्ड फर्टिलाइजर्स ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार अल्कलीज एण्ड एलाईड इण्डस्ट्रीज ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार बाइसिकल्स ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार ड्रग्स, डाइज एण्ड इन्टरमीडिएट्स ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार फूड प्रोसेसिंग इण्डस्ट्रीज ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार हैवी इलैक्ट्रीकल इंजीनियरिंग इण्डस्ट्रीज ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार इन्टरनल कम्बश्चन इंजिन्स एण्ड पावर ड्रिवन पम्प्स ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार लाइट इलैक्ट्रीकल इंजीनियरिंग इण्डस्ट्रीज ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार मशीन टूल्स ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार नान-फेरस मेटल्स इन्क्लूडिंग एलाइज ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार आयल-वेस्ट एण्ड प्लास्टिक इण्डस्ट्रीज ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार शूगर इण्डस्ट्री ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार टैक्सटाइल्स मेड आफ आर्टिफिशियल सिल्क इन्क्लूडिंग आर्टिफिशियल सिल्क यार्न ।

इण्डस्ट्रीज (डेवलपमेन्ट एण्ड रेगुलेशन) ऐक्ट, 1951 (1951 का 65) की धारा 6 के अधीन स्थापित डेवलपमेन्ट काउन्सिल फार टैक्सटाइल्स मेड आफ वूल इन्क्लूडिंग वूलन यार्न, होजिएरी, कार्पेट्स एण्ड ड्रगेट्स ।

दरगाह ख्वाजा साहिब ऐक्ट, 1955 (1955 का 36) की धारा 4 के अधीन गठित दरगाह कमेटी, अजमेर ।

इण्डियन सैन्ट्रल अरिकान्ट कमेटी ।

इण्डियन कोकोनट कमेटी ऐक्ट, 1944 (1944 का 10) की धारा 4 के अधीन गठित इण्डियन सैन्ट्रल कोकोनट कमेटी ।

इण्डियन काटन सेस ऐक्ट, 1923 (1923 का 14) की धारा 4 के अधीन गठित इण्डियन सैन्ट्रल काटन कमेटी ।

इण्डियन सैन्ट्रल जूट कमेटी ।

इण्डियन आयलसीड्स कमेटी ऐक्ट, 1946 (1946 का 9) की धारा 4 के अधीन गठित इण्डियन सैन्ट्रल आयलसीड्स कमेटी ।

इण्डियन सैन्ट्रल सूगरकेन कमेटी ।

इण्डियन सैन्ट्रल टोबैको कमेटी ।

इण्डियन लेक सेस ऐक्ट, 1930 (1930 का 24) की धारा 4 के अधीन गठित इण्डियन लेक सेस कमेटी ।

रबर ऐक्ट, 1947 (1947 का 24) की धारा 4 के अधीन गठित रबर बोर्ड ।

टी ऐक्ट, 1953 (1953 का 29) की धारा 4 के अधीन गठित टी बोर्ड ।

राज्य सरकारों के अधीन निकाय

आन्ध्र प्रदेश

1339 एफ० के हैदराबाद एग्रिकल्चरल मार्केट ऐक्ट नं० 2 की धारा 4 के अधीन गठित मार्केट कमेटी ।

मद्रास कमर्शियल क्रास मार्केट्स ऐक्ट, 1933 की धारा 4 के अधीन गठित मार्केट कमेटी ।

बिहार

बिहार स्टेट बोर्ड आफ रिलिजस ट्रस्ट्स ।

बिहार सूबाई मजलिस औकाफ़ ।

बौद्ध गया टेम्पल ऐक्ट, 1949 की धारा 15 के अधीन गठित बौद्ध गया टेम्पल एडवायजरी कमेटी ।

बौद्ध गया टेम्पल ऐक्ट, 1949 की धारा 3 के अधीन गठित बौद्ध गया टेम्पल मैनेजमेन्ट कमेटी ।

केरल

कयर परचेज स्कीम के लिए एडमिनिस्ट्रेशन कमेटी ।

मद्रास कमर्शियल क्रास मार्केट्स ऐक्ट, 1933 की धारा 4क के अधीन गठित मलाबार मार्केट कमेटी ।

² टोपिका मार्केट एक्सपेंशन बोर्ड ।

¹[तमिलनाडु]

तमिलनाडु हिन्दू रिलिजस एण्ड चेरिटेबल एण्डाउमेन्ट्स ऐक्ट, 1951 की धारा 12 के अधीन गठित हिन्दू रिलिजस एण्ड चेरिटेबल एण्डाउमेन्ट्स के लिए एरिया कमेटी ।

वक्फ ऐक्ट, 1954 (1954 का 29) की धारा 9 के अधीन गठित तमिलनाडु स्टेट वक्फ बोर्ड ।

पंजाब

पटियाला एग्रिकल्चरल प्रोड्यूस मार्केट्स ऐक्ट, 2004 की धारा 3 के अधीन गठित स्टेट मार्केटिंग बोर्ड ।

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³[सारणी

धारा 3 (ट) देखिए]

