

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/2021/661332

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	:	05.10.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	04.11.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	19.12.2021
Date of Hearing	:	30.09.2022

The following were present:

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

Respondent: Smt. Prachi Jain, CPIO & Assistant Secretary & Shri. Vikram Chandravanshi, Legal Advisor, from Animal Welfare Board of India, participated in the hearing in person

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ORDER

Information sought:

The Appellant filed an online RTI Application dated 05.10.2021 seeking information on the following fourteen points:

Community Policing as man of many achievements and distinctions: Voice for voiceless: Fighter by spirit: Jat by birth: Philanthropist by profession: Activist by mission: Humanitarian by choice, Gandhian by vision and action, being habitual khadi wearers and scout worrier, Naresh Kadyan, on behalf of Smt. Sukanya Berwal, Commissioner of Education along with Abhishek Kadyan with Smt. Suman Kadyan of Canada, enjoyed the thought of Central Vista Redevelopment Project refers to the ongoing redevelopment to revamp the Central Vista, India's central administrative area located near Raisina Hill, New Delhi, which is a native place village Malcha of Smt. Sharda Khatkar Kadyan <https://centralvista.gov.in>
Scouts and Guides for Animals and Birds www.scoutingindia.in with OIPA: Indian People for Animals, working hard to safeguard flora and fauna, restoring 5 freedoms of animals, performing our fundamental duties, as Scouting to review the Land and Building allotted to others, either on lease or rent as per their requirement and use

with lease amount, hence supply with concerned file notings, related to the Ministry of Housing and Urban Affairs, as complete details with list, about land and building with area:

1. Allotments on rent and lease, all land and building with area, along with their basic requirement and use of premises at present.
2. Copies of allotment letters with the renewal of period with justification.
3. Point wise strict compliance of terms and conditions.
4. Rent and lease amount of every property.
5. Stats of all BMCs with PBRs and Heritage sites
6. Species of flora and fauna, under threat, extinct with rich species, as well.
7. Review allotment, any proposal to recall.
8. Status of violations.
9. Establishment and functioning of all Society for the Prevention of Cruelty to Animals, at every District Headquarters with Infirmaries as per section 35 of PCA Act, 1960.
10. Complete details with list and numbers of unclaimed animals and birds, all around.
11. Stop glorification of all British and Mugal Rulers, promoting Sanatan principles and ideology, eliminating their names on road and buildings and their statues.
12. As per Government of India (Allocation of Business) Rules 1961, the following business has been allocated to the Ministry of Housing and Urban Affairs, as attached, hence all 41 point wise compliance report, may be supplied, to review and justification.

13. The Government of India has launched the Smart Cities Mission on 25 June 2015, status reports required, related all Smart Cities, as per list as attached.
14. Scouts and Guides for Animals and Birds www.scoutingindia.in with OIPA: Indian People for Animals, adopted Cow as National Cattle of India and Honey Bee as National Insects of India, restoring their 5 freedoms, any objections.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 04.11.2021, 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 is not satisfied with the reply furnished by the Respondent with respect to the instant RTI Application.

The Respondent submitted that a point-wise and categorical reply has already been furnished to the Appellant vide letter dated 01.11.2021 and the contents of the same are as under:

Ans.1 to 8, 12 & 13: The information sought regarding Central Vista, India's Central Administrative Area, New Delhi is not available with the Board. The information may be sought directly from the Ministry of Housing and Urban Development, Government of India.

Ans.9: The information sought regarding District SPCAs with infirmaries as per Section 35 of the Prevention of Cruelty to Animals Act, 1960 is not available with the Board.

Ans.10,11 & 14: It is informed that "this" does not come under definition of "information" under Section 2(f) of the RTI Act, 2005.

The Respondent further clarified that information with respect to point 1-8 and point 12-13 pertain to Ministry of Urban Development and the same is not available with them. Information with respect to point 9 pertain to the District SPCAs and a communication with respect to the information sought has been sent to the concerned District officers but no response has ever come. Since the Respondent does not have any direct administrative control over the concerned district officers, no further efforts can be made.

The Respondent added that point 10, 11 & 14 of the instant RTI Application are mere statements and non-specific which fall beyond the purview of section 2(f) of the RTI Act.

A written submission has been received by the Commission from Dr. S.K Dutta, Appellate Authority & Secretary, Animal Welfare of India ,Haryana vide letter dated 15.09.2022, 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 Online RTI application No.AWBIC/R/T/21/00119 dated 05-10-2021 on 01-11-2021. The first appeal no.AWBIC/A/E/21/00056 dated 04.11.2021 was replied on 10.12.2021. The reply given to RTI Appellant is forwarded to the CIC for information.

A written Communication has been sent to the Appellant from Shri. Anil Kumar Bhatia, Under Secretary Committee Section (Petitions), Rajya Sabha Secretariat vide letter dated 21.04.2022, wherein the Appellant has been informed as under:

I am directed to refer to your petition dated the 28th February, 2022, on the subject cited above and to forward herewith a copy of the response dated the 5th April, 2022 received from the Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying for your information. However, with regard to the transportation of animals in a humane way, the comments of the Ministry of Road Transport & Highways are being sought.

A written submission has been received by the Commission from the Appellant, and the same has been taken on record.

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 Respondent has furnished a categorical reply to the Appellant with respect to the instant RTI Application within a stipulated time frame and the Commission finds no infirmity with the same. Moreover, the information with respect to point 9 of the RTI Application pertains to district SPCAs, which is beyond the adjudicatory powers of the Commission.

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 of India
42 KM Stone, Delhi- Agra Highway (NH-2),
Ballabgarh, Faridabad,
Haryana-121004
2. The Central Public Information Officer
Animal Welfare of India,
42 KM Stone, Delhi- Agra Highway,
(NH-2), Ballabgarh, Faridabad,
Haryana-121004
3. Mr. Naresh Kadyan
C-38, Rose Apartment,
Sector - 14, Rohini,
Delhi-110085