

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/2021/628685

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

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

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	20.08.2019
CPIO replied on	:	16.09.2019
First Appeal filed on	:	08.11.2019
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	06.07.2021
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.

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ORDER

Information sought:

The Appellant filed an online RTI Application dated 20.08.2019 seeking information on the following thirteen points:

Scouts & Guides for Animals & Birds asked: Define, clarify & reproduced, following sections of the Prevention of Cruelty to Animals Act, 1960:

1. Animals
 2. Slaughter House
 3. Five freedoms of animals.
 4. Relaxation & exemptions as section 11 (3) with 27.
 5. Section 28
 6. Section 31, cognizable offenses
 7. Criminal Code of Criminal Procedure, enforced & applicable in India.
 8. Punishments under all sections of Prevention of Cruelty to Animals Act, 1960.
 9. Try, efforts & results to replace the Prevention of Cruelty to Animals Act, 1960
 10. Rules & Regulations of Camel and Elephants shifting.
 11. Goods, animal can be treated as goods
 12. Vehicles to carry animals as per Bureau of Indian Standards.
 13. Poultry treated as agriculture products.
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Ms. Prachi Jain, Assistant Secretary/ CPIO, Animal Welfare Board of India, Ballabgarh, Haryana, vide letter dated 16.09.2019, informed to the Appellant as under:

With reference to your Online RTI application under RTI Act, 2005, the following information is furnished hereunder:

Ans.1: The information sought regarding the provisions of the Prevention of Cruelty to Animals Act, 1960 and its Rules and clarifications as required regarding definition of animal, slaughter house, punishments etc are available in the website: www.awbi.in and the link is: http://www.awbi.in/policy_acts_rules.html

Being dissatisfied, the appellant filed a **First Appeal** dated 08.11.2019, 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 unsatisfactory reply furnished by 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:

Ans.1: The information sought regarding the provisions of the Prevention of Cruelty to Animals Act, 1960 and its Rules and clarifications as required regarding definition of animal, slaughter house, punishments etc are available in the website: www.awbi.in and the link is: http://www.awbi.in/policy_acts_rules.html

She further added that the First Appeal has not been adjudicated in the instant matter.

A written submission has been received by the Commission from Dr. S.K Dutta, Secretary/AA, Animal Welfare Board of India, Haryana vide letter dated 19.09.2022, 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 application No.AWBIC/R/2019/80031 dated 20-08-2019 and the reply was sent on 16.09.2019. The reply given to RTI Appellant is forwarded to the CIC for information.

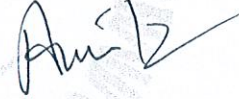
The Commission interjected and remarked that the First Appeal has been filed on 08.11.2019 and instant Second Appeal has been filed on 06.07.2021, i.e., after 8 months from the date of filing of the First Appeal.

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 470 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.



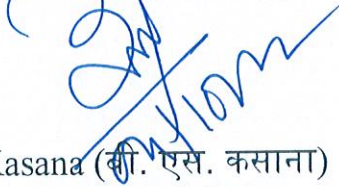
Amita Pandove (अमिता पांडव)

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, Thiruvanniyur,
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

