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/2021/612262

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

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

1403
22/06/2022

Relevant dates emerging from the appeal:

RTI Application filed on	:	11.01.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	17.02.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	03.04.2021
Date of Hearing	:	01.06.2022

The following were present:

Appellant: Absent (despite being served the hearing notice)

Respondent: Ms. Prachi Jain, Assistant Secretary & CPIO and Mr. Vikram Chandravanshe, Legal Advisor, participated in the hearing in person.

ORDER

Information sought:

The Appellant filed an online RTI Application dated 11.01.2021 seeking information on the following twelve points:

1. Supply me complete details along with communications made and replies - reports received between AWBI with Govt. of Gujarat, related to Great Golden Circus and concerned file notings during last three years
2. Supply me complete details along with communications made and replies - reports received on the basis of grievances uploaded on public grievances portal, between AWBI with Govt. of Gujarat, related to Great Golden Circus and concerned file notings during last three years
3. All copies of Action taken reports with present status on the above said communications as stated 1 and 2 above
4. Complete - detailed copies and all attachments with all references quoted in these communications as Govt. of Gujarat letter No. EPI/VET-5/ 201-204/2020 dated 29-8-2020 with report dated 11-3-2020, submitted on 17-4-2020 and District Panchyat Ahmedabad letter No. DP/PSHP/TECH-3/VASH/1397/2020 dated 27-8-2020.
5. AWBI issued letter F. No. 13-6/2020-21/Misc dated 23-11-2020 along with F. No. 13-6/2020-21/Misc dated 24-9-2020 and Ministry letter No. V -11011(18)/5/2020/Anlm_Dadf dated 12-11-2020, supply all copies along with file notings.
6. Supply complete details with list of AWOs recognized by AWBI, 1-12-2020 onwards, keeping in view orders No. F. No. 13-6/2020-21/Misc dated 23-11-2020
7. Supply complete details with list of SPCAs recognized by AWBI, 1-12-2020 onwards, keeping in view orders No. F. No. 13-6/2020-21/Misc dated 23-11-2020.
8. Supply complete details with list of Gaushalas recognized by AWBI, 1-12-2020 onwards, keeping in view orders No. F. No. 13-6/2020-21/Misc dated 23-11-2020.
9. Complete details with list of Zoo animals, registered as performing animals, under section 22, in compliance Notification issued, amended as well, since beginning till date.
10. Complete details about relaxation - exemptions, with list of Zoo animals, exempted as performing animals, under section 22, in compliance Notification issued, amended as

well, since beginning till date.
11. Supply complete details with action take reports, list of slaughter houses, duly inspected by authorized persons, under Rule 9 as amended Prevention of Cruelty to Animals (Slaughter House) Amendment Rules 2010: In the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, in rule 9, in sub-rule (1), for the words any person or Animal Welfare Organization authorized by its, may, the words a State Animal Welfare Board or any person who is a qualified veterinarian and is authorized by the Animal Welfare Board of India, may, at least once in every six months period, shall be substituted, since beginning till date.
12.Complete details with list of donations received by AWBI under all heads along with list of head wise expenditure and present status of utilization during last 5 years

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 17.02.2021, 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 did not participate in the hearing despite being served the hearing notice.

The Respondent submitted that first reply qua the instant RTI Application has been given to the Appellant vide letter dated 09.02.2021. The contents of the same are as under:

Sir,

With reference to the above cited subject, the following information is furnished hereunder:

Ans.1 & 2: The matter is under sub-judice.

Ans.3: In view of the reply to Q.No.1 & 2,, reply to Q.No.3 does not arise.

Ans.4: The information sought is not clear.

Ans.5: The copies of the letter dated 23.9.2020 & 23.11.2020 issued by the Board and Ministry's letter dated 12.11.2020 is enclosed.

Ans.6: The list of Animal Welfare Organisations recognised by the Board is available in the website: www.awbi.in.

Ans.7: The Board has not recognised any SPCA after dated 23.11.2020.

Ans.8: The list of Gaushalas recognised by the Board is available in the website: www.awbi.in.

Ans.9 & 10: The information sought is not clear.

Ans.11: The information sought is not clear. However, it is informed that the Hon'ble Supreme Court of India had directed all the States and UTs to constitute a Committee to monitor the functioning of slaughter houses in their respective States/UTs.

Ans.12: The donations received by the Board are placed before the CAG audit and the same is available in the annual report of the Board. The Annual reports upto the year 2018-19 is available in the website: www.awbi.in. The Annual Report for the year 2019-20 and 2020-21 will be updated in the website of the Board after the same is approved by the Parliament.

Upon being queried by the Commission whether the First Appeal has been adjudicated or not, she submitted that First Appeal has been adjudicated on 23.03.2021. The contents of the same are as under:

This appeal has been presented by Shri Naresh Kadyan for not furnishing information by Central Public Information Officer of Animal Welfare Board of India. Appellant has provided information from Animal Welfare Board of India through Central Public Information Officer vide letter no. 25-172/2020-21/RTIMIS dated 09.02.2021.

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 in time 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.

A written submission has been received by the Commission from Dr. S.K. Dutta, Secretary and FAA, vide letter dated 27.05.2022, wherein the Commission has been apprised as under:

Madam,

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 received the RTI application from the Ministry. However, the RTI application No.AWBIC/R/T/21/00003 dated 11-01-2021 received by the Board was replied on 09-02-2021 and the appeal no.AWBIC/A/E/21/00009 dated 17.02.2021 was replied on 23.03.2021. The reply given to RTI 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 adequate reply has been given by the Respondent vide letter dated 09.02.2021 and the same is being upheld. Moreover, the Appellant did not participate in the hearing to buttress his case, the Commission finds no further scope of intervention in the instant 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: 01.06.2022

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

2. The Central Public Information Officer
Animal welfare Board of India,
3rd Seaward Rd, Valmiki Nagar,
Thiruvalluvar Nagar, Thiruvanmiyur,
Chennai, Tamil Nadu600041

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