

Bill No. 11 of 2023

THE MAN-ANIMAL CONFLICTS PREVENTION
BOARD BILL, 2023

By

SHRI V.K. SREEKANDAN, M.P.

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BILL

to provide for the constitution of a Board for prevention of man-animal conflicts in the country and for matters related therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Man-Animal Conflict Prevention Board Act, 2022.

Short title, and commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) “appropriate Government” in the case of a State the Government of that State and in all other cases, the Central Government;

10 (b) "Board" means the Man-Animal Conflict Prevention Board constituted under section 3;

(c) "experts" means persons having requisite qualification and experience in the field of prevention of man-animal conflicts; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution of
Man-Animal
Conflict
Prevention
Board.

3. (1) The Central Government shall, by notification in the Official Gazette constitute, a Board, to be known as the Man-Animal Conflict Prevention Board in such manner as may be prescribed. 5

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(3) The Board shall consist of such number of members, not exceeding ten, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:— 10

(a) a Chairperson;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States; 15

(c) four members to represent respectively by the Ministries of the Central Government dealing with—

(i) Environment, Forest and Climate Change;

(ii) Home Affairs;

(iii) Railways; and 20

(iv) Jal Shakti.

(d) two members to represent respectively dealing with—

(i) National Board for Wildlife; and

(ii) Wildlife Institute of India,

to be appointed by the Central Government in such manner as may be prescribed. 25

(4) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(5) The Salary and allowances payable to and other terms and conditions of service of members shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed. 30

(7) The Board shall elect from amongst its members a Vice-Chairperson who shall exercise such powers and perform such functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson. 35

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Secretary and
other Officers.

4. (1) The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act. 40

(2) The salary and allowances payable to and other terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

5. (1) Subject to any rules made in this behalf, the Board may, from time to time, constitute such committees as may be necessary for the efficient discharge of its functions.

Advisory
Committee.

(2) Every committee constituted under sub-section (1) shall consist of such number of persons as the Board may deem fit.

6. The Board may—

Functions of
the Board.

(i) conduct seminars, classes, training or training camps to avoid and prevent man-animal conflicts in the country;

(ii) create awareness for avoiding man-animal conflicts;

(iii) assist and encourage studies and research for prevention of man-animal conflicts;

(iv) strive towards achieving reduction in man-animal conflicts;

(v) appoint experts to find out the reasons for man-animal conflicts and to make suggestions to prevent the same;

(vi) suggest measures to control man-animal conflicts to all concerned;

(vii) provide financial or other assistance for preventing man-animal conflicts;

(viii) provide guidelines for training in prevention of man-animal conflicts;

(ix) maintain register and record details of man-animal conflicts occurred; and

(x) secure better working conditions for any and all people or officials involved in the task of reducing man-animal conflicts in the country.

REGISTRATION OF INSTITUTION WORKING TOWARDS PREVENTION OF MAN-ANIMAL CONFLICTS

7. (1) Every institution working towards prevention of man-animal conflicts, shall, register itself with the Board immediately after the commencement of this Act in such manner as may be prescribed.

Registration
of Institution.

(2) The registration made under sub-section (1) shall continue to be in force until it is cancelled by the Board.

8. (1) Every institution registered under section 7, shall furnish such details, including the number of persons involved in the cases dealt regarding man-animal conflicts to the Board on a quarterly basis in such manner as may be prescribed.

Disclosure of
information
of registered
owner.

(2) Any person who fails to furnish any detail as required under sub-section (1) or furnishes any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

(3) The Board may authorize an officer to visit any facility at any time to verify the accuracy of any detail made under this section or to ascertain the functioning of the institution registered.

FINANCE, ACCOUNTS AND AUDIT

9. The Central Government may, after due appropriation made by Parliament by law, in this behalf, provides to the Board grants and loans of such sums of money as it may consider necessary.

Grants and
loans to the
Board.

10. (1) There shall be constituted a Fund to be called the Man-Animal Conflicts Prevention Fund for carrying out the purpose of this Act to which shall be credited—

Constitution of
Man-Animal
Conflict
Prevention
Fund.

(a) grants and loans made to the Board by the Central Government;

(b) fee levied and collected in respect of licenses granted under this Act; and

(c) sums received by the Board from such other sources as may be decided by the Central Government.

11. The Board shall prepare in such form and at such time, as may be prescribed, its budget for each financial year, showing the estimated receipts and expenditure of

Budget.

the Board and forward the same to the Central Government.

Annual Report.	12. The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit the report to the Central Government.	
Accounts and Audits.	13. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors, report thereon.	5
Annual Report and auditors report to be laid before Parliament.	14. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.	10
Power to enter.	15. Subject to any rule made in this behalf, any person, generally or specially authorized by the Board in this behalf, may, whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other Act or thing as may be prescribed:	15
	Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.	20
Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.	16. Any person who— (a) obstructs any member authorized by the Chairperson in writing or any officer or other employee of the Board authorized by it in this behalf or any person authorized in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or (b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,	25
	shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.	30
Delegation.	17. The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.	35
Member, Officers and employees of the Board to be public servant.	18. All members, officers and other employees of the Board shall be deemed, when acting or purporting to Act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.	45 of 1860
Protection of Action taken in good faith.	19. No prosecution or other legal proceeding shall lie against the Government or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is done or intended to be done in good faith under this Act or the rules or regulations made thereunder.	40
Power to make rules.	20. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.	45

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the constitution of committees under section 5;

5 (b) the form of the application for registration, cancellation, fee payable, particulars to be included in such application, the procedure to be followed in granting registration under section 8;

(c) the conditions and the restrictions with respect to the exercise of the power to enter under section 20; and

10 (d) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

21. The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

Power to make regulations.

15 **22.** Every rule made by the Central Government and every regulation made under this Act 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 if, 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 or both Houses agree that the rule or regulation should not be made, 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.

Rules and regulations to be laid before Parliament.

25 **23. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

30 Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The incidents of man-animal conflicts in the country are on the rise and many people have lost their lives, particularly during the year 2021 when it was at its peak. The incidents of man-animal conflicts are reported from all parts of the country and no State is an exception. Law prevents killing animals such as tigers, elephants etc. and whereas the people are at the receiving end.

The major reason for the increasing man-animal conflicts is the ever decreasing forest areas due to which the wild animals are forced to enter into human settlements in the search of water and food. Wild animals are being crowded out of their natural habitat due to encroachment or due to deforestation, and the animals are forced to look for food and water wherever they get. The people have seen tigers roaming on the streets.

Together with the increase in the human population, we are also witnessing increase in the population of wild animals. The State of Kerala in particular has been facing this problem enormously, especially the elephants and wild boar and tigers coming out of forest, destroying crops and attacking humans. The State Government of Kerala has demanded to declare wild boar as vermin due to their increasing nuisance.

Therefore, it is the need of the hour that we need to take some strict enforcement to prevent man-animal conflict.

Hence this Bill.

NEW DELHI;
July 06, 2022.

V.K. SREEKANDAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Man-Animal Conflict Prevention Board. Clause 4 provides for appointment of secretary, offices and employees of the Board. Clause 5 provides for the constitution of a Advisory Committee by the Board. Clause 9 provides for grants and loans by the Central Government for the Board. Clause 10 provides for constitution of Man-Animal Conflict Prevention Care Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 20 of the Bill empower the Central Government to make rules for carrying out the purposes of this Bill. Clause 21 provides for the Board to make regulations for carrying out the purpose of this Act. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

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