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/2021/618372

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	:	04.06.2019
CPIO replied on	:	Not on Record
First Appeal filed on	:	31.07.2019
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	17.05.2021
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

27/10/2022 HEO

3521 27/10/2022

ORDER

Information sought:

The Appellant filed an online RTI Application dated 04.06.2019 seeking information on the following ten points:

On the eve of World Environment Day, a good opportunity for you in person to perform your fundamental duties as defined under article 51 A (g) of Indian Constitution to protect out flora & fauna, Please supply me following information's with concerned noting sheets, while dealing all references, communications made & received, provide us the copies as well of these communications:
1. Copies of certificates about establishment of Biodiversity Management Committees as per Biological Diversity Act, 2002 along with the certificates that all are functional under your jurisdiction.
2. Copies of certificates about preparation of Peoples Biodiversity Registers.
3. Complete details about rich species of flora & fauna.
4. Complete details about flora & fauna under treat of extinction.
5. Complete details along with copies of reply, status reports on the Gauchar land, point wise action taken reports on the AWBI letter 3-1/2017-18/Estt dated 5-3-2018.
6. Complete list - details about grievances submitted on the PG Portal by the Naresh Kadyan, Abhishek Kadyan, Suman Malik, Suman Kadyan, Sukanya Kadyan and Sukanya Berwal.
7. Complete details about feeding charges - rate fixed under the Prevention of Cruelty to Animals (Care and Maintenance of Case Property) Animals Rules, 2017, copies of compliance report.
8. Copies of compliance report on the AWBI advisories dated 16-10-2018 about the sterilization - census of dog & cat
9. Status of the following drafts: Prevention of Cruelty to Animals (State Animal Welfare Board) Rules 2018, Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2019, Performing Animals (Registration) (Amendment) Rules, 2018.
10. Complete details - list of Rules made out under section 38 of PCA Act, 1960 along with the list of offenses caught under these rules with present status.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 31.07.2019, 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 02.07.2019. The contents of the same are as under

Reply to Q.No.1: The information sought regarding the establishment of Biodiversity Management Committees is not available with the Board.

Reply to Q.No.2: The information regarding Peoples Biodiversity registers is not available with the Board.

Reply to Q.No.3: The information regarding rich species of flora and fauna is not available with the Board.

Reply to Q.No.4: The information regarding the flora and fauna under threat of extinction is not available with the Board.

Reply to Q.No.5: The Board has not received any information on the letter dated 3-1/2017-18-Estt dated 5.3.2018 from the State Governments/UTs.

Reply to Q.No.6: The details about grievances are available in the PG portal and the same may be seen.

Reply to Q.No.7: As per the provisions of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property) Animals Rules, 2017 rates are not fixed for feeding charges.

Reply to Q.No.8: The Board has issued advisory dated 16.10.2018 about the sterilization of census of dog and cat. However, the Board has not received any compliance report from the State Governments/UTs.

Reply to Q.No.9: The Board has forwarded the Prevention of Cruelty to Animals (State Animal Welfare Board) Rules 2018, to the Ministry and the same is under consideration of the Ministry.
The Ministry has notified the draft Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2019 and draft Performing Animals (Registration) (Amendment) Rules, 2018 for seeking comments and the same is under consideration of the Ministry.

Reply to Q.No.10: The list of Rules made under Section 38 of the Prevention of Cruelty to Animals Act, 1960 is enclosed.
However, the Board does not have the information regarding the list of offenses caught under these Rules.

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

The Commission interjected and remarked that the First Appeal has been filed on 31.07.2019 and instant Second Appeal has been filed on 17.05.2021, i.e., after more than 9 months from the date of filing of the First Appeal.

A written submission has been received by the Commission from Dr. S.K Dutta Secretary /AA, Animal Welfare 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 No. AWBIC/R/2019/50035 dated 04-06-2019 and the reply was sent on 02.07.2019. The reply given to RTI Appellant is forwarded to the CIC for information.

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 519 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), Ballabhgarh, Faridabad,
Haryana-121004

3. Mr. Naresh Kadyan
C-38, Rose Apartment,
Sector - 14, Rohini,
Delhi-110085