

CHAPTER II

Authorities to be appointed or constituted under this Act

3. Appointment of Director and other officers.— (1) The Central Government may, for the purposes of this Act appoint

- (a) a Director of Wildlife Preservation;
- (b) Assistant Directors of Wildlife Preservation; and
- (c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

(3) The Assistant, Directors of Wildlife Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

4. Appointment of Chief Wildlife Warden and other officers – (1) The State Government may, for the purposes of this Act, appoint –

- (a) a Chief Wildlife Warden; [***¹]
- (b) Wildlife Wardens;
[(bb) One Honorary Wildlife Warden in each district; and²]
- (c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wildlife Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

(3) ³ [The Wildlife Warden, the Honorary Wildlife Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wildlife Warden.

5. Power of delegate – (1) The Director may, with the previous approval of the Central Government, by order in writing delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(2) The Chief Wildlife Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under Cl.(a) of sub-section (1) of Sec.11, to any officer subordinate to him subject to such conditions, if any, be specified in the order.

(3) Subject to any general or special, direction given or condition imposed by the Director or the Chief Wildlife Warden, any person, authorised by the Director or the Chief Wildlife Warden to exercise any, powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

6. Constitution of the Wildlife Advisory Board.— (1) The State Government, or, in the case of a Union Territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wildlife Advisory Board consisting of the following member, namely:

- (a) the Minister in charge of Forest in the State or Union Territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government or the Union Territory, who shall be the Chairman;
- (b) two members of the State Legislature or, in the case of a Union Territory having a Legislature, two members of the legislature of the Union Territory, as the case may be;
- (c) Secretary to the State Government, or the Government of the Union Territory, in charges of Forests;
- [(d) The Forest Officer in charge of the State Forest Department, by whatever designation called, ex-officio;⁴]
- (e) an officer to be nominated by the Director;
- (f) Chief Wildlife Warden, ex-officio;
- [(g) Officers of the State Forest Government not exceeding five⁵];
- (h) such other person, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of Wildlife, including the representatives of tribals not exceeding three.]

[(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).⁶]

(2) The State Government shall appoint [the forest Officer incharge of the Forest Department⁷] or Chief Wildlife Warden as the Secretary to the Board.

(3) The term of office of the members of the Board referred to in C1.(g) of sub-section (1) and the manner of filling the vacancies among them shall be such as may be prescribed.⁸

(4) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribe.

7. Procedure to be followed by the Board.—(1) The Board shall meet at least twice a year at such place as the State Government may direct.

(2) The Board shall regulate its own procedure (including the quorum).

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board affecting the merits of the case.

8. Duties of the Wildlife Advisory Board. – It shall be the duty of the Wildlife Advisory Board to advise the State Government,—

- (a) In the selection of areas to be declared as Sanctuaries, National Parks, and Closed Areas and the administration thereof ;
- [⁹(b) in formulation of the policy of protection and conservation of Wildlife and specified plants;]
- (c) in any matter relating to any schedule;

- (cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and ^{10]}
- (d) in any matter that may be referred to it by the State Government.

¹ Sec.4(1)(a) “and “omitted by Act 44 of 1991, sec6.

² Sec.4(1)(bb) “inserted by Act 44 of 1991, sec.6.

³ Sec.4(3) “the Honorary Wildlife Warden” after “The Wildlife Warden” substituted by Act 44 of 1991, Sec. 6

⁴ Sec.6(1)(d) “Chief Conservator of Forests, ex officio;” substituted by Act of 44 of 1991, sec.7.

⁵ Sec.6(1)(g) “such other officers and non-officials, not exceeding fifteen, who, in the opinion of the State Government, are interested in the protection of Wildlife, “ substituted by Act 44 of 1991, sec.7. and original sub-section renumbered as ‘h’.

⁶ Sec.6(IA) inserted by Act 44 of 199 1, sec.7.

⁷ Sec.6(2) “The State Government shall appoint the Chief Wildlife or the Chief Conservator of Forest as the Secretary to the Board, “substituted by Act 44 of 199 1, sec.7.

⁸ Sec.6 (3) “in CL(g)” should have been substituted by C1 (h)” under the amended verdict.

⁹ Sec. 8(b) “in the formulation of the policy in granting licences and permits under this Act;” substituted by Act 44 of 199 1, sec. 8.

¹⁰ Sec. 8(cc) inserted by Act of 199 1, see. 8.