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/2022/604804

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	:	08.11.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	Undated
First Appellate Authority order	:	Not on Record
Complaint received on	:	24.01.2022
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

5256 22/02/2023

ORDER

Information Sought:

The Complainant filed an online RTI application dated 08.11.2021 seeking information on the following five points:

AWP is a 1st Political Party in India, ensure proper restoration of 5 freedom for animals and birds, came to know that wrong Information supplied to the Parliament by the Minister, being public servant under oath, hence supply pointwise reply, all communications with concerned file notings:

1. Legal proceedings, against a public servants, tendering false and fabricated information before Parliament.

2. The Government does not maintain any crime records. However, the Animal Welfare Board of India maintains a data of complaints on reported cruelty to animals. The Wildlife Crime Bureau also deals with the violation of Wildlife Protection Act, 1972.

3. The data on crimes relating to cruelty to animals maintained by the Law enforcement authority of the concerned States and Union Territories. The Animal Welfare Board of India (AWBI) in their annual report publishes the details of the complaints received in regard to the animal cruelty along with the action taken..The number of complaints received in the Animal Welfare Board of India regarding cruelty to animals are forwarded to the concerned States /Union Territories for taking necessary action. The details from the year2015-16 to till date (as on 25.07.2021) is given hereunder:

A). 2015-15: 155 cases.
B). 2015-16: 228
C). 2016-17: 256
D). 2017-18: 225
E). 2018-19: 144
F). 2019-20: 300
G). 2020-21: 383

H). 2021-22: 210 as on 25-7-2021.

AWP challenged the said figures, as 100 BSF camels, arrived from Rajasthan to Delhi, to take participation in Republic Day parade, PFA Haryana along with OIPA: Indian People for Animals and Scouts and Guides for Animals and Birds, now AWP lodging regular complaints with AWBI, AWD, Delhi Police and DSPCA, since 2010 on wards till date but these abusers of BSF with private transporters and shielded by all establishments, communication were not supplied by AWBI, even 2nd Appeal admitted by the CIC, against them.

4. It is wrong that AWBI, is an advisory body the States, as misreported before Parliament by Minister, as the Animal Welfare Board of India is a statutory body. It is an advisory body to the Central and State Government on the issues related to animal welfare including cruelty meted out to animals.

5. There is no impact of AWBI at grass root level, the implementations of the statutory laws are primary duty of the State Government as per the Seventh Schedule of the Constitution of India. The State Government shall prevent, detect, register and investigate crime and prosecute the criminals. The AWBI has been writing regularly to the State Governments/Union Territories to prevent cruelty to animals and implement the provisions of the Prevention of Cruelty to Animals Act, 1960 and its Rules effectively. Application as attached, to reply with proof: Animal Welfare Party.

Having not received any information from the CPIO, the Complainant filed a **First Appeal** dated nil, 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 and point-wise reply qua the instant RTI Application 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.1: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005.

Ans.2, 4 & 5: No information is sought in this matter.

Ans.3: The action taken by the Board on the BSF matter for transporting 100 camels was disposed off by the Central Information Commission in several Second appeals filed by the applicant.

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 17.01.2022. 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. 208/2021-22/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.

The Commission after perusal of the First Appellate Authority's order dated 17.01.2022, remarked the Respondent that the copy of the aforesaid reply is not legible and their office shall ensure that a clear and legible copy of a reply must be sent to the Appellant in response to a RTI Application and First Appeal. The Respondent concurred with the remarks of the Commission.

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/T/21/00140 dated 08-11-2021 and DOAHD/R/E/21/00371 on 03.12.2021. The RTI Appeal No.AWBIC/A/E/21/00071 dated 08.12.2021 was replied on 17.01.2022. 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 Central Public Information Officer (CPIO)
Animal Welfare Board of India,
42 KM Stone, Delhi- Agra Highway, (NH-2),
Ballabhgarh, Faridabad,
Haryana-121004

2. Mr. Naresh Kadyan
C 38, Rose Apartment,
Sector-14, Rohini,
New Delhi-110 085