

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या/ Second Appeal No. CIC/AWBIC/A/2021/621567

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,  
Animal Welfare of India,  
42 KM Stone, Delhi- Agra  
Highway, (NH-2), Ballabgarh,  
Faridabad, Haryana-121004

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	12.12.2018
CPIO replied on	:	Not on Record
First Appeal filed on	:	11.04.2019
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	03.06.2021
Date of Hearing	:	30.09.2022

The following were present:

**Appellant:** Shri Naresh Kadyan, participated in the hearing through video conferencing from NIC Ahmedabad.

**Respondent:** Ms. Prachi Jain, Assistant Secretary, Shri Vikaram Chandravanshi and Advocate and Legal Advisor/AWBI, participated in the hearing in person.

Prachi Jain  
27/10/2022  
H.E.O.

3519  
27/10/2022

**ORDER**

**Information sought:**

The Appellant filed an online RTI Application dated 12.12.2018 seeking information on the following nineteen points:

- The Commissioner of Education Mrs. Sukanya Berwal of Scouts and Guides for Animals and Birds endorsing me to collect following Information along with relevant Noting sheets
1. Copies of resolution passed along with Agenda placed by the Utrakhand Legislative Assembly, accepting Cow as National Mother and communication made with Central Government.
  2. All communications made and received along with recommendations related to Cow and Panchgavya, useful for humanity as medicine.
  3. Copies of research and recommendations related to cow as discharge Oxygen.
  4. Copies of research and recommendations related to Cow urine as useful for human beings.
  5. Copies of communications issued and received by the Animal Welfare Board of India related to Cow and Panchgavya.
  6. Details about surplus census of animals and birds, specie wise, to spare for export and slaughtering.
  7. Details about the demand of meat consumption in India, species and region wise.
  8. Copies of status report related to implementation of the recommendations of National Cattle Commission, 2002 reports.
  9. Copies of Animal Welfare Board recommendations, reports and views about ban of animals on circuses.
  10. Copies of all communications made and received related to use of animals and birds for Educational purposes.
  11. Copies of Camel Transportation Rules and Regulations along with the copies of communications made and received related to Camel Transportation.
  12. Copies of prototype of vehicles to carry animals as per recommendations of Bureau of Indian Standards by Road, Air and Sea.
  13. Copies of pre transport permit issued along with the compliance of all Rules and regulations while allowing live animal export.
  14. Legal Status of Advisories issued by AWBI along with the details about census of Cat in India.
  15. Complete details about live animals Export from India.
  16. Status reports on the Nose Roping and castration mechanism of Yak along with efforts made to prevent unnecessary pain and sufferings to Yak.
  17. Complete details about Camel as performing animals along with details and noting sheets related to thorn and spiked bits.
  18. Complete list and details about the amount incurred on the Non official Members of the AWBI along with Members of all Committees.
  19. Status reports on the Chief Minister of Chattisgarh announcement about distribution of indigenous Cow to the Tribes through National Dairy Development Board along with Prime Minister Scheme for distribution of Buffaloes in Andhra Pardesh.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 11.04.2019, which has not been adjudicated by the First Appellate Authority as per available records.

**Grounds for Second Appeal:**

The Appellant filed a Second Appeal u/s 19 of the Act on the ground of non-receipt of information from the Respondent. Appellant requested the Commission to direct the CPIO to provide complete information sought for.

**Submissions made by Appellant and Respondent during Hearing:**

The Appellant stated that he has not received any reply qua the instant RTI Application from the Respondent.

The Respondent submitted that first reply qua the instant RTI Application has been given to the Appellant vide letter dated 16.09.2019. The contents of the same are as under:

Sl.No.	Question	Reply
1	The copies of the resolution passed along with Agenda placed by the Uttarakhand Legislative Assembly, accepting Cow as National Mother and communication made with Central Government.	As per the available records, the Board has not received any information from the Government of Uttarakhand regarding the resolution placed before Assembly to accept Cow progeny as State or National Mother.
2	All communications made and received along with the recommendations related to Cow and Panchagavya, useful for humanity as medicine	The information given to question no.1 may be seen. The Board has not made any communication in this regard.
3	Copies of the research and recommendations related to cow as discharge oxygen.	As per the available records, the Board does not have the information relating to research and recommendations related to cow as discharge oxygen.
4	Copies of the research and recommendations related to Cow urine as useful for human beings.	As per the available records, the Board does not have the information relating to research and recommendations related to cow as useful for human beings.
5	Copies of the communications issued and received by AWBI related to Cow and Panchgavya	The Board has not made any communication in this regard.
6	Details about surplus census of animals and birds, species wise, to spare for export and slaughtering.	As per the available records, the Board does not have the information relating to census of animals and birds, species wise for export.

