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/2021/661318

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	:	05.10.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	04.11.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	19.12.2021
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

Received 27/10/2022 HEO

4526 27/10/2022

ORDER

Information sought:

The Appellant filed an online RTI Application dated 05.10.2021 seeking information on the following fifteen points:

Supply with concerned file notings:
1. Pointwise strict compliance of 5 freedoms for animals and birds, according to extracts of some Paras of Supreme Court order dated 7.5.2014 in SLP (C) No.11686 of 2007, from Para No. 77, Point Numbers 1 to 12 along with AWBI mandate, keeping in view article 51 A(g) of Indian Constitution, read with section 3, 11(3), 27(b), 28, 36, 37 and 38 of the Prevention of Cruelty to Animals Act, 1960 (Details attached).
2. Complete list of all proposal received, processed, under consideration and finalized under PASC of AWBI, keeping in view Biological Diversity Act, 2002, being commercial utilization of biological resources, without sharing profits to BMCs
3. Complete list of all established and functional SPCAs, as per section 38 of the Prevention of Cruelty to Animals Act, 1960.
4. Complete list of all established and functional Infirmaries as per section 35 of the Prevention of Cruelty to Animals Act, 1960
5. Functional of all State Animal Welfare Boards with delegation of powers as per 37, decorated under section 34, of the Prevention of Cruelty to Animals Act, 1960
6. Point wise strict compliance of section 9 of the Prevention of Cruelty to Animals Act, 1960 with advisory issued under section 9(k) of the said Act, including Panchgavya.
7. Strict compliance of section 10 of the Prevention of Cruelty to Animals Act, 1960, regulating Cow as National Cattle of India.
8. Complete list of all establish and functional duly recognized AWOs, SPCAs, Meat Shops and Slaughter Houses, approved vehicles to carry animals and birds, as per specification of the Bureau of Indian standards, since beginning till today.
9. Complete list of all sanctioned posts under AWBI with their duties and functions, keeping in view the burden of work and load and service conditions
10. Complete list of funds sanctioned and disbursed by the Animal Welfare Division not by AWBI under the scheme of the Shelter and Ambulances for animals in stress with present status.
11. Tenure and limitation of non-recurring grant in aid, keeping in view of depreciation every year because book value became zero of all assets created, funds disbursed by the Animal Welfare Division.
12. Complete list of meat shops and slaughter houses inspected as per Rules, 2001 amended as Prevention of Cruelty to Animals (Slaughter House) Amendment Rules 2010, as per definition of slaughter house.
13. Define - Right to life of animals, birds including poultry, fish, honey bee, silk and pearl worm, keeping in view 5 freedoms and section 3 of PCA Act, 1960
14. Define - Demand of local meat consumption, preventive export - supply of meat consumption, outside India.
15. Complete list of all 30 Rules and 50 Notifications, made under PCA Act, 1960 with pointwise strict compliance.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 04.11.2021, 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 the instant RTI Application.

The Respondent submitted that a point-wise and categorical reply has already been furnished to the Appellant vide letter dated 01.11.2021 and the contents of the same are as under:

Sir,

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

Ans.1: The Hon'ble Supreme Court of India has directed all the States/UTs to implement the provisions of the Prevention of Cruelty to Animals Act, 1960 and its Rules effectively to prevent unnecessary pain or suffering to animals. The Board has already informed to all the States /UTs for taking appropriate action in the matter.

Ans.2: The information sought is not clear.

Ans.3: The list of District SPCAs is available in the website: www.awbi.in .

Ans.4: The reply given in RTI No.5-151/2021-22/RTIMIS dated 01.11.2021 may be seen.

Ans.5: It is the responsibility of the State Government under Section 34 & 37 to delegate the powers as per law.

Ans.6: The Board has issued several advisories /circulars as per the functions of the Board and the same is available in the website: www.awbi.in.

Ans.7: The information sought is not available.

Ans.8: The list of recognized AWO's including SPCA's is available in the website: www.awbi.in. However, the Board does not recognize the Slaughter houses and Meat Shops.

Ans.9: The list of all sanctioned posts under AWBI is enclosed along with duties and functions are enclosed.

Ans.10 & 11: The information sought is not available.

Ans.12: The information sought is not readily available.

Ans.13 & 14: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005.

Ans.15: The list of the Act, Rules and circulars /advisories/notifications made under Prevention of Cruelty to Animals Act, 1960 is available in the website: www.awbi.in.

The Commission queried the Respondent regarding information on point 10 & 11, to which the Respondent submitted that the averred information is not maintained by the Animal Welfare Board of India, therefore the same cannot be furnished.

Upon being queried by the Commission regarding the status of First Appeal, the Respondent submitted that the First Appeal has been adjudicated on 10.12.2021 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. The Central Public Information Officer of AWBI has furnished the information to the Appellant vide letter no. 5-152/2021-22/RTIMIS dated 01.11.2021.

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.

A written submission has been received by the Commission from Dr. S. K Dutta, First Appellate Authority & Secretary Animal Welfare 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/21/00120 dated 05-10-2021 on 01-11-2021. The first appeal no.AWBIC/A/E/21/00054 dated 04.11.2021 was replied on 10.12.2021. The reply given to RTI Appellant 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 the Respondent has furnished a point wise and categorical reply to the Appellant and the Commission finds no infirmity with the same. Moreover, the Appellant is contesting on the veracity of the matter, which is beyond the adjudicatory

powers of the Commission. Hence, 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: 07.10.2022

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

B. S. Kasana (बी. एस. केसाना)
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,
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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
C-38, Rose Apartment,
Sector - 14, Rohini,
Delhi-110085