

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/2020/693299

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,
Animal welfare Board of
India 3rd Seaward Rd, Valmiki
Nagar, Thiruvalluvar Nagar,
Thiruvanmiyur, Chennai,
Tamil Nadu -600041

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	15.07.2020
CPIO replied on	:	Not on record
First Appeal filed on	:	01.09.2020
First Appellate Authority order	:	Not on record
Second Appeal received on	:	24.11.2020
Date of Hearing	:	11.03.2022

The following were present:

Appellant: Absent (informed the Commission vide an undated letter that he does not want to avail hearing).

Respondent: Shri Narender Kumar, CPIO and Under Secretary, Department of Animal Husbandry and Dairying and Smt. Prachi Jain, CPIO and Asst. Secretary, Animal Welfare Board of India participated in the hearing in person.

Prachi
5/4/2022
MEO

09
05/04/2022

ORDER

Information sought:

The Appellant filed an RTI Application dated 15.07.2020, seeking the following information:

Review Commission on Prevention of Cruelty to Animals Act, 1960 under the Scouts & Guides for Animals & Birds along with OIPA: Indian People for Animals: Attached detailed RTI Application to supply required Information along with concerned file Notings, keeping in view Annual Reports of AWBI, since last 5 years:

Under RTI I want point section wise confirmation as stated above along with clarification about section 31 (Code of Criminal Procedure, 1898 (5 of 1898) & being Central Act, under which power & authorities, State Government make amendments, which is not applicable for others, besides it all Rules & Notifications, tabled before Lok Sabha & Rajya Sabha, confirming final status on the issue, keeping in view statutory provisions under section 38-A. Status of all 2nd Appeal under RTI Act.

Smt. Sukanya Berwal, Commissioner of Education

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 01.09.2020, 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 unsatisfactory reply furnished by 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 vide an undated letter has informed the Commission as under:

"2. ..., to decide on merit, on the following matters as I don't want to avail hearing."

Smt. Prachi Jain submitted that the present RTI Application was transferred to the Department of Animal Husbandry and Dairying under Section 6(3) of the RTI Act on 21.07.2020, with a copy marked to the Appellant. She further submitted that the

First Appellate Authority has also adjudicated the First Appeal on 13.11.2020. At the instance of the Commission she handed over the copies of the letter dated 13.11.2020 and the First Appellate Authority's order to the Commission during the hearing.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that an appropriate reply has been provided to the Appellant by the Animal Welfare Board of India. However, since the reply provided by the Department of Animal Husbandry and Dairying is not on record, the Commission deems it expedient to direct the present CPIO, Department of Animal Husbandry and Dairying to provide a revised reply to the Appellant, with a copy marked to the Commission, within 15 days from the 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

Amita Pandove (अमिता पांडव)

Information Commissioner (सूचना आयुक्त)

दिनांक / Date: 11.03.2022



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
3rd Seaward Rd, Valmiki Nagar,
Thiruvalluvar Nagar, Thiruvanmiyur,
Chennai, Tamil Nadu -600041
- ✓ 2. The Central Public Information Officer
Animal welfare Board of India
3rd Seaward Rd, Valmiki Nagar,
Thiruvalluvar Nagar, Thiruvanmiyur,
Chennai, Tamil Nadu -600041
3. Mr. Naresh Kadyan
C 38, Rose Apartment, Prashant Vihar,
Sector-14, Rohini, Delhi-110085