क्रम सं०	निकाय का नाम
(1)	(2)
1.	त्रिपुरा खादी एण्ड विलेज इंडस्ट्रीज बोर्ड, त्रिपुरा खादी एण्ड विलेज इंडस्ट्रीज ऐक्ट, 1966 के अधीन गठित निकाय ।
2.	उत्तर प्रदेश डेवलपमेंट काउन्सिल ।
3.	इरिगेशन एण्ड फ्लड कंट्रोल कमीशन, उत्तर प्रदेश ।
4.	इंडियन स्टेटिस्टिकल इंस्टीट्यूट, कलकत्ता ।
5.	वेस्ट बंगाल हेंडीक्राफ्ट्स डेवलपमेन्ट कारपोरेशन लिमिटेड ।
6.	वेस्ट बंगाल स्माल इंडस्ट्रीज डेवलपमेन्ट कारपोरेशन लिमिटेड ।
7.	वेस्ट बंगाल इंडस्ट्रियल डेवलपमेंट कारपोरेशन लिमिटेड ।
8.	श्रीनिकेतन शांतिनिकेतन डेवलपमेंट अथारिटी, वेस्ट बंगाल टाउन एण्ड कन्ट्री (प्लानिंग एण्ड डेवलपमेंट) ऐक्ट, 1979 (1979 का पश्चिमी बंगाल अधिनियम संख्यांक 13) के अधीन गठित निकाय ।
9.	हल्दिया डेवलपमेन्ट अथारिटी, वेस्ट बंगाल टाउन एण्ड कन्ट्री (प्लानिंग एण्ड डेवलपमेन्ट) ऐक्ट, 1979 (1979 का पश्चिमी बंगाल अधिनियम संख्यांक 13) के अधीन गठित निकाय ।
10.	वेस्ट बंगाल माइनोरिटीज डेवलपमेन्ट एण्ड फाइनेंस कारपोरेशन, वेस्ट बंगाल माइनोरिटीज डेवलपमेन्ट एण्ड फाइनेंस कारपोरेशन ऐक्ट, 1995 के अधीन गठित निकाय ।
11.	हुगली रिवर ब्रिज कमिशनर्स, हुगली रिवर ब्रिज ऐक्ट, 1969 (1969 का पश्चिमी बंगाल अधिनियम संख्यांक 36) के अधीन गठित ।
12.	पश्चिमी बंगाल वक्फ बोर्ड, वक्फ अधिनियम, 1995 (1955 का 43) के अधिन गठित निकाय ।
13.	स्टेट फिशरीज डेवलपमेन्ट कारपोरेशन लिमिटेड, वेस्ट बंगाल ।
14.	पश्चिमी बंगाल राज्य हज समिति, हज समिति अधिनियम, 2002 (2002 का 35) के अधीन गठित ।

¹ मद्रास राज्य (नाम परिवर्तन) (संघ के विषयों पर विधियों का अनुकूलन) आदेश, 1970 द्वारा (14-1-1969 से) मद्रास के स्थान पर प्रतिस्थापित ।

² 1992 के अधिनियम सं० 20 की धारा 3 द्वारा अंतःस्थापित भाग 3 का 1993 के अधिनियम सं० 54 की धारा 4 द्वारा लोप किया गया ।

