S-125

CIC/AWBIC/A/2021/654149

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/2021/654149

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, ...प्रतिवादीगण /Respondent
Animal Welfare of India,
42 KM Stone, Delhi- Agra
Highway, (NH-2), Ballabhgarh,
Faridabad, Haryana-121004

Relevant dates emerging from the appeal:

RTI Application filed on	:	23.08.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	23.09.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	14.11.2021
Date of Hearing	:	30.09.2022

The following were present:

Appellant: Shri. Naresh Kadyan, participated in the hearing through video conference from NIC Ahmedabad

Respondent: Smt. Prachi Jain, CPIO & Assistant Secretary & Shri. Vikram Chandravanshi, Legal Advisor, from Animal Welfare Board of India, participated in the hearing in person

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Heard on 1.11.22 @ email.

ORDER

Information sought:

The Appellant filed an online RTI Application dated 23.08.2021 seeking information on the following nine points:

Community Policing as man of many achievements and distinctions: Voice for voiceless: Fighter by spirit: Jat by birth: Philanthropist by profession: Activist by mission: Humanitarian by choice, Gandhian by vision and action, being habitual khadi wearers and scout worrier, direct the concerned public servants of the Animal Welfare Division, to supply all concerned file notings, agenda, minutes, letters - complaints received, related to Master Trainer Naresh Kadyan and letters communicated to others, on the following with present status - the outcome on the petitions attached with the followings:
1. PRSEC/E/2021/07507: The letter dated 13.03.2021, has already been sent to Principal Secretary, Animal Husbandry Department, Uttar Pradesh and DGP , Uttar Pradesh to take the cognizance in the matter to investigate the whole issue.
2. PMOPG/E/2020/0698202: The decision of AWBI Stands as it has been decided in the board meeting by members.
3. DOAHD/E/2020/00093: AWBI is a statutory body under Ministry of Fisheries, Animal Husbandry and Dairying. AWBI works as per Government norms. Hence, the AWBI decides the requirement of any person or organization as per rule procedure.
4. Under RTI, petition No. AWBIC/R/E/20/00067: Point No. 7. Naresh Kadyan, passed out Master Trainer certificate course of AWBI, awarded certificate as qualification but unlawful communication received, not to represent Master Trainer of AWBI, supply me all complaints received, communications made with concerned orders & file Notings. AWBIC/A/E/20/00050, now CIC/AWBIC/A/2020/692602.
5. Describe duties and functions of Master Trainers along with funds sanctioned and disbursed to Naresh Kadyan, as Master Trainer, authorities of AWBI, preventing to perform fundamental duties.
6. Complete details related to AWBI letter No. 9/3/2019-20/PCA dated 5-5-2020 along with copy of MOEAF/E/2019/091971 with the contents of AWBI letter.
7. Describe Nature of Master Trainer, on the pay role of AWBI or on charity, performing fundamental duties for animals
8. All communications copies with BSF on Camels of Republic Day parade with replies and action taken reports
9. A). Complete list with details and present status of the vehicles purchased under scheme of Ambulance for animal in distress, since beginning till date.

B). Complete list - details of Vehicles declared condemns along with process of auctions - process completed and amount deposited back to the Government

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 23.09.2021, 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 stated that he is not satisfied with the reply furnished by the Respondent with respect to point 4, 5, 6, 7 & 9 of the instant RTI Application.

The Respondent submitted that a point-wise and categorical reply has already been furnished to the Appellant vide letter dated 22.09.2021 and the contents of the same are as under:

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

Ans.1 to 3: There is no information sought.

Ans.4: As per the last three years records, the Board does not have the requisite information.

Ans.5: The information are not readily available.

Ans.6: The information sought is not clear.

Ans.7: The information are not readily available.

Ans.8: The copies of all the communications were already provided in the earlier RTI replies.

Ans.9A) & 9B): Not applicable.

Upon being queried by the Commission regarding the status of First Appeal, the Respondent submitted that the First Appeal has been adjudicated on 01.11.2021 and 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. Central Public Information Officer of AWBI has furnished the information to the Appellant vide letter no. 5-125/2021-22/RTIMIS dated 22.09.2021.

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. Since the requisite information has been furnished without delay the Appeal is accordingly disposed of.

Upon being queried by the Commission regarding the points of dissatisfaction raised by the Appellant, the Respondent submitted that point 4, 5 & 7 of the instant RTI Application is regarding some master trainer certificate course which was done around 20 years back and the same has now been discontinued, therefore, no such information with respect to the said course is available in the office. However, whichever file notings as sought vide point 4 could be found, has been furnished to the Appellant. The Respondent added that information sought vide point 6 is not clear therefore, no information could be provided to the Appellant.

The Respondent submitted that information with respect to point 9(A) of the RTI Application is not available because the said vehicles are not purchased by the Board. The Appellant interjected that information regarding condemned vehicles as sought vide point 9(B) of the RTI Application is supposed to be available with the board because all the amounts received after the sale of condemned vehicles are deposited in Board's Account.

The Commission queried the Respondent whether information regarding point 9(B) of the RTI Application can be furnished to the Appellant, to which the Respondent affirmatively agreed.

The Appellant further interjected that he never receives any reply given by the Respondent since he always remains out of station and further requested that all the replies be given to him through email as it would be more accessible to him. The Commission orally directed the Respondent to furnish all the replies to the Appellant through email in order to make it more accessible for the Appellant to keep the letter and spirit of the RTI Act alive and the Respondent has affirmatively agreed for the same.

A written submission has been received by the Commission from Dr. S. K Dutta, First Appellate Authority & Secretary, Animal Welfare Board of India, Haryana vide letter dated 19.09.2022, wherein the Commission has been apprised as under:

> **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 No.AWBIC/R/T/21/00098 dated 23-08-2021 on 22-09-2021. The first appeal no.AWBIC/A/E/21/00044 dated 23.09.2021 was replied on 01.11.2021. The reply given to RTI Appellant is forwarded to the CIC for information.**

A written submission has been received by the Commission from the Appellant vide letter dated 11.09.2022, and the same has been taken on record.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that though the Respondent has furnished a point wise and categorical reply with respect to the instant RTI Application within a stipulated time frame, the Appellant has raised dissatisfaction with respect to points 4, 5, 6, 7 & 9 for which the Respondent has furnished an adequate explanation to the Appellant and further agreed to furnish information on 9(B) of the RTI Application.

In the light of submission made during hearing, the Commission deems it fit to direct the Respondent to furnish a revised reply with respect to point 9(B) of the RTI Application to the Appellant within a weeks' time from 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: 07.10.2022

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

B. S. Kasana (बी. एस. कसाना)
Dy. Registrar (उप-पँजीयक)
011-26105027

Addresses of the parties:

1. The First Appellate Authority (FAA)
Animal welfare Board of India
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Chennai, Tamil Nadu -600041

2. The Central Public Information Officer
Animal Welfare of India,
42 KM Stone, Delhi- Agra Highway,
(NH-2), Ballabhgarh, Faridabad,
Haryana-121004

3. Mr. Naresh Kadyan
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Delhi-110 085