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/2020/679073

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

1.CPIO,
/Under Secretary Department
of Animal Husbandry and
Dairying, Ministry of
Fisheries, Animal Husbandry
and Dairying, Dr. Rajendra
Prasad Road, Krishi Bhawan,
New Delhi- 110001 ...प्रतिवादीगण /Respondent

2. CPIO
Animal Welfare Board of
India National Institute of
Animal Welfare Campus, 42
Mile Stone, Delhi- Agra
Highway (NH-2), Ballabhgarh,
Haryana-121004

5455
25/03/2022

Relevant dates emerging from the appeal:

RTI Application filed on	:	11.04.2019
CPIO replied on	:	13.08.2019, 18.09.2019
First Appeal filed on	:	27.11.2019
First Appellate Authority order	:	27.11.2019
Second Appeal received on	:	23.07.2020
Date of Hearing	:	11.03.2022

24/3/2022
HEO

The following were present:

Appellant: Absent (informed the Commission vide an undated letter that he does not want to avail hearing).

Respondent: Shri Narender Kumar, CPIO and Under Secretary, Department of Animal Husbandry and Dairying and Smt. Prachi Jain, CPIO and Asst. Secretary, Animal Welfare Board of India participated in the hearing in person.

ORDER

Information sought:

The Appellant filed an RTI Application dated 11.04.2019, seeking information on the following eighteen points:

Following information along with Noting sheets may kindly be supplied:
1. Status report on the replacement of toothless Prevention of Cruelty to Animals Act, 1960.
2. All communications made & received related to replacement of said PCA Act, 1960.
3. Status report on the bills replacing PCA Act, 1960.
4. Status reports on the Introduction of the National Commission for Animal Welfare with judicial powers along with preparation of animal abusers registry.
5. Status reports on the resignation of SP Gupta as Chairman of AWBI, if accepted then supply the copies of acceptance, if rejected then reasons for rejections.
6. Status reports on the establishment of animal scanner at every toll plaza to prevent cruelty against animals along with all communications made & received including Note of the Parshottam Khodabhai Rupala endorsing establishment of animal scanner.
7. Status reports along with complete list of applications moved under RTI by Naresh Kadyan, Abhishek kadyan with Sukanya Kadyan, replied by AWBI parawise reports.
8. Status reports on the proper functioning of the ambulances for animals in distress, lying at NIAW campus along with shelter and animal Hospital facility, head wise expenditures with the utilization.
9. Status reports on the permission related to domesticate Yak, affidavit also submitted but kept unattended, supply me all communications made & received along with action taken reports & reasons for kept unattended, hold accountable.
10. Status report on the introduction of the rules & regulations for Camel transportation, copies of all communications made & received with the copies of report of subcommittee, copies of resolutions moved with minutes of AWBI.
11. Complete details along with the list of Camels, allowed & permitted as performing animals without any transportation rules & regulations.
12. Complete details & copies of all communications made & received related to Camel transportation from Rajasthan to Delhi for Republic Day parade along with the efforts made by AWBI to introduce vehicles prototype as per Bureau of Indian Standards, keeping in view 11th Amendments in the Central Motor Vehicle Rules, 2015.

13. Complete list with details related to delegation of power under section 37 of the PCA Act, 1960.
14. Complete list with details related to delegation of power under section 34 of the PCA Act, 1960.
15. Define the term advisory for educational purposes under section 9(k) of PCA Act along with the regulation under section 10 of the PCSA Act.
16. Define the term use of animals for educational purposes etc as expected under section 27 of the PCA Act.
17. Define the term with activities exempted under section 11(3) of PCA Act because taming of animals are exempted but use of bull prohibited under jallikattu, which create double standards.
18. Scope of AWBI to merge with the Rashtriya Kamdhenu Aayog.

Department of Animal Husbandry, Dairying and Fisheries, on 13.08.2019, transferred the instant RTI Application to Animal welfare Board of India, Chennai through online mode.

Smt. Prachi Jain, Assistant Secretary & CPIO, AWBI, vide letter dated 18.09.2019, informed the Appellant as under:

Ans.1: The Board has already forwarded the draft Animal Welfare Bill, 2014 to the Ministry and which is under consideration.

Ans.2: Does not arise in view of the reply of No.1.

Ans.3: No information available.

Ans.4: No information available.