³ 2006 के अधिनियम सं० 31 की धारा 3 द्वारा अंतःस्थापित ।

(1)	(2)
15.	आसनसोल दुर्गापुर डेवलपमेन्ट अथारिटी, वेस्ट बेंगाल, वेस्ट बेंगाल टाउन एण्ड कन्ट्री (प्लानिंग एण्ड डेवलपमेन्ट) ऐक्ट, 1979 (1979 का पश्चिमी बंगाल अधिनियम संख्यांक 13) के अधीन गठित निकाय ।
16.	वेस्ट बेंगाल फार्मास्यूटिकल एण्ड फिटौकैमिकल डेवलपमेन्ट कारपोरेशन लिमिटेड ।
17.	वेस्ट बेंगाल हेंडलूम एण्ड पावरलूम डेवलपमेन्ट कारपोरेशन लिमिटेड ।
18.	वेस्ट बेंगाल खादी एण्ड विलेज इंडस्ट्री बोर्ड ।
19.	सोसाइटी फार सेल्फ-इंफ्लाइमेंट फार अर्बन यूथ, वेस्ट बेंगाल सोसाइटीज रजिस्ट्रेशन ऐक्ट, 1961 (1961 का पश्चिमी बंगाल अधिनियम संख्यांक 26) के अधीन रजिस्ट्रीकृत सोसाइटी ।
20.	तिरूमाला तिरुपति देवस्थानम् बोर्ड ।
21.	कृषि और प्रसंस्कृत खाद्य उत्पाद निर्यात विकास प्राधिकरण, कृषि और प्रसंस्कृत खाद्य उत्पाद निर्यात विकास प्राधिकरण अधिनियम, 1985 (1986 का 2) के अधीन गठित प्राधिकरण ।
22.	नेशनल एग्रिकल्चरल को-आपरेटिव मार्केटिंग फेडरेशन आफ इंडिया लिमिटेड (नेफेड) ।
23.	इण्डियन फार्मर फर्टिलाइजर्स को-आपरेटिव लिमिटेड (इफको) ।
24.	कृषक भारती को-आपरेटिव लिमिटेड (कृमको) ।
25.	नेशनल को-आपरेटिव कन्ज्यूमर्स फेडरेशन आफ इंडिया लिमिटेड (एनसीसीएफ) ।
26.	आरोविल प्रतिष्ठान अधिनियम, 1988 (1988 का 54) की धारा 10 की उपधारा (1) के अधीन स्थापित आरोविल प्रतिष्ठान ।
27.	नेशनल कमीशन आफ इन्टरप्राइजेज इन अनओर्गेनाइज्ड सेक्टर ।
28.	एशियाटिक सोसाइटी अधिनियम, 1984 (1984 का 5) की धारा 8 की उपधारा (1) के अधीन स्थापित योजना बोर्ड (एशियाटिक सोसाइटी) ।
29.	दिल्ली रुरल डेवलपमेन्ट बोर्ड ।
30.	मौलाना आजाद एजुकेशन फाउंडेशन ।
31.	इन्दिरा गांधी राष्ट्रीय कला केन्द्र ।
32.	डा० अंबेडकर फाउंडेशन ।
33.	बिहार स्टेट बोर्ड आफ रिलीजियस ट्रस्ट, बिहार हिन्दू रिलीजियस ट्रस्ट ऐक्ट, 1950 (1951 का बिहार अधिनियम संख्यांक 1) के अधीन गठित निकाय ।
34.	रिसर्च एण्ड इनफारमेशन सिस्टम फार नान-अलाइंड एण्ड अदर डेवलपिंग कंट्रीज ।
35.	इंडियन इंस्टीट्यूट आफ साइकोमेट्री ।
36.	उत्तर प्रदेश फिल्म डेवलपमेन्ट काउंसिल ।
37.	उत्तर प्रदेश प्रोविंशियल को-आपरेटिव फेडरेशन ।
38.	उत्तर प्रदेश को-ओपरेटिव फेडरेशन लिमिटेड ।
39.	नेशनल को-ओपरेटिव यूनियन आफ इंडिया ।
40.	उत्तर प्रदेश कृषि और ग्राम विकास बैंक ।
41.	उत्तर प्रदेश को-ओपरेटिव बैंक लिमिटेड ।
42.	इंडियन काउंसिल फार कल्चरल रिलेशन्स ।
43.	बोर्ड आफ कन्ट्रोल-ए० एन० सिन्हा इंस्टीट्यूट आफ सोशल स्टडीज, पटना ।
44.	आल इंडिया काउंसिल फार स्पोर्ट्स ।
45.	हावड़ा इम्प्रूवमेंट ट्रस्ट

(1)	(2)
46.	दलित सेना, 12, जनपथ, नई दिल्ली ।
47.	सोशल जस्टिस ट्रस्ट, 12, जनपथ, नई दिल्ली ।
48.	बहुजन फाउंडेशन (चेरिटेबल ट्रस्ट), लखनऊ, उत्तर प्रदेश ।
49.	बहुजन प्रेरणा चेरिटेबल ट्रस्ट, दिल्ली ।
50.	केन्द्रीय वक्फ परिषद्, वक्फ अधिनियम, 1995 (1995 का 43) की धारा 9 के अधीन स्थापित ।
51.	नेहरू मेमोरियल म्यूजियम और लाइब्रेरी (एनएमएमएल) ।
52.	जलियांवाला बाग स्मारक न्यास ।
53.	भारत की हज समिति, हज समिति अधिनियम, 2002 (2002 का 35) की धारा 3 के अधीन गठित ।
54.	मल्लिकघाट फूलबाजार परिचालन कमेटी ।
55.	वेस्ट बंगाल फिशरीज कारपोरेशन लिमिटेड ।]

Ministry of Law and Justice
Department of Legal Affairs

Shastri Bhawan,
New Delhi-1100 01

OFFICE MEMORANDUM

Lok Sabha Secretariat may refer to their OM No. 21/14/4/2018-CII dated 8th February, 2019 forwarding the point-wise reply of the Ministry of Environment, Forests and Climate Change in respect of the Animal Welfare Board of India and requested the opinion of this Department on the issue whether the nomination/election of Six Members of Parliament to the Animal Welfare Board (AWB) of India would attract disqualification from membership of the House from the angle of 'Office of Profit' under Article 102(1) in the Constitution of India.

The Comments of this Department are enclosed herewith as Annexure.

Arti Chopra
(Arti Chopra)

Deputy Legal Adviser

Shri S. Lal Engzau Ngaihte, Committee Officer, Committee Branch-II, Lok Sabha Secretariat, G-013, Parliament House Annexe, New Delhi-110001

U.O. No. (E.O. No.) 325214/LS/2018 dated 22.02.2019



Ministry of Law and Justice
Department of Legal Affairs

E.O. No. 325214/LS/2019

Lok Sabha Secretariat vide their OM No. 21/14/4/2018-CII dated 8th February, 2019 has forwarded the point-wise reply of the Ministry of Environment, Forests and Climate Change in respect of the Animal Welfare Board of India and requested the opinion of this department on the issue whether the nomination/election of Six Members of Parliament to the Animal Welfare Board (AWB) of India would attract disqualification from membership of the House from the angle of 'Office of Profit' under Article 102(1) in the Constitution of India.

