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/2020/680192

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

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

Relevant dates emerging from the appeal:

RTI Application filed on	:	10.10.2019
CPIO replied on	:	08.11.2019
First Appeal filed on	:	13.11.2019
First Appellate Authority order	:	10.01.2020
Second Appeal received on	:	31.07.2020
Date of Hearing	:	11.03.2022

Trace 5/4/2022
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 10.10.2019, seeking information on the following nineteen points:

1. Provide me the complete details, copies of all communications made & received copies of orders issued by the CZA - AWBI - WCCB - CWLWs & copies of inspection conducted by CZA - AWBI - WCCB - CWLWs related to Great Golden Circus.
2. Copies of the Recognition under 38-H of Wildlife Act, 1972 of Great Golden Circus.
3. Copies of Secretary cum Appellate Authority order passed on Appeal against CZA orders, related to Great Golden Circus.
4. Complete details about animals, ownership, their species, age, gender with microchip numbers related to Great Golden Circus.
5. Complete list of equipments related to tranquilize Gun with compliance of all terms & conditions, related to Great Golden Circus.
6. Copies of Registers maintained by Great Golden Circus, reports submitted to the CZA & AWBI, to comply with the terms & conditions of Recognition under 38-H by CZA - Registration under Performing Rules by AWBI.
7. Copies - details about full time Veterinarians appointed as per Performing Animals Rules, related to Great Golden Circus.
8. Copies of action taken on the grievances submitted on PG Portal, bearing No: MOEAF/E/2019/01847: DOAHD/E/2019/00463: MOEAF/E/2019/01822: DOAHD/E/2019/00461: GOVGJ/E/2019/06330: MOEAF/2019/01831.
9. Copies of Registration of Great Golden Circus as Trust & Company along with details of their Members.
10. Complete list of all artisans & workers along with details of payment of salary - pay & perks - facilities with their age & gender, related to Great Golden Circus.
11. Copies of all animals Registration with AWBI as performing animal along with their age, gender, species & act performed, related to Great Golden Circus.
12. Copies of health register of all animals, maintained by the Great Golden Circus.
13. Copies of Elephants ownerships renewed as per Project Elephant guidelines issued as on 8-1-1988 along with copies of compliance all terms & conditions, related to Great Golden Circus.
14. Copies of all Affidavits submitted by the Great Golden Circus along with compliance of

conditions imposed by the Appellate Authority, while accepting the appeal against orders passed by CZA.
15. Copies - details of action taken by the Rajkot Police in Gujarat along with latest status of the case along with animals, related to Great Golden Circus.
16. Copies - details & action taken by the District Anand Administration in Gujarat against Great Golden Circus on complaints along with the reasons - details of recognition given during Wildlife Week.
17. Details about the Great Golden Circus performed with animals at the jurisdiction of Malegaon in Maharashtra & Anand in Gujarat.
18. Complete list of Circuses recognized by CZA - AWBI along with details of animals.
19. Copies of record of animals death, injured with treatments details related to Great Golden Circus.

Smt. Prachi Jain, Assistant Secretary & CPIO, AWBI, vide letter dated 08.11.2019, informed the Appellant as under

Ans.1: The copies of the documents related to the Great Golden Circus is enclosed.

Ans.2: The copy of the registration of Great Golden Circus under Section 28 H is not available with the Board and is related to Central Zoo Authority.

Ans.3: The copies of the Secretary cum Appellate Authority order passed on Appeal against CZA orders, related to Great Golden Circus is not available with the Board.

Ans.4: The details of animals is enclosed.

Ans.5: The information regarding the equipments related to transquilize Gun with compliance of all terms and conditions related to Great Golden Circus is not available with the Board.

Ans.6: The copy of the monthly report received during the year 2019-20 is enclosed.

Ans.7: The information regarding the appointment of full time Veterinarian is not available with the Board.

Ans.8: The information is available in the grievance portal and can be obtained from the Department of Animal Husbandry and Dairying Department, MoFAHDD, Krishi Bhawan New Delhi.

Ans.9: The details regarding the copies of the registration of Great Golden Circus as Trust & company along with the details of their Members is not available with the Board.

Ans.10: The details of complete list of artists & workers along with details of payment of salary – pay & perks – facilities with their age & gender, related to Great Golden Circus is not available with the Board.

Ans.11: The reply given in Ans.4 may be seen.

Ans.12: The reply given in Ans.6 may be seen.

Ans.13: The details of the copies of the Elephant ownership certificate renewed as per Project Elephant guidelines issued as on 8-1-2008 is not available with the Board.

Ans.14: The information sought is not available with the Board.

Ans.15 & 16 : The Board has not received any report related to Great Golden Circus at Rajkot, Gujarat and Gujarat State.

Ans.17: The Board does not have the information regarding the performance of Great GoldenCircus at Malegaon in Maharashtra and Anand in Gujarat.

Ans.18: The list of circuses registered by AWBI is enclosed.

Ans.19: The reply given in Ans.6 may be seen.

Being dissatisfied, the appellant filed a **First Appeal** dated 13.11.2019. The First Appellate Authority vide order dated 10.01.2020, informed the Appellant 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. 25-75/2019-20/RTIMIS 80046 dated 08.11.2020.

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.

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."*

Smt. Prachi Jain submitted that appropriate reply has been provided to the Appellant on 08.11.2019. At the instance of the Commission, she clarified that CPIO's reply mentioned in the First Appellate Authority's order is an inadvertent error and requested the Commission to condone the said mistake. Upon queried by the Commission as to whether the information sought at point nos. 2, 3 and 13 of the RTI Application can be provided to the Appellant after obtaining the same from the concerned custodian of records, she replied in affirmative. She further clarified that the information sought at point no. 10 of the RTI Application was provided to the Appellant in connection with another RTI Application.

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 reply provided by the Respondent is appropriate and the same is upheld. However, the Commission deems it expedient to direct the present CPIO to obtain the available and relevant information as sought at point nos. 2, 3 and 13 of the RTI Application from the concerned custodian of records and provide a copy of the same to the Appellant. The Commission further directs the present CPIO to provide a revised reply to the Appellant on point no. 10 of the RTI Application and shall ensure that the relevant references such as file nos.,/dossier nos. etc. shall be mentioned while providing the aforesaid revised reply to the Appellant.

The present CPIO should comply with the abovementioned directions within 15 days from the date of receipt of this order and should also submit a compliance report before the Commission within 7 days thereafter.

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: 11.03.2022

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

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