

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/2020/696338

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	:	26.08.2020
CPIO replied on	:	Not on record
First Appeal filed on	:	29.10.2020
First Appellate Authority order	:	Not on record
Second Appeal received on	:	16.12.2020
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.

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13/04/2022

ORDER**Information sought:**

The Appellant filed an RTI Application dated 26.08.2020, seeking information on the following nine points:

Granting permission to inspect, as per section 19 of the Societies Registration Act, 1860: Supplying copies of strict compliance of all objectives along with compliance of all mandatory provisions under the Societies Registration Act, 1860 along with the recognition terms & conditions of AWBI as well along with copies of communications, replies with DSPCA & AWBI, all noting portion related to introduction of 11 SPCAs at each District Head Quarters in Delhi, besides similar action on following points:

1. Delhi SPCA is recognized by AWBI, vide No. ND001/1965 but it is not valid as per the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules 2001, keeping in view section 3: Society for Prevention of Cruelty to animals in a District: (1) Every State Government shall by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district. Provided that any society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

2. Annual Progress Reports of DSPCA since last five years along with annual audit balance & all resolutions passed since last 5 years.

3. Complete list of DSPCA movable, immovable property - assets along with all copies of land - building allotments

4. DSPCA copies of Registration, Bye laws, Rules & Regulation with Memorandum of Association.

5. Progress Reports against Police power delated under PCA Act, 1960 to DSPCA, supply all copies of delegation of Police powers.

6. Action taken on complaints against 100 BSF Camels, every year participated in Republic Day parade, violated Motor Vehicle Rules.

7. GNCTD/E/2018/02920 action taken reports, on DSPCA as No Member found alive.

8. Bogus 3575 Recognised AWOs by AWBI is wrong as these AWOs never compliance the terms & conditions of AWBI, only to justify the existence of AWBI, all annual reports are based on the bogus statements of public servants. Like wise 120 De-recognised black listed AWOs, without any legal action, adopting proper mechanism.

9. Define Societies Registration Act, 1860: An Act for the Registration of Literary, Scientific and Charitable Societies. Preamble: Whereas it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, the diffusion of political education or for charitable purposes:

A). Section 4: Annual list of managing body to be filed

B). Section 5: Property of society how vested

C). Section 6: Suits by and against societies

D). Section 12: Societies enabled to alter, extend or abridge their purposes

E). Section 13: Provision for dissolution.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 29.10.2020, 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 an appropriate reply was provided to the Appellant on 23.09.2020 and the First Appellate Authority has also adjudicated the First Appeal on 11.12.2020. At the instance of the Commission, she handed over a copy of the aforesaid CPIO's reply and First Appellate Authority's order to the Commission during the hearing.

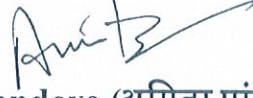
Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that appropriate reply has been provided to the Appellant and the same is upheld. Though the Appellant chose not to attend the instant hearing, for the reasons best known to him, the Commission has gone through the case records in entirety and finds no further scope of intervention in the 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: 11.03.2022

Authenticated true copy
(अभिप्रमाणित सत्यप्रति प्रति)

B. S. Kasana (बी. एस. कसाना)
Dy. Registrar (उप-पंजीयक)
011-26105027



Addresses of the parties:

1. The First Appellate Authority (FAA)
3rd Seaward Rd, Valmiki Nagar,
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- ✓2. The Central Public Information Officer
Animal welfare Board of India
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Thiruvalluvar Nagar, Thiruvanmiyur,
Chennai, Tamil Nadu -600041
3. Mr. Naresh Kadyan
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