2. We have perused the matter and the point-wise reply of the Ministry of Environment, Forests and Climate Change given vide its OM dated 19.12.2018 to the queries raised by Lok Sabha Secretariat in respect of the Animal Welfare Board of India. It is noted that as per the Department, the Animal Welfare Board of India is a statutory advisory body established under section 4 of the Prevention of Cruelty to Animals Act, 1960 (the PCA Act). The functions of the Board include the promotion of animal welfare generally for the purpose of prevention of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular. It is stated that from ensuring that animal welfare laws in the country are diligently followed, to providing grants to Animal Welfare Organizations and advising the Government of India on animal welfare issues, the Board has been the face of the animal welfare movement in the country for the last 50 years and has helped in the implementation of Prevention of Cruelty to Animals Act, 1960 and rules made thereunder.

3. Section 5(1)(i) of the Act provides that the Board shall consist *inter-alia* the "six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha)". It is stated that 4 Members of Lok Sabha and 2 Members of Rajya Sabha are appointed by the government after election by the Lok Sabha and Rajya Sabha, respectively and their term as non-official Member in the Board is three years and the term of member elected as per section 5(1)(i) is co-terminus with his ceasing to be Member of Parliament [section 6(2)(b)]. It is stated that MPs have not been nominated to the Board since 2007 and that Government exercises control over the appointment and removal from the office and over the performance and functions of the office as per section 6(2)(d) of the Act.

4. With respect to the details of expenses payable to the Members of Parliament, it is stated that as per AWBI Administration Rules 1962, travelling or conveyance allowance to recoup any expenditure incurred by him in performing such journey at a rate not exceeding the allowance admissible to a Member of Parliament appointed to a Committee set up by the Central Government. Daily allowances at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954. No facilities have been provided to them and as per Rule 14(1) of the AWBI Administration Rules, 1962, no remuneration shall be paid to any Member of the Board on account of his services as such.

5. It is stated that the Board neither has powers of appointment/ removal nor wields influence or power by way of patronage and does not exercise executive, legislative or judicial powers. However, it is stated that the Board exercises powers of implementation of PCA Act and Rules made thereunder. It is stated to have powers of disbursement of funds to Animal Welfare Organizations under section 9(g) of the Act.

6. Attention is drawn towards Article 102(1) in the Constitution of India, which provides that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder. The essential ingredients for attracting the said article, as settled by numerous cases, are that there must be an office, such office must be an office of 'profit', it must be under the Government of India or the Government of a State, such office must not be excluded from the operation of this sub-clause by a law made by Parliament. To decide the issue, therefore, it is imperative to examine the nature of Government control, functions of the Board and the allowances receivable by the Member.

7. Attention is also drawn to the case of *Shivamurthy Swami Inamdar v. Agadi Sanganna Andanappa*, (1971) 3 SCC 870, wherein the Apex Court analyzed the ingredients of Article 102(1)(a) and held as under.

"That Article says that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by

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Parliament by law not to disqualify its holder. Therefore before the provisions of that Article can be attracted, it must be established that he was holding an office under the Union or the State Government and that office was an office of profit and thereafter we must see whether the disqualification relating to that office has been removed by any Parliamentary legislation. In other words, the office in question must have been held under a Government and to that some pay, salary, emoluments or allowance is attached." The word 'profit' connotes the idea of pecuniary gain. If there is really a gain, its quantum or amount would not be material; but the amount of money receivable by a person in connection with the office he holds may be material in deciding whether the office really carries any profit.

The Court also reiterated the tests laid down in several decisions for finding out whether an office in question is an office under a Government and whether it is an office of profit. "Those tests are: (1) Whether the Government makes the appointment; (2) Whether the Government has the right to remove or dismiss the holder; (3) Whether the Government pays the remuneration; (4) What are the functions of the holder? Does he perform them for the Government and (5) Does the Government exercise any control over the performance of those functions?"

8. In the recent case of *U.C. Raman v. P.T.A. Rahim*, (2014) 8 SCC 934, the Court has extracted the relevant para of the judgment in the case of *Jaya Bachchan case* [(2006) 5 SCC 266] as under and reiterated the principles laid therein:

"An office of profit is an office which is capable of yielding a profit or pecuniary gain. Holding an office under the Central or State Government, to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached, is 'holding an office of profit'. The question whether a person holds an office of profit is required to be interpreted in a realistic manner. Nature of the payment must be considered as a matter of substance rather than of form. Nomenclature is not important. In fact, mere use of the word 'honorarium' cannot take the payment out of the purview of profit, if there is pecuniary gain for the recipient. Payment of honorarium, in addition to daily allowances in the nature of compensatory allowances, rent free accommodation and chauffeur driven car at State expense, are clearly in the nature of remuneration and a source of pecuniary gain and hence constitute profit. For deciding the question as to whether one is holding an office of profit or not, what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain. If the 'pecuniary gain' is 'receivable' in connection with the office then it becomes an office of profit, irrespective of whether such pecuniary gain is actually received or not. If the office carries with it, or entitles the holder to, any pecuniary gain other than reimbursement of out-of-pocket/actual expenses, then the office will be an office of profit for the purpose of Article 102(1)(a). This position of law stands settled for over half a century commencing from the decisions of *Ravanna Subanna v. G.S. Kaggeerappa* [AIR 1954 SC 653], *Shivamurthy Swami Inamdar v. Agadi Sanganna Andanappa* [(1971) 3 SCC 870], *Satrucharla Chandrasekhar Raju v. Vyricherla Pradeep Kumar Dev* [(1992) 4 SCC 404] and *Shibu Soren v. Dayanand Sahay* [(2001) 7 SCC 425]."

