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/2022/600082

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

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

Relevant dates emerging from the appeal:

RTI Application filed on	:	16.10.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	16.11.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	02.01.2022
Date of Hearing	:	02.02.2023

The following were present:

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

Respondent: Ms. Prachi Jain, CPIO & Assistant Secretary/AWBI, participated in the hearing in person.

Urgent 22/2/23 HEO

ORDER

Information sought:

The Appellant filed an online RTI Application dated 16.10.2021 seeking information on the following five points:

Community Policing as man of many achievements and distinctions: Voice for voice-less: 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 warrior, speaking truth as passion: I Naresh Kadyan with Smt. Sukanya Berwal, confirmed, that:
It is presumed that 5 ban species displayed at all recognized Zoo, whereas visitors are being allowed to enter these Zoo with ticket and public saw Tiger, Leopard, Panther, Lion, Bear and Monkey, which is clear cut violation of section 22 of the Prevention of Cruelty to Animals Act, 1960: G.S.R.619 (E), 14/10/1998 - The Prevention of Cruelty to Animals (Restricted to Exhibit on Trained as a Performing Animals) and G.S.R. 528 (E) The Prevention of Cruelty to Animals (Restricted to Exhibit or Trained as a Performing Animals), read with G.S.R. 13(E) dated 07.01.2016 - The Prevention of Cruelty to Animals (Restricted to Exhibit or Trained as a Performing Animals) and G.S.R. 118(E) dated 09.02.2017- Withdrawal of G.S.R. 13(E) dated 07.01.2016.
Definition of performing animals:
1. No.35-4/72-LD.I, 22/5/1973 - The Performing Animals Rules, 1973: Section 2 (b) performing animal means any animal which is used at, or for the purpose of any entertainment to which the public are admitted through sale of tickets.
2. S.O.267 (E), 26/3/2001 - The Performing Animals (Registration) Rules, 2001: Section 2 (h) performing animal means an animal which is used at or for the purpose of any entertainment including a film or an equine event to which the public are admitted.
Hence:
1. Supply the complete list of recognized Zoo, under section 38-H of the WP Act, 1972 along with the zoo wise, complete list of 5 ban species, under the PCA Act, 1960 along with the all copies of communications with these Zoo by the CZA and replies received with any relaxation granted, circular, guidelines issued, to display these 5 ban species in the legalized zoo by AWBI.
2. Supply all file notings, related to section 22 of PCA Act, 1960 under which these 5 species were banned to display as performing animals.
3. Copies of all Terms and conditions under which recognition was granted by the AWBI - CZA to these zoo.
4. Copies of all transportation protocol with the prototype of vehicles to carry animals, duly approved under Bureau of Indian Standards, restoring 5 freedoms.
5. Supreme Court appreciate 5 freedoms of animals, supply its compliance by all recognised zoo.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 16.11.2021, 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.

Submissions made by Appellant and Respondent during Hearing:

The Appellant submitted that he has not received any response qua the instant RTI Application from the Respondent.

The respondent submitted that adequate reply qua the instant RTI Application has been given to the Appellant on 11.11.2021 through speed post. The contents of the same are as under:

> With reference to the above cited subject, the following information is furnished hereunder:
>
> Ans.1 & 2: The information sought is not available with the Board. However, as per the Section 27(b) of the PCA, Act 1960 animals kept in the zoological gardens are exempted under. The information may be directly sought from the Central Zoo Authority, Government of India.
>
> Ans.3: The Board does not granted recognition to any Zoo.
>
> Ans.4: The information regarding the transportation of animals in vehicle is detailed in Transportation of Animal Rules, 1978 which is available in the public domain.
>
> Ans.5: The information regarding compliance of the directions of Hon'ble Supreme Court by the recognized Zoo is not available with the Board. The information may be directly sought from the Central Zoo Authority, Government of India.

At the instance of the Commission whether the First Appeal has been adjudicated or not to which the Respondent submitted that First Appeal has been adjudicated on 24.12.2021. The contents of the same are as under:

Sir,

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 CPIO of AWBI has furnished the information to the Appellant vide letter no.5-189/2021-22/RTIMIS dated 11.11.2021.

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 Shri S.K Dutta, Secretary & Appellate Authority vide letter dated 01.02.2023, 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 No. AWBIC/R/E/21/00102 dated 16-10-2021 on 11.11.2021. The RTI Appeal No.AWBIC/A/E/21/00064 dated 16.11.2021 was replied on 24.12.2021. The reply given to RTI Appellant is forwarded to the CIC for information.

The Appellant interjected and apprised the bench that he has not received any response qua the instant RTI Application from the Respondent.

In response the Respondent informed the Appellant that she will resend the above-said replies to the Appellant through email during the course of the day.

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 provided adequate and point-wise reply qua the instant RTI Application to the Appellant vide letter dated 11.11.2021 and 24.12.2021, and the Commission upholds the same. 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 (अमितापांडव)
Information Commissioner (सूचना आयुक्त)
दिनांक / Date: 06.02.2023

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,
42 KM Stone, Delhi- Agra Highway, (NH-2),
Ballabhgarh, Faridabad,
Haryana-121004

2. The Central Public Information Officer (CPIO)
Animal Welfare Board 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, New Delhi-110085