केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग,मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

शिकायत संख्या / Complaint No. CIC/AWBIC/C/2022/604334

In the matter of:

Naresh Kadyan ... शिकायतकर्ता/Complainant

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 Complaint:

RTI Application filed on	:	04.11.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	Undated
First Appellate Authority order	:	Not on Record
Complaint received on	:	20.01.2022
Date of Hearing	:	02.02.2023

The following were present:

Complainant: 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.

Received 22/2/23 HEO

5260 22/02/2023

ORDER

Information Sought:

The Complainant filed an online RTI application dated 04.11.2021 seeking information as under:

AWP, 1st Political Party, exposing toothless AWBI, without competent staff, PFA Haryana was granted 22.50 lacs, PWD confirming assets created over 56.00 lacs, but surety faces criminal FIR for delay in submission of papers, whereas XEN of PWD (B&R) inspected and valued, assets created, Member of AWBI Dr. Sandeep Jain, also inspected, submitted report, besides AWBI legal team also confirmed the utilisation of funds, keeping in view report of Dy. Director of Animal Husbandry at Palwal, all structure are very much existed, Secretary of AWBI falsely lodged FIR against surety of PFA Haryana, concealing actual facts, hence, Minister concerned asked to re-examine all papers and punish all responsible, withdrawing FIR - complaints, against surety, whereas AWBI in deep sleep, Ex Chief of PETA India with criminal conspiracy with Menka Ghandhy, of PFA, grabbed grant in aid, which was released to AWO of Anuradha Sawheny of Puppy Farm, shelter amount at Hanumanvatika and ambulance.

AWP wants, the details of all complaints with action taken reports with concerned files noting and head wise grant in aid released to the AWO of Anuradha Sawheny of Puppy Farm - Animal Farm with the complete details of surety and present status of funds incurred, assets created.

AWP also wants to supply copies of Dr. Sandeep Jain, Member of AWBI, inspection report and details with file notings and action taken of his report.

The following information was given by the Minister of Fisheries, Animal Husbandry and Dairying, Shri Parshottam Rupala in the Loksabha in a written reply, but it seems baseless, AWBI misguided, because: AWP fighting hard to introduce ANIMAL ABUSER REGISTRY, supply copy of animal abuser registry with details of 2nd offense.

AWP also wants to supply, complete details as stated by the Minister in Lok Sabha and Rajya Sabha, for the last 5 years, along with concerned file notings, whereas DSPCA are non-functional with Infirmaries and State AWB, Shut down AWBI, replace with National Commission of Animal Welfare with judicial powers.

Complete RTI attached to reply.

Having not received any information from the CPIO, the Complainant filed a **First Appeal** dated Undated, which has not been adjudicated by the First Appellate Authority as per available records.

Grounds for Complaint:

The Complainant filed a Complaint u/s 18 of the RTI Act on the ground of non-receipt of information from the Respondent.

Submissions made by Complainant and Respondent during Hearing:

The Complainant 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 on the basis of available records has been given to the Appellant on 03.12.2021 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. The information sought regarding the Grant released to Puppy farm – AWO of Anuradha Sawhney, Hanumanvatika by the then Ministry is beyond the retention period. The matter related to PFA Haryana is under sub-judice. The information sought regarding animal abuser registry is not available with the Board. The Board is regularly requesting the State Governments to establish the District SPCAs and the copies of the advisories/circulars are available in the website: www.awbi.in.

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 01.01.2022. 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.5-201/2021-22/RTIMIS dated 03.12.2021.
>
> 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/21/00105 dated 04-11-2021 on 03.12.2021. The RTI Appeal No.AWBIC/A/E/21/00070 dated 04.12.2021 was replied on 01.01.2022. The reply given to RTI Appellant is forwarded to the CIC for information.

The Complainant 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 Complainant that she will resend the above-said replies to the Complainant 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 instant matter is a complaint filed under Section 18 of the RTI Act. Hence, the only adjudication required to be made by the Commission is to determine if the information has been denied with a *mala fide* intention or unreasonable cause to the information seeker. Since the Respondent has provided adequate reply to the Complainant on the basis of available records within the stipulated time-frame, no *mala-fide* can be attributed against the Respondent. Hence, the Commission finds no further scope of intervention in the instant matter.

With the above observations, the complaint is disposed of.

Copy of the decision be provided free of cost to the parties.

The complaint, hereby, stands disposed of.

Amita Pandove (अमिता पांडव)
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