9. The Court, in the said case, negated the plea that the word "profit" should include even status and influence, etc. besides the pecuniary profits and reiterated that an "office of profit" is an office which is capable of yielding a profit or pecuniary gain only and the same includes the pecuniary gain not only received but also "receivable" in connection with the office. As in the said case amount was only compensatory in nature by way of TA and daily allowances, the same was held to not amount to remuneration in the form of pay, salary, emoluments, remuneration, commission or anything of such nature.

10. In the present matter, the AWBI is a Statutory Advisory Body established as per section 4 of the Act. Functions of the Board are as per section 9 of the PCA Act. The Board has a fixed composition and the term of the non-official Member in the Board is three years and the term of member elected as per section 5(1)(i) is co-terminus with his ceasing to be Member of Parliament [section 6(2)(b)]. The Government is stated to exercise control over the their removal from the office and over the performance and functions of the office as per section 6(2)(d) of the Act.

11. Attention is drawn to the relevant functions specified in clause (d), (f) and (h) of section 9, which appear to be executive functions performed by the Board on behalf of the Government. This is more so, when the administrative Department itself has stated that they are responsible for implementation of the Prevention of Cruelty to Animals Act, 1960. Other relevant functions are specified in clauses (g), (i) and (j) of section 9 of the PCA, which empower the Board to grant financial assistance and make disbursement of funds. The Member of the Board thus appears to be holding an 'office'.

12. With respect to the issue of allowance and 'office of profit', attention is drawn to the reply of Ministry, wherein it is stated that as per Rule 14(1) of the AWBI Administration Rules 1962, no remuneration shall be paid to any Member of the Board on account of his services as such. Only travelling or conveyance allowance to recoup any expenditure incurred by the Member in performing such journey at a rate not exceeding the allowance is admissible to a Member of Parliament appointed to a Committee. Daily allowances at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954 is payable and no facilities have been provided to them. Thus, the allowances payable to a member appear to be in consonance with the compensatory allowances permissible to the Members of Parliament and the ingredient of 'profit' or 'pecuniary gain' is absent in the present case.

13. In view of the above, on the basis of the information furnished by the administrative Ministry, we are of the view that the election of Members of Parliament to Animal Welfare Board of India may not be considered as an 'office of profit' and may not incur disqualification in terms of Article 102(1) (a) of the Constitution of India.

14. If approved, we may inform the Lok Sabha Secretariat accordingly.

May kindly see.

Achopra
(Ari Chopra)
Deputy Legal Adviser
18.02.2019

Additional Secretary (Sh. S.R. Mishra)

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Smit
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through Advice
B Section

PLA (A.C.S)
Achopra
22/2/19

Lok Sabha Secretariat

विधि विभाग
Dept. of Legal Affairs
No. /
By. No. 325214/LS/19(A) (B)
Date, 22/02/2019



No.17 (6) /2018 – Leg. III
Government of India
Ministry of Law and Justice
Legislative Department

Shastri Bhawan, New Delhi.
Dated the 17th September, 2019

Office Memorandum

Subject: – Election/nomination of Members of Lok Sabha to the Animal Welfare Board of India.

The undersigned is directed to refer to the Lok Sabha Secretariat, Committee Branch – II, Joint Committee on Offices of Profit O.M No. 21/14/4/2018/C II dated the 17th July, 2019 requesting this Department to re-examine the opinion of this Department in the light of clause (i) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959).

2. In this regard, it may be mentioned that clause (i) of section 3 of the Parliament Prevention of Disqualification Act, 1959 (10 of 1959) exempts the office of chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (h), if the holder of such office is not entitled to any remuneration other than compensatory allowance. However, this exemption is not available to the chairman of the bodies specified in Part I of the Schedule to the Act and chairman and secretary to the bodies specified in Part II of the Schedule to the Act.

3. In the light of the above provisions, the nomination of a Member of Lok Sabha to the Animal Welfare Board of India may not attract disqualification from the angle of 'office of profit'. However, it is noteworthy to mention that in the reply to the list of points provided by the administrative Ministry, against the query at serial number 7 (iii), they have stated that the allowance payable to the Member of Parliament as a Member of the Board are not covered under the compensatory allowance defined in clause (a) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959.

4. Further, considering the powers of the Animal Welfare Board of India which involves disbursement of funds, it may attract the tests laid down by the Apex Court in the case of Shivamurthy Swami Inamdar Vs. Sanganna Andanappa (1971) 3 SCC 870 and the guiding principles laid down by the Joint Committee on Offices of Profit, in their Tenth Report (Seventh Lok Sabha), which are being followed by the

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Committee time and again. Therefore, it appears that the nomination of the Member, Lok Sabha to the Animal Welfare Board of India may attract disqualification from the angle of 'office of profit'.

