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/2020/694372

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

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

Relevant dates emerging from the appeal:

RTI Application filed on	:	26.08.2020
CPIO replied on	:	Not on record
First Appeal filed on	:	12.10.2020
First Appellate Authority order	:	Not on record
Second Appeal received on	:	01.12.2020
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 and Smt. Prachi Jain, CPIO and Asst. Secretary, Animal Welfare Board of India participated in the hearing in person.

Prachi 5/4/2022 HEO

15 05/04/2022

ORDER

Information sought:

The Appellant filed an RTI Application dated 26.08.2020, seeking information on the following nineteen points:

Scouting for AWBI, supply complete details with file Notings, on following:
1. Supply me all copies of Animal Welfare Board (Administration) Rules, 1962, originally with all amendments, since 1960 on wards till date, including 1963, 1981 etc
2. Supply me the compliance of each & every sections of the Animal Welfare Board (Administration) Rules along with the copies of the Annual Report 2019-20 and annual accounts as per section 9(2) of the Animal Welfare Board (Administration) Rules, 1962
3. Supply me all details of AWBI special meetings, as required many times earlier
4. Supply me complete head wise details & recovery of public funds incurred on special meetings, with explanation of delay
5. Supply me the copies of Chairman resignation with copies of acceptance, along with compliance of all PG Portals forwarded to AWBI, send me copies of action taken & concerned Noting with present status
6. As per AWBI Mandate, to prevent animal abuse, a note was submitted before AWBI for Installation of Animal scanner, might be at every toll plaza, which is still pending with AWBI, explain the delay with complete Notings as Secretary proposed for circulation, under which pressure, decision was held
7. Complete details of 100 Camels of BSF, abuse from Rajasthan to Delhi & back with AWBI consent, adopting leg tied position, in goods transport vehicles, since its beginning till date, supply action taken reports with all communications & copies of pre transport permit
8. Delhi have 11 District, how many SPCAs be establish in Delhi, confirm
9. Complete details of Rules & Notifications issued under PCA Act, 1960 adopting all statuary provisions
10. Complete details of Rules & Notifications recall, repeal or replaced under PCA Act
11. Present status of Tender for hiring of office Space for AWBI and CPCSEA in Delhi along with concerned file Notings, reasons of AWBI shifting proposal from NIAW to Delhi along with complete details of public funds incurred on this exercise
12. Complete list of Camels as Performing animals without transportation rules, regulation & vehicle as approved by BIS, keeping in view Motor Vehicle Act
13. Performing Animals Rules 1973 enforced till date, confirm by writing with present status
14. Copy of map, site plan of NIAW along with present utilization of each & every premises of NIAW, define space, building premises, equipment left unused along with animal welfare facility as Hospital, Dispensary, Infirmary & Hostel
15. Complete details quoting authority, rules & regulations of all Advisory issued with impact for animal welfare
16. Supply compliance of point wise, details of section 9 of PCA Act
17. Supply complete details of exemptions under PCA Act
18. Supply complete details of each & every provisions related to powers delegation as per PCA Act with full details of powers delegated
19. Complete list of AWBI Master Trainers along with each batch wise details of speakers for training of Master Trainers

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 12.10.2020, 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 the information sought at point nos. 1, 5, 9, 10, 11 and 13 of the RTI Application was transferred to the concerned custodian of records i.e., Department of Animal Husbandry and Dairying on 31.08.2020 i.e., within the stipulated time-period as specified in the provisions of the RTI Act. She further submitted that on remaining points of the RTI Application, appropriate reply was provided to the Appellant on 22.09.2020. She furthermore submitted that the First Appellate Authority has also adjudicated the First Appeal on 27.11.2020.

Shri Narender Kumar submitted that the Appellant was offered an opportunity to inspect the relevant records but the said opportunity has not been availed by the Appellant till date.

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 on point nos.

2, 3, 4, 6, 7, 8. 12, 14, 15, 16, 17, 18 and 19 of the RTI Application is appropriate and the same is upheld. However, the Commission deems it expedient to direct the present CPIO, Animal Welfare Board of India to obtain the available and relevant information as sought at point nos. 1, 5, 9, 10, 11 and 13 of the RTI Application from the Department of Animal Husbandry and Dairying and provide a copy of the same to the Appellant. In the event if the aforesaid information falls under any of the exemption clauses, the same shall be categorically informed to the Appellant, within 15 days from the date of receipt of this order.

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