	consumption in India, species and region wise.	information relating to demand of meat consumption in India, species and region wise is not available and it is not the mandate of the Board.
8	Copies of the status report related to implementation of the recommendations of National Cattle Commission, 2002, reports.	As per the available records, the matter is not dealt by AWBI.
9	Copies of AWBI recommendations, reports and views about ban of animals in circuses.	The copy of the letter issued by AWBI is enclosed at page 1 to 3.
10	Copies of all communications made and received related to use of animals and birds for Educational purposes.	The Board received the application of Rayman Circus regarding use of animals for Educational purposes and permission was given for the same.
11	Copies of Camel Transportation Rules, and Regulations along with copies of communications made and received related to Camel transportation.	The law is enforced by the law enforcement authorities of the concerned States /UTs. The matter may be taken with the concerned authorities for information as the information sought is not available with the Board.
12	Copies of prototype of vehicles to carry animals as per recommendations of Bureau of Indian Standards by Road, Air and Sea.	The animals are to be transported as per the specifications given the Transport of Animals Rules, 1978, Amended Rules, 2001 and 2009. The Ministry of Road Transport and Highways has issued a circular on Section 125 E of the MV Act for transport of animals by vehicles. The law enforcement authorities of the concerned States/UTs are responsible to take legal action against the offenders as per law.
13	Copies of pre transport permit issued along with the compliance of all Rules and Regulations while allowing live animal export	The Board has not received any information from the concerned authorities regarding the pre transport permit issued along with the compliance of the Rules and Regulations while allowing live animals export.
14	Legal status of Advisories issued by AWBI along with the details about census of cat in India.	The Board has issued several advisories to ensure that the animals are not subjected unnecessary pain and suffering and the provisions of the law is implemented effectively to prevent cruelty to animals. The census of cat in India is not available with the Board.
15	Complete details about live animals export from India.	As per the available records, the information is not available with the Board.

16	Status reports on the nose roping and castration mechanism of Yak along with efforts made to prevent unnecessary pain or sufferings to Yak.	not issued any advisory or directions on the nose roping and castration of Yak.
17	Complete details about Camel as performing animals along with details and notings sheet related to thorn and spiked bits.	The question asked is not clear. The Board has issued a circular to all States / UTs on thorn and spiked bits and requested for compliance.
18	Complete list and details about the amount incurred on the Non-official members of AWBI along with the Members of all Committees.	The applicant is requested to provide the period for providing the information.
19	Status reports on the Chief Minister of Chattisgarh announcement about distribution of indigenous Cow to the Tribes through National Dairy Development Board along with Prime Minister Scheme for distribution of Buffaloes in Andhra Pradesh.	As per the available records, the Board does not have any information regarding the distribution of indigenous Cow to the Tribes.

The Board has shifted from Chennai to National Institute of Animal Welfare Campus, Ballabhgarh, Haryana and the Board has taken steps to reply and dispose of all the RTI applications received online. Hence, the delay in reply may kindly be condoned and is regretted.

She further added that the First Appeal has been adjudicated vide order dated 21.05.2019. The contents of the same are as under:

This appeal has been presented by Shri Naresh Kayan for not furnishing information by Central Public Information Officer of Animal Welfare Board of India. Appellant has sought information from Animal Welfare Board of India through Central Public Information Officer vide letter no. 25-71/2017-18/RTIMIS 50096 dated 16.5.2019.

I have read the contents of the Appeal; RTI original application of the Appellant; and also the records of the matter presented before the undersigned. The Central Public Information officer of the Board has furnished relevant information to Appellant though after the expiry of statutory period prescribed under the Act as informed by the Central Public Information Officer of the Board. Since the requisite information has been furnished with delay the Appeal is accordingly disposed of.

The Commission interjected and remarked that the First Appeal has been adjudicated on 21.05.2019 and instant Second Appeal has been filed on 03.06.2021, i.e., after almost two years from the date of First Appellate Order .

A written submission has been received by the Commission from Dr. S.K Dutta Secretary/AA, Animal Welfare of India, Haryana vide letter dated 16.09.2022, wherein the Commission has been apprised as under:

With reference to the above cited subject, it is stated that as per the directions of the CIC, the following information is furnished hereunder:

The Board has replied to the Online RTI application No. AWBIC/R/2018/50096 dated 12-12-2018 on 16-05-2019. The first appeal no. AWBIC/A/2019/60007 dated 11.04.2019 was replied on 21.05.2019. The reply given to RTI Appellant is forwarded to the CIC for information.

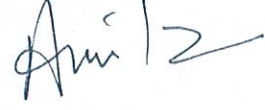
A written submission has been received by the Commission from the Appellant vide letter dated nil, and the same has been taken on record.

**Decision:**

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that the instant Second Appeal has been filed after a delay of 652 days from the stipulated time-frame as per the provisions of RTI Act and the reason provided by the Appellant in his Second Appeal for the delay occurred in filing the Second Appeal is not convincing. Hence, the Commission dismisses the instant appeal as a time-barred Second Appeal.

With the above observations, the instant Second Appeal is dismissed  
Copy of the decision be provided free of cost to the parties.

**The Appeal, hereby, stands dismissed.**



**Amita Pandove (अमिता पांडव)**  
**Information Commissioner (सूचना आयुक्त)**  
दिनांक / Date: 30.09.2022

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

B. S. Kasana (बी. एस. कसाना)  
Dy. Registrar (उप-पंजीयक)  
011-26105027



Addresses of the parties:

- ✓ 1. The First Appellate Authority (FAA)  
Animal welfare Board of India  
3rd Seaward Rd, Valmiki Nagar,  
Thiruvalluvar Nagar, Thiruvanmiyur,  
Chennai, Tamil Nadu -600041
  
2. The Central Public Information Officer  
Animal Welfare of India,  
42 KM Stone, Delhi- Agra Highway,  
(NH-2), Ballabgarh, Faridabad,  
Haryana-121004
  
3. Mr. Naresh Kadyan  
C-38, Rose Apartment,  
Sector - 14, Rohini,  
Delhi-110085