5. In view of the above, the Committee may consider and take necessary decision in the matter.


(R.S. Jayakrishnan)
Deputy Legislative Counsel
Tel. No. 23381588

Lok Sabha Secretariat
(Attn. Shri Munish Kumar Rewari, Additional Director),
Committee Branch – II,
Joint Committee on Offices of Profit,
G – 013, Parliament House Annexe Extension Building,
Parliament House Annexe,
New Delhi – 110 001.

No. 11/11/2007-AWD
Government of India
Ministry of Fisheries, Animal Husbandry and Dairying
Department of Animal Husbandry and Dairying

Krishi Bhawan, New Delhi
Dated 18th November, 2019

Subject: Oral evidence of the representatives of the Ministries of Animal Husbandry, Dairying and Fisheries and Law and Justice (Legislative Department and Department of Legal Affairs) in connection with the nomination of six Members of Parliament to the Animal Welfare Board of India.

The undersigned is directed to refer to the Office Memorandum No. 21/6/1/2/2019/CII dated 15th November, 2019 and to enclose the inputs as required by the Committee. It is further informed that the following officials will be attending the meeting of the Committee along with the Secretary, Animal Husbandry and Dairying.

2. The names of the officials who will be attending the meeting are as under:

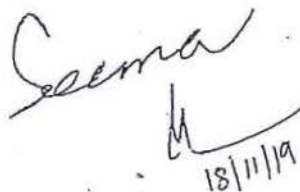
Sl. No.	Name of the Officials	Designation
01	Shri Atul Chaturvedi	Secretary, Department of Animal Husbandry and Dairying
02	Dr. O.P. Chaudhary	Joint Secretary
03	Dr. Sujit Kumar Dutta	Deputy Commissioner(AW)
04	Dr. Neelam Bala	Secretary, Animal Welfare Board of India
05	Shri Prachi Jain	Assistant Secretary, Animal Welfare Board of India
6	Shri Rajunder.	UDC, Supporting Staff

Enclosure: Annexure


(S.K. Dutta)

Deputy Commissioner (Animal Welfare)

Director,
Committee Branch-II
(Joint Committee on Office of Profit)
Parliament House Annexe
G-013, PHA Extn. New Delhi-110001


18/11/19



Annexure

Written opinion of the Ministry of Fisheries, Animal Husbandry and Dairying on the issue in order to examine the same from the angle of "Office of Profit" in connection with the nomination of six Members of Parliament to the Animal Welfare Board of India.

The Animal Welfare Board of India is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960. The functions of the Board include the promotion of animal welfare generally for the purpose of prevention of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular. Section 5 (1) (i) of the Act provides that the Board shall consist *inter alia* the following persons :

"(i) six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha)."

2. Accordingly, it is the mandate of the Law that six members of Parliament shall be in the Board. Further, clause 14 of the Administrative Rules, 1962, which were framed under section 38 of the Prevention of Cruelty to Animals Act, 1960, provides as under :

"14. Allowances and Remuneration -

(1) No remuneration shall be paid to any member of the Board on account of his service as such.

(2) A member of the Board who is not an official shall be entitled to draw in respect of any journey performed for the purpose of attending a meeting of the Board or of a committee or sub-committee thereof or any other association or society to which he is appointed or nominated as a representative of the Board or any other journey in connection with the work of the Board performed under the direction of the Chairman :

(a) Where he is not a Member of Parliament, travelling and daily allowance at rates admissible to a Government servant of the first grade serving under the Central Government.

(b) Where he is a member of Parliament :

(i) Travelling or conveyance allowance to recoup any expenditure incurred by him in performing such journey at a rate not exceeding the allowance admissible to a Member of Parliament appointed to a committee set up by the Central Government.

(ii) Daily allowance at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954."

3. From the said rule, it is apparently clear that no pecuniary gain or advantage has been given to any member of the Board including Member of Parliament and whatever is given, is only in the nature of compensatory allowance for contribution in achieving and proceeding towards the objectives of the Board.

4. The Member of Parliament to be nominated in the Animal Board of India has merely advisory role and they have been provided only compensatory allowance *i.e.* out of pocket expenses and actual expenses incurred for attending meetings of the Board.

5. The Ministry of Law and Justice in their opinion dated 12/01/2016 had opined that the members of Parliament, if nominated as member to the Animal Welfare Board of India, may incur disqualification in terms of sub-clause (a) of clause (1) of article 102 of the Constitution of India. This was communicated by the MoEF &CC to the Secretary

AWBI vide letter No. 11/11/2007-AWD dated 24th May, 2018. The reliance of the said opinion of Ministry of Law and Justice was derived from the section 9 of the Prevention of Cruelty to Animals Act, 1960 (copy enclosed).

9. Thereafter, the then Chairman, AWBI vide his letter dated 18th October, 2018 wrote directly to the Chairman of Joint Committee on Office of Profit Committee. However, Lok Sabha Secretariat vide letter 30th November, 2018 sought comments from the MoEF & CC. The MOEF & CC provided the point wise reply to the Committee vide letter No. 11/11/2007-AWD dated 19/12/2018. In the information, the MoEF & CC communicated the views of Law Ministry to the Joint Committee of Office of Profit.

