

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/2021/623985

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,
Animal Welfare of India,
42 KM Stone, Delhi- Agra
Highway, (NH-2), Ballabhgarh,
Faridabad, Haryana-121004

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	23.03.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	27.04.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	14.06.2021
Date of Hearing	:	30.09.2022

The following were present:

Appellant: Shri Naresh Kadyan, participated in the hearing through video conferencing from NIC Ahmedabad.

Respondent: Ms. Prachi Jain, Assistant Secretary, Shri Vikaram Chandravanshi and Advocate and Legal Advisor/AWBI, participated in the hearing in person

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ORDER

Information sought:

The Appellant filed an online RTI Application dated 23.03.2021 seeking information on the following nine points:

Subject: RTI as response on question raised on PG Portal as attached

Greetings,

Kindly supply point wise reply along with concerned file notings, communications made and received, on the followings:

1. Action taken report on all grievances on PG Portal, related to adoption Cow as National Cattle of India, including DOAHD/E/2021/00026
2. AWBI must issue Advisory for Educational purpose, under section 9(k) of the Prevention of Cruelty to animals Act, 1960, related to Industries based on Cow therapy.
3. Regulate under section 10 of the Prevention of Cruelty to animals Act, 1960, adopting Cow as National Cattle of India.
4. Being proper coordination among AWBI with Rastriya Kamdhenu Aayog and National Biodiversity Authority.
5. Advisories issued on Educational basis under section 9(k) of the Prevention of Cruelty to animals Act, 1960, related to Industries based on Cow therapy.
6. Regulations issued on Educational basis under section 10 of the Prevention of Cruelty to animals Act, 1960, related to Industries based on Cow therapy.
7. Copies of annual reports of AWBI with Rastriya Kamdhenu Aayog as per their mandate
8. 2nd appeals related to AWBI with Rastriya Kamdhenu Aayog, pending with CIC
9. Compliance of point wise, duties and functions of the AWBI with Rastriya Kamdhenu Aayog

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 27.04.2021, 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 stated that he has not received any reply qua the instant RTI Application from the Respondent.

The Respondent submitted that first reply qua the instant RTI Application has been given to the Appellant on 21.04.2021. The contents of the same are as under:

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

Ans. 1. As per the available records, no such proposal has been available with the Board related to adoption of Cow as National Cattle of India. Hence, no information is available with the Board.

Ans. 2, 3 & 4: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005.

Ans. 5 & 6: As per the available records, the information sought is not available with the Board.

Ans. 7 to 9: As per the available records, there is no such information available regarding AWBI with Rashtriya Kamdhenu Ayog and related matters.

She further added that with respect to point no. 5 and 6 of the instant RTI Application, no such information is available in their office as the board has not issued any advisory/regulation on Cow Therapy.

Upon being queried by the Commission whether the first appeal has been adjudicated or not to which the Respondent submitted that First Appeal has been adjudicated on 10.07.2021. The contents of the same are as under:

The 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. 25-241/2020-21/RTIMIS dated 21.04.2021.

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 Dr. S.K Dutta, Secretary/AA, Animal Welfare Board of India, Haryana vide letter dated 16.09.2022, wherein the Commission has been apprised as under:

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 RTI application No.AWBIC/R/T/21/00053 dated 23-03-2021 on 21-04-2021. The first appeal no.AWBIC/A/E/20/00028 dated 02.06.2021 was replied on 10.07.2021. The reply given to RTI Appellant 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 qua the instant RTI Application has been given to the Appellant vide letter dated 21.04.2021 and the Commission uphold the same. The Commission further observes that written submission dated 16.09.2022 has not been sent to the Appellant. Hence, the Commission deems it fit to direct the Respondent to send a copy of the written submission dated 16.09.2022 to the Appellant, along with all the earlier sent replies, within 10 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 (अमिता पांडव)

Information Commissioner (सूचना आयुक्त)

दिनांक / Date: 30.09.2022



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, Thiruvanniyur,
Chennai, Tamil Nadu -600041
2. The Central Public Information Officer
Animal Welfare 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,
Delhi-110085