

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/2021/612264

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,
Animal Welfare Board of India
National Institute of Animal
Welfare Campus, 42 Mile Stone,
Delhi- Agra Highway (NH-2),
Ballabhgarh, Haryana-121004

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	11.01.2021
CPIO replied on	:	No ton Record
First Appeal filed on	:	17.02.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	03.04.2021
Date of Hearing	:	01.06.2022

The following were present:

Appellant: Absent (despite being served the hearing notice)

Respondent: Ms. Prachi Jain, Assistant Secretary & CPIO and Mr. Vikram Chandravanshe, Legal Advisor, participated in the hearing in person.

17/6/2022
H/E O

13/4/2022
20/06/2022

ORDER

Information sought:

The Appellant filed online RTI Application dated 11.01.2021 seeking information as under:

Please supply complete details, communications made and received with concerned file notings, related to all Animal Welfare Organisations, head wise grant in aid sanctioned - disbursed by the Animal Welfare Division with the status of all utilisations of funds disbursed with present status of the Animal Welfare Organisations aided by Animal Welfare Division, as animal ambulances with shelter for animals in distress, during Menka Gadhi as Minister In-charge of Animal Welfare Division.
It further requested to supply complete details, head wise recovery of all funds disbursed to Animal Welfare Organisations by Animal Welfare Division during Menka Gadhi as Minister In-charge of Animal Welfare Division, including ambulances and shelter granted to Animal Welfare Organisation operated by the Ex- PETA Chief Anuradha Sawheny in Haryana.
It is further desired the process and explanation of system and mechanism related to prosecution of Menka Gadhi misused power and authority as an Member of Parliament - union Minister.
It is also required to supply copies of cancellation of registration of Circuses by AWBI, since last 5 years.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 17.02.2021, 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. Appellant requested the Commission to direct the CPIO to provide complete information sought for.

Submissions made by Appellant and Respondent during Hearing:

The Appellant did not participate in the hearing despite being served the hearing notice.

The Respondent submitted that first reply qua the instant RTI Application has been given to the Appellant vide letter dated 09.02.2021. The contents of the same are as under:

Sir,

With reference to the above cited subject, the following information is furnished hereunder:

Ans.1: The information sought is huge and voluminous, the period is required for providing the information.

Ans.2: The information sought is not available and maintained by the Board.

Ans.3: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005.

Ans.4: The matter is under sub-judice.

Upon being queried by the Commission whether the First Appeal has been adjudicated or not, she submitted that First Appeal has been adjudicated on 23.03.2021. The contents of the same are as under:

This appeal has been presented by Shri Naresh Kadyan for not furnishing information by Central Public Information Officer of Animal Welfare Board of India. Appellant has sought information from Animal Welfare Board of India through Central Public Information Officer vide letter no. 25-175/2020-21/RTIMIS dated 23.03.2021.

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 as informed by the Central Public Information Officer of the Board. Since the requisite information has been furnished with delay the Appeal is accordingly disposed of.

She furthermore submitted that information sought by the Appellant in point no. 1 of the RTI Application is voluminous & scattered that requires collection & collation of the data which would divert the time and resources of the public authority and thereby would attract the provision of Section 7 (9) of the RTI Act.

A written submission has been received by the Commission from Dr. S.K. Dutta, Secretary and FAA, vide letter dated 27.05.2022, 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 received the RTI application from the Ministry. However, the RTI application No.AWBIC/R/T/21/00006 dated 11-01-2021 received by the Board was replied on 09-02-2021 and the appeal dated 17.02.2021 was replied on 23.03.2021. The reply given to RTI is forwarded to the CIC for information.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that adequate reply has been given by the Respondent vide letter dated 09.02.2021 and the same is being upheld. Moreover, the Appellant did not participate in the hearing to buttress his case, 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 (अमिता पांडव)

Information Commissioner (सूचना आयुक्त)

दिनांक / Date: 01.06.2022



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
National Institute of Animal
Welfare Campus, 42 Mile Stone,
Delhi- Agra Highway (NH-2),
Ballabhgarh, Haryana-121004

✓ 2. The Central Public Information Officer
Animal Welfare Board of India
National Institute of Animal
Welfare Campus, 42 Mile Stone,
Delhi- Agra Highway (NH-2),
Ballabhgarh, Haryana-121004

3. Mr. Naresh Kadyan
C-38, Rose Apartment,
Prashant Vihar, sector - 14,
Rohini, Delhi-110085