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/2020/691471

In the matter of:

... अपीलकर्ता/Appellant

Naresh Kadyan

VERSUS
बनाम

1. CPIO,
Animal welfare Board of
India 3rd Seaward Rd, Valmiki
Nagar, Thiruvalluvar Nagar,
Thiruvanmiyur, Chennai,
Tamil Nadu -600041

...प्रतिवादीगण /Respondent

2. CPIO
Department of Animal Husbandry
and Dairying Ministry of
Fisheries, Animal Husbandry
and Dairying Dr. Rajendra
Prasad Road, Krishi Bhawan,
New Delhi- 110001

3. CPIO
Ministry of Environment,
Forest and Climate
Change, Indira Paryavaran
Bhawan, Jor Bagh Road, New
Delhi-110003

12
05/04/2022

5/4/2022
HEO

Relevant dates emerging from the appeal:

RTI Application filed on	:	15.06.2020
CPIO replied on	:	18.06.2020
First Appeal filed on	:	16.08.2020
First Appellate Authority order	:	Not on record
Second Appeal received on	:	05.11.2020
Date of Hearing	:	11.03.2022

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; Smt. Prachi Jain, CPIO and Asst. Secretary, Animal Welfare Board of India and Shri Sunil Sharma, CPIO and Joint Director (WL), Ministry of Environment, Forests and Climate Change participated in the hearing in person.

ORDER

Information sought:

The Appellant filed an RTI Application dated 15.06.2020, seeking information on the following eight points:

Scouting for Energy Power by Sukanya Berwal, Commissioner of Education, Scouts & Guides for Animals & Birds along with OIPA: Indian People for Animals:
Under RTI, supply your comments, recommendations, Research, communication made & received along with concerned file Noting Sheets, on the following:
1. Energy be defined as Horse Power, why not to Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power , whereas Project Elephant never defined Elephant Power, like wise National Research Center on Camels, National Research Centre on Yak, Central Institute for Research on Buffaloes, Central Institute for Research on Cattle, National Dairy Research Institute, National Research Centre on Equines along with Animal Welfare Board of India, Rashtriya Kamdhenu Aayog, National Board for Wildlife, Indian Council of Agricultural Research, National Biodiversity Authority, National Authority for Animal Welfare, hence supply me the Research papers, recommendations, decisions on Public Grievances portal, related to Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power

2. Regulations under section 10 of the Prevention of Cruelty to Animals Act, 1960 & Advisory on Educational purpose under section 9 (k) of PCA Act, 1960.
3. Introduction of prototype of Vehicle to transport animals & birds as per Bureau of Indian Standards, keeping in view Central Motor Vehicle Act
4. Installation of animal scanner at every toll plaza, preventing cruelty against animals, performing our fundamental duties as defined under article 51 A (g) of Indian Constitution read with section 3 of the Prevention of Cruelty to Animals Act, 1960
5. License required to operate Horse Power but no authority or license required to handle Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power, regulate them by law
6. Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power replaced by Horse Power as Motor Engine, left them jobless, Is it possible to replace each other, restoring their five freedoms
7. Provide me Mandate, objectives with functions along with point wise compliance of: National Research Center on Camels, National Research Centre on Yak, Central Institute for Research on Buffaloes, Central Institute for Research on Cattle, National Dairy Research Institute, National Research Centre on Equines along with Animal Welfare Board of India, Rashtriya Kamdhenu Aayog, National Board for Wildlife, Indian Council of Agricultural Research, National Biodiversity Authority, National Authority for Animal Welfare
8. Complete details related to Elephant foetus with Mother Elephant blasted with in Kerala, whereas dynamite was introduced by Nobel then justification of Nobel Peace Prize, please define

Ministry of Environment, Forest and Climate Change, on 18.06.2020, transferred the instant RTI Application to Department of Animal Husbandry, Dairying and Fisheries through online mode

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 16.08.2020, 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 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 an appropriate reply was provided to the Appellant on 13.07.2020 and the First Appellate Authority has also adjudicated the First Appeal on 01.10.2020. At the instance of the Commission, she handed over the copies of the aforesaid CPIO's reply and the First Appellate Authority's order to the Commission during the hearing.

Shri Sunil Sharma reiterated the contents of the written submission dated 28.02.2022.

A written submission has been received by the Commission from Shri Sunil Sharma, CPIO and Joint Director (WL), Ministry of Environment, Forests and Climate Change vide letter dated 28.02.2022, wherein the Commission has been apprised as under:

Sub: Notice of hearing for appeal/complaint – reg.
Ref: Letter No. CIC/AWBIC/A/2020/691471 dated 14.02.2022.

Sir,

It is humbly requested that the following facts of the case regarding the second appeal of Shri Naresh Kadyan, Delhi may be taken into consideration. Information available in the RTI portal is submitted for kind perusal please:

(a) Shri Naresh Kadyan, Delhi has requested for information on 15.06.2020 to CPIO, ICAR and same was transferred to CPIO (Wildlife) on 16.06.2020 (**Annexure-I**).

(b) The CPIO(Wildlife) has transferred the RTI on 18.06.2020 to Department of Animal Husbandry, Dairying and Fisheries for provide the requisite information sought as point no. 1-8. **(Annexure-I).**

(c) It is submitted that as per the records available both online and offline in the Wildlife Division of the Ministry, it is noticed that the RTI appeal has not been received in the Office of First Appellate Authority, Wildlife Division, MoEFCC from the applicant. The applicant has directly appealed to the CIC.

In view of above, the question sought does not fall under the definition of "information" as defined under Section 2 (f) of the RTI Act, 2005. However, part information which may be answered is being submitted w.r.t. RTI Reg. No. MOENF/R/T/20/00250:

1,5&6. The matter is related to unit of energy and its method of calculation. Hence, it is not related to the Wildlife Division of the Ministry.
2&4. Prevention of Cruelty to Animals Act, 1960 fall in purview of Animal Welfare Board of India, Ministry of Fisheries, Animal Husbandry and Dairying.
3. The Central Motor Vehicle Act related to Ministry of Transport. Hence, it is not related to Wildlife Division of the Ministry.
7. Information sought is not clear. However, the functions of National Board for Wildlife is enclosed.
8. The detailed report received from Project Elephant Division of Ministry regarding death of wild elephant due to explosion of cracker in Kerala is enclosed.

The undersigned would be attending the hearing on 11.03.2022 at 1:30 PM.

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 replies have been provided to the Appellant by the concerned Respondent public authorities and the same are 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: 11.03.2022

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 Board of India
   3rd Seaward Rd, Valmiki Nagar,
   Thiruvalluvar Nagar, Thiruvanmiyur,
   Chennai, Tamil Nadu -600041

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

4. The Central Public Information Officer,
   Ministry of Environment,
   Forest and Climate Change,
   Indira Paryavaran Bhawan,
   Jor Bagh Road, New Delhi-110003

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