10. However, the Animal Welfare Subject has been transferred to the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture vide Cabinet Secretariat notification No. S.O. 1531 (E) dated 4th April, 2019. Later on after the creation of New Ministry of Fisheries, Animal Husbandry and Dairying, the Animal Welfare and Prevention of Cruelty to Animal Act, 1960 is administered by Department of Animal Husbandry and Dairying.

11. It is pertinent to mention that the then Chairman Shri S.P. Gupta, IAS (Retired) resigned from the post of Chairman on 25.01.2019. The Department of Animal Husbandry and Dairying nominated Dr. O.P. Chaudhary, Joint Secretary has been nominated as member of the Board and also Chairman of the Board vide Notification S.O. 1795(E) dated 21st May, 2019.

12. In the conclusion, the Department of Animal Husbandry and Dairying is of the opinion that the Department will follow the opinion of Ministry of Law and Justice on the matter of Office of Profit.

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Ministry of Law and Justice
Legislative Department
Leg. III Section

Subject: Election of four members of Lok Sabha and two members of Rajya Sabha as Members to the Animal Welfare Board of India, Chennai-disqualification from the angle of Office-of Profit- regarding.

The proposal of the Ministry of Environment, Forest and Climate Change seeking comments on the proposal mentioned in the subject cited above has been examined in this Department.

2. The Animal Welfare Board of India has been constituted as per the provisions contained in section 5 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960). As per clause (i) of sub-section (1) of section 5 of the said Act, the Board shall consist of six Members of Parliament, four to be elected by the House of People (Lok Sabha) and two by the Council of States (Rajya Sabha).

3. Section 9 of the Prevention of Cruelty to Animals Act, 1960 provides for functions of the Animal Welfare Board of India which, inter alia, include the following:-

(a) to encourage by the grant of financial assistance, or otherwise, the formation or establishment of pinjarapoles, rescue homes, animal shelters sanctuaries and the like;

(b) to give financial assistance and other assistance to Animal Welfare Organisations functioning in any local area or to encourage the formation of Animal Welfare Organisations in any local area which shall work under the general supervision and guidance of the Board.

4. In this regard, the attention of the Ministry of Environment, Forest and Climate Change was drawn to the recommendations made in the Tenth Report (Seventh Lok Sabha), presented to Lok Sabha on 7th May 1984, wherein it is stated that if the Body, in which office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licenses etc, or gives powers of appointment, grant of scholarship etc, then the office in question will entail disqualification.

5. Having regard to the functions of the Animal Welfare Board as stated in para 3 above and keeping in view of the aforesaid recommendations of the Committee, it appears that the Members of Parliament, if nominated as member to the Animal Welfare Board of India, may incur disqualification in terms of sub-clause (a) of clause (1) of article 102 of the Constitution.

6. This issue with the approval of the Secretary, Legislative Department.

(Veena Kothavale)

Additional Legislative Counsel

Tel. 23384834

Ministry of Environment, Forest and Climate Change

Legislative Department U.O.No.17(9)/2015-Leg.III dated 12/1/2016

3/US(A2)/2016
18/1/16

put up
18/1/16

14/01/16
532/5487
18/1/16

गोपनीय

लाभ के पदों संबंधी संयुक्त समिति (17वीं लोक सभा) की बुधवार, 20 नवम्बर, 2019 को हुई दूसरी बैठक का कार्यवाही सारांश का सार ।

समिति की बैठक बुधवार, 20 नवम्बर, 2019 को 1500 बजे से 1615 बजे तक समिति कक्ष 'डी', प्रथम तल, संसदीय सौध, नई दिल्ली में हुई।

उपस्थित

डॉ. सत्यपाल सिंह - सभापति

सदस्य

लोक सभा

2. डॉ. मनोज राजोरिया
3. श्रीमती अपराजिता सारंगी
4. श्री महेंद्र सिंह सोलंकी
5. श्री श्याम सिंह यादव

राज्य सभा

6. श्री वी. विजयसाई रेड्डी

मंत्रालयों के प्रतिनिधि

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय

क्र. सं.	नाम	पदनाम
1.	श्री अतुल चतुर्वेदी	सचिव
2.	डॉ. ओ. पी. चौधरी	संयुक्त सचिव
3.	डॉ. सुजीत कुमार दत्ता	उपायुक्त (एडब्लू)
4.	डॉ. नीलम बाला	सचिव, भारतीय जीव जंतु कल्याण बोर्ड
5.	श्री प्राची जैन	सहायक सचिव, भारतीय जीव जंतु कल्याण बोर्ड

विधि और न्याय मंत्रालय
(i) विधि कार्य विभाग

क्र. सं.	नाम	पदनाम
1.	श्री अनूप कुमार मेंदीरत्ता	विधि सचिव
2.	श्री एस. आर. मिश्रा	अपर सचिव
3.	श्री आर. एस. वर्मा	अपर सचिव
4.	श्री अजय गोयल	संयुक्त सचिव
5.	श्री विजय वर्मा	संयुक्त सचिव
6.	डॉ. राजीव मणि	संयुक्त सचिव एवं विधिक सलाहकार
7.	डॉ. अंजू राठी राणा	संयुक्त सचिव एवं विधिक सलाहकार