Ans.5: The information is not available with the Board.

Ans.6: The matter relating to establishment of animal scanner was not approved by the then Chairman.

Ans..7: The status report of the RTI filed by Shri Naresh Kadyan, Shri Abhishek Kadyan and Ms. Sukanya Kadyan is available in the public domain i.e. in Online RTI portal through which the RTIs' are submitted.

Ans..8: The Board has decided to give the available four ambulances of the AWBI to the local bodies / animal welfare organization for rescue / treatment of animals in distress. Further, the status of shelter and animal facility can be obtained from NIAW.

Ans..9: The permission related to domestic Yak is not unattended. The Yak can survive and perform adequately if the annual mean temperature is below 5 degree Celsius and the average in the hottest month is not below 13 degree Celsius. Hence, Yak cannot be permitted as performing animal in Delhi NCR.

Ans..10. There is no Rule or Regulations introduced for Camels transportation. The animals are to be transported as per the specifications given in the Transport of Animals Rules, 1978, Amended Rules, 2001 and 2009. Hence, the information sought is not available.

Ans..11: The details of camels allowed and permitted as performing animals is available on the website i.e. www.awbi.in

Ans..12: 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.

Ans..13: The delegations of powers under Section 37 of the Prevention of Cruelty to Animals Act, 1960 may be seen in the website: www.awbi.in and the link is: http://awbi.in/awbi-pdf/Act%20&%20Rules%20-%20English.pdf (page 20 & 21)

Ans..14: The delegations of powers under Section 34 of the Prevention of Cruelty to Animals Act, 1960 may be seen in the website: www.awbi.in and the link is: http://awbi.in/awbi-pdf/Act%20&%20Rules%20-%20English.pdf (page 20 & 21)

Ans..15 to 17: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005.

Ans.18: No information is available.

Being dissatisfied, the appellant filed a **First Appeal** dated 27.11.2019. The First Appellate Authority vide order dated 27.11.2019, informed the Appellant as under:

> Shri Naresh Kadiyan had filed application under RTI Act, 2005 seeking various information which were not provided to him. Now he has filed First Appeal under RTI Act, 2005 bearing No. DOAHD/R/2019/80062.
>
> 2. In view of such appeal, all the relevant CPIOs are directed to provide the information to the applicant within a period of 15 days of issuance of the letter as mentioned against the information sought. However, the information pertaining to the Department has been provided.

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 vide an undated letter has informed the Commission as under:

> *"2. ..., to decide on merit, on the following matters as I don't want to avail hearing."*

At the instance of the Commission as to whether the First Appellate Authority's order dated 27.11.2019 has been complied with or not, Smt. Prachi Jain clarified the fact that the Appellant has appended a different First Appellate Authority's order in the instant Second Appeal. She handed over a copy of the relevant and actual First Appellate Authority's order dated 31.12.2019 in which Dr. Neelam Bala, Secretary had upheld the reply provided by the CPIO vide letter dated 18.09.2019.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that appropriate reply has been provided by the Respondent public authority and the same is upheld. Though the Appellant chose not to attend the instant hearing, for the reasons best known to him, the Commission has gone through the case records in entirety and finds no further scope of intervention in the matter.

With the above observations, the instant Second Appeal is disposed of.

Copy of the decision be provided free of cost to the parties.

The Appeal, hereby, stands disposed of.

Amita Pandove (अमिता पांडव)
Information Commissioner (सूचना आयुक्त)
दिनांक / Date: 11.03.2023

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
   National Institute of Animal Welfare
   Campus, 42 Mile Stone, Delhi- Agra Highway
   (NH-2), Ballabhgarh, Haryana-121004

2. The Central Public Information Officer,
   /Under Secretary
   Department of Animal Husbandry and Dairying,
   Ministry of Fisheries, Animal Husbandry
   and Dairying,
   Dr. Rajendra Prasad Road, Krishi Bhawan,
   New Delhi- 110001

3. The Central Public Information Officer,
   Animal Welfare Board of India
   National Institute of Animal Welfare Campus,
   42, Mile Stone, Delhi- Agra
   Highway (NH-2), Ballabhgarh,
   Haryana-121004

4. Mr. Naresh Kadyan
   C 38, Rose Apartment, Prashant Vihar,
   Sector-14, Rohini, Delhi-110085