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/2021/612932

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 – 600 041

...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

Rec'd 21/6 HEO

1404 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	:	10.02.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	07.04.2021
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 three points:

OIPA: Indian People for Animals Objectives:
1. To establish humane techniques as co-existence of animals and birds with the human beings, promoting use of animals and birds for educational purposes in the Circuses and Mobile Zoo and working as Indian Circus Federation, exposing shadow activist, their extortion business under cover animal rights.
2. To conduct managements of events, exhibition, races, show, rallies, seminars, sports and games along with circuses and water parks, using animals and birds for educational purposes.
Some anti-social elements with the support of PETA - FIAPO with silent consent of Menka Gandi as a Member of Parliament and AWD - AWBI are playing against the basic principles of our Indian Constitution as co-existence, spreading mud on the image of social fabric, which can't be tolerated, whereas:
1. AWD with AWBI not empowered to try and decide, any offenses against the Prevention of Cruelty to Animals Act, 1960 and all Rules with the Notifications.
2. AWBI with PETA being dirty players, committed criminal conspiracy, spoiling evidences as claimed by PETA, conducting inspection of the 16 Indian Circuses, against the section 36 of the Prevention of Cruelty to Animals Act, 1960.
3. AWBI failed to perform, implement the laws of the land, Indian circuses, needs exemption under section 27 (b) of the Prevention of Cruelty to Animals Act, 1960.
Instead helping Indian Circuses, AWBI preparing Draft on the Performing Animals (Registration) (Amendment) Rules, 2018 with the AWBI request the Ministry of Fisheries, Animal Husbandry and Dairying to enact appropriate legislation considering the current status of circuses under the Performing Animals (Registration) Rules, 2001, needs immediate attention, whereas AWBI failed to delegate powers under section 37 to all State AWB, neither any advice and regulations, keeping in view section 9 - 10 of the Prevention of Cruelty to Animals Act, 1960.
Please supply me all copies as communicated above by CZA, WCCB, AWBI or AWD,

Project Elephant, National Tiger Conservation Authority, National Biodiversity Authority and Directorate General of Foreign Trade with Indian and foreign zoos, replied received along with file notings.
It is further requested to supply copies of the CZA consent to operate as permission was granted by the CZA as consent for establishment to RIL.
Please find attached here with Indian Circus Federation petition for consideration under RTI.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 10.02.2021, 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 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 the instant RTI Application was initially filed before Central Zoo Authority (CZA) which comes under the Ministry of Environment, Forest and Climate Change from where it has been transferred to them on 11.01.2021. She further added that adequate reply has been given to the Appellant vide letter dated 09.02.2021 through speed-post. The contents of the same are as under:

> With reference to the above cited subject, the information sought is furnished here under
>
> Ans.1 to 3: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005. No other specific information is sought in these question.

Upon being queried by the Commission whether the First Appeal has been adjudicated or not, the Respondent 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 sought information from Animal Welfare Board of India through Central Public Information Officer vide letter no. 25-170/2020-21/RTIMIS dated 23.03.2021.
>
> 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 replied to the Online RTI application replied to the RTI application No.AWBIC/R/T/21/00001 dated 11-01-2021 on 09-02-2021. The first appeal no.AWBIC/A/E/21/00007 dated 10.02.2022 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 Nadu- 600041

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