(ii) विधायी विभाग

क्र. सं.	नाम	पदनाम
1.	श्री के. बिस्वाल	अपर सचिव
2.	सुश्री वीणा कोथावले	संयुक्त सचिव एवं विधायी काउंसेल
3.	श्री आर. एस. जयकृष्णन	उप विधायी काउंसेल

सचिवालय

1.	श्री बी. श्रीनिवासा प्रभु	- संयुक्त सचिव
2.	श्री कुशल सरकार	- निदेशक
3.	श्री मुनीश कुमार रेवाड़ी	- अपर निदेशक

2. सर्वप्रथम, माननीय सभापति ने समिति की बैठक में सदस्यों का स्वागत किया और उन्हें इस बैठक की कार्यसूची से अवगत कराया।

3. तत्पश्चात्, माननीय सभापति ने मत्स्यपालन, पशुपालन और डेयरी मंत्रालय तथा विधि और न्याय मंत्रालय (विधायी विभाग और विधि कार्य विभाग) के प्रतिनिधियों का स्वागत किया और भारतीय जीव जन्तु कल्याण बोर्ड में छह संसद सदस्यों के चुनाव / नामांकन से संबंधित पहली कार्यसूची को विचार-विमर्श हेतु लिया। सचिव, मत्स्यपालन, पशुपालन और डेयरी मंत्रालय ने यह बताया कि यह पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 की धारा 4 के तहत स्थापित एक वैधानिक परामर्शी निकाय है। बोर्ड का मुख्य कार्य वित्तीय सहायता प्रदान करके या अन्य माध्यमों से पिंजरापोल, बचाव गृह, पशु आश्रय, अभयारण्य आदि के गठन या स्थापना को प्रोत्साहित करना है। माननीय सदस्यों को कोई मानदेय नहीं दिया जाता है। । बोर्ड की बैठक में भाग लेने के लिए केवल यात्रा और दैनिक भत्ता दिया जाता है जो कि एमएसए अधिनियम, 1959 धारा 2 (क) में परिभाषित प्रतिकरात्मक भत्ते से अधिक नहीं है। समिति की यह सुविचारित राय थी कि भारतीय जीव जन्तु कल्याण बोर्ड में संसद सदस्य चुनाव छूट प्राप्त श्रेणी में होना चाहिए। तदनुसार, मत्स्यपालन, पशुपालन और डेयरी मंत्रालय को विधि और न्याय मंत्रालय को एक फाइल स्थानांतरित करने की सलाह दी गई थी।

तत्पश्चात्, मत्स्यपालन, पशुपालन और डेयरी मंत्रालय के प्रतिनिधि साक्ष्य देकर चले गए।

4.	XX	XX	XX	XX
5.	XX	XX	XX	XX
6.	XX	XX	XX	XX

तत्पश्चात्, समिति की बैठक स्थगित हुई।

XX इस प्रतिवेदन से संबंधित नहीं है।

गोपनीय

लाभ के पदों संबंधी संयुक्त समिति (17वीं लोक सभा) की मंगलवार, 18 अक्टूबर, 2022 को हुई बैठक की कार्यवाही सारांश का सार।

समिति की बैठक मंगलवार, 18 अक्टूबर, 2022 को 1500 बजे से 1540 बजे तक समिति कक्ष 'डी', भूमि तल, संसदीय सौध, नई दिल्ली में हुई।

उपस्थित

डॉ. सत्यपाल सिंह - पीठासीन

सदस्य

लोक सभा

2. डॉ. मनोज राजोरिया
3. श्री बालाशौरी वल्लभनेनी

राज्य सभा

4. सुश्री दोला सेन
5. श्री हरद्वार दुबे

सचिवालय

1. श्री विनय कुमार मोहन -- संयुक्त सचिव
2. श्री नवल किशोर वर्मा -- निदेशक
3. श्री उत्तम चंद भारद्वाज -- अपर निदेशक

2. सर्वप्रथम, लाभ के पदों संबंधी संयुक्त समिति के माननीय सभापति ने समिति की बैठक में समिति के सदस्यों का स्वागत किया और उन्हें बैठक की कार्यसूची अर्थात् मत्स्यपालन, पशुपालन और डेयरी मंत्रालय (पशुपालन और डेयरी विभाग) के प्रशासनिक अधिकार क्षेत्र के अंतर्गत 'भारतीय जीव जंतु कल्याण बोर्ड' में संसद सदस्यों के निर्वाचन की जांच संबंधी प्रारूप प्रतिवेदन पर विचार करना और उसे स्वीकार करना, से अवगत कराया। समिति ने बिना किसी आशोधन के प्रारूप प्रतिवेदन को सर्वसम्मति से

स्वीकार किया। समिति ने संबंधित मंत्रालय/विभाग से तथ्यात्मक सत्यापन के अनुसार प्रतिवेदन को अंतिम रूप देने और शीतकालीन सत्र के दौरान इसे संसद की दोनों सभाओं में प्रस्तुत करने हेतु सभापति को प्राधिकृत किया।

तत्पश्चात्, समिति की बैठक स्थगित हुई।
