

Wildlife Protection Act

Chapter 5 - power to 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 Wild Life 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 clause (a) of sub-section (1) of section 11, to any officer subordinate to him subject to such conditions, if any, as may be specified in the order. (3) Subject to any general or special direction given or condition imposed by the Director or the Chief Wild Life Warden, any person authorised by the Director or the Chief Wild Life Warden to exercise any powers, may exercise those powers in the same manner and to the same effect as if they had conferred on that person directly by this Act and not by way of delegation. COMMENTSSub-section (2) of section 5 of the Wild Life (Protection) Act, 1972 gives power to the concerned authority to delegate his powers to any of his subordinate officers. Therefore, it could not be said that another person except the Chief Wild Life Warden or such other officer who has been authorised by the State Government can file a complaint upon which cognizance can be taken; Jagdish Singh v. State of Bihar, (1985) Cri LJ 1314 (Pat). 6. Constitution of Wild Life 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 Wild Life Advisory Board consisting of the following members namely :-(a) the Minister in charge of forests in the State or Union territory, or, if there is no such Minister, the Chief Secretary to the Government, or, as the case may be, the Chief Secretary to the Government of 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 charge of forests; 1[(d) the Forest officer in charge of the State Forest Department by whatever designation called, ex officio;] (e) an officer to be nominated by the Director; (f) Chief Wild Life Warden, ex officio; '[(g) officers of the State Government not exceeding five; (h) such other persons, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of wild life, including the representatives of tribals not exceeding three.] 2[(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)]. (2) The State Government shall appoint 1[the Forest Officer in charge of the State Forest Department]. (3) The term of office of the members of the Board referred to in clause (g) of sub-section (1) and the manner of filling vacancies among them shall be such as may be prescribed. (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.