MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

NOTIFICATION

New Delhi, the 23rd June, 1962.

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 of sub section(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 occured.

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.

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* 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 to 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 convenue 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.

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

(3) 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 notice 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 deputed 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.

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

14. Allowances and remuneration.- (1) No remuneration ~~xxxxxxxxxxxx~~ 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 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) 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 Committee 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 regulations 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 its discussions, but shall not have the right to vote";

(iv) 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) In addition to 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.

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* 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.

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

(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 31st 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 authorised 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 permenent 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.

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* 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 persor 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.

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* 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	2	3	
1.	(a) To create temporary posts (for any specified period).	Posts in the scale of pay the maximum of which does not exceed Rs.900/-	Posts in the scale of pay the maximum of which does not exceed Rs.575/-
	(b) To make appointments to sanctioned posts.	Do.	Do.
2.	(a) To sanction grant of leave	Do.	Do.
	(b) To make officiating arrangements.	Do.	Do.
	(c) To sanction annual increments under Fundamental Rule 26.	"	Full powers provided the increment has not already been withheld.
3.	To authorise a member or any other person to proceed on work 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.	"

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1	2	3	4
5.	To authorise 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.	Secretary	All posts other than Secretary.
6.	To countersign Pay and Travelling Allowance Bills.	Travelling Allowance Bills of Secretary	(i) Pay and travelling allowance bills of all staff except Secretary. (ii) Travelling Allowance bills of:- (a) Non-Official Members. (b) Persons, other than members and employees who are required to travel in the interest of the Board.
7.	To sanction advances for the purchase of conveyance in accordance with the Rules made by the Government of India.	Secretary	All staff except Secretary
8.	To grant concessions to persons proceeding to pasteur Insitute for antirabic treatment in accordance with the Rules made by Government of India.	Do.	Do.

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9. To institute criminal proceedings against employees.	Full powers.	...
10. To sanction premature increments.	Posts in the scale of pay the maximum of which does not exceed Rs.900/-	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 acceptance of an honorarium or fee 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 Miscellaneous or Contingent nature.	Maximum limit misc. expdt. Recurring Rs.1,000/- Non-Rec. Rs.5,000/-	Maximum limit: (i) Misc. expdt. Rec.200/- Non-Rec.Rs.1,000/- (ii) Contingent expdt. Rec.Rs.1,000/- P.A. Non-Rec.Rs.5,000/- per annum *
14. To write off losses. (a) Irrecoverable losses or stores or of public money.	...	Rs.1,000/-

Amended by Animal Welfare Board (Amdt.) Amendment Rules, 1963.

1	2	3	4
	(b) Loss of revenue, irrevocable loans and advances.	...	Rs.1,000/-
	(c) Deficiencies and depreciation in the value of stores included in the stock and other accounts.	...	Rs.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 panel.	...	Full powers
17.	To declare a Board's 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 Rs.575/- and does not exceed Rs.900/-	Full powers in the case of staff drawing pay in the scales, the maximum of which does not exceed Rs.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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1	2	3	4
19.	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 scales 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 penalities.	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 to class IV servants for dusting offices, for doing cyclostyling work, etc., in addition to their own duties.	...	Full powers, provided the payment in each case does not exceed Rs.15/- p.m.

1	2	3	4
24.	Sanctioning additional funds for approved schemes.	Upto Rs.5,000/- when the cost of the approved scheme exceeds Rs.50,000/- and Rs.2500/- 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 reappropriate funds from one primary unit to another provided that the total sanctioned cost of each scheme is not exceeded thereby.	Full power to reappropriate 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 powers.
27.	Attesting entries in Cash Book.	..	Full powers.
28.	Checking monthly cash balance	..	Full powers.

1	2	3	4
29.	Attesting entries in service Books.	...	Full powers
30.	To sanction an advance to the servants of the Board out of Contributory Provident Fund.	(i) Amount exceeding three months pay of the subscribers.	Amount not exceeding three months' pay of the subscriber.
		(ii) Before the expiry of 12 months after the final repayment of all previous advance together with the interest thereon.	...
31.	Remission of Dis-allowance by audit and writing off over payments made to the servants of the Board.	...	Full powers, subject to the provisions of para 49 of General Financial Rules, Vol.I.
32.	Grant of overtime allowances to staff.	...	Full powers.

(No.9-10/61-LD.)
I.J. BROUGHTON, Dy. Secy.

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