

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/2022/600071

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

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

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	16.10.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	16.11.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	02.01.2022
Date of Hearing	:	02.02.2023

The following were present:

Appellant: Absent (left the VC site during the hearing in an audacious and discourteous manner)

Respondent: Ms. Prachi Jain, CPIO & Assistant Secretary/AWBI, participated in the hearing in person.

Prachi
22/2/23
HEO

5252
22/02/2023

ORDER

Information sought:

The Appellant filed an online RTI Application dated 16.10.2021 seeking information as under:

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 warrior, speaking truth as passion, Naresh Kadyan with Smt. Sukanya Berwal, asked to supply, complete list of application received, processed, rejected - accepted, describing reasons as below, for last 5 years:

- 1. APPLICATION FOR REGISTRATION OF ANIMAL OWNER**
- 2. APPLICATION PRE-SHOOT PERMISSION**
- 3. APPLICATION FOR POST SHOOT**
- 4. FORMAT FOR SELF DECLARATION FOR ANIMAL OWNER REGISTRATION**
- 5. FORMAT FOR SELF DECLARATION FOR PRE-SHOOT PERMISSION**
- 6. FORMAT FOR SELF DECLARATION FOR POST SHOOT**
- 7. FITNESS CERTIFICATE FOR ANIMAL OWNER REGISTRATION**
- 8. PART -A FITNESS CERTIFICATE FOR PRE-SHOOT PERMISSION**
- 9. PART -B FITNESS CERTIFICATE FOR POST-SHOOT PERMISSION**
- 10. APPLICATION FOR DIRECT POST SHOOT**

AWBI may supply:

- 1. Copies of all reptiles ownership**
- 2. Complete details about the 5 freedoms of these reptiles:**
The Five Freedoms outline five aspects of animal welfare as:
 - 1. Freedom from hunger or thirst**
 - 2. Freedom from discomfort**
 - 3. Freedom from pain, injury or disease**
 - 4. Freedom to express (most) normal behavior**
 - 5. Freedom from fear and distress.**

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 16.11.2021, 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 take appropriate legal action against the Respondent.

Submissions made by Appellant and Respondent during Hearing:

The Appellant did not participate in the hearing and had left the VC site during the hearing in an audacious and discourteous manner.

The respondent submitted that the information sought by the Appellant is voluminous and scattered which requires collection and collation and accordingly adequate reply qua the instant RTI Application has been given to the Appellant on 11.11.2021 through speed post. The contents of the same are as under:

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

Ans.1 to 10: As per the available records, the information sought regarding the applications received for Pre-shoot and Post shoot during the last five years is voluminous in nature.

As per Section 7(9) of the RTI Act, 2005, an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

The Commission interjected and quizzed the Respondent that the information sought in the RTI Application is how much voluminous in nature to which the Respondent submitted that in one month approximately eight meetings are there and in one meeting they receive around 40

applications for pre shoot and post shoot permission and since the Appellant is seeking information of five years, approximately twenty thousand pages are there.

At the instance of the Commission whether the First Appeal has been adjudicated or not to which the Respondent submitted that First Appeal has been adjudicated on 24.12.2021. The contents of the same are as under:

Sir,

This 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.5-190/2021-22/RTIMIS dated 11.11.2021.

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 Shri S.K Dutta, Secretary & Appellate Authority vide letter dated 01.02.2023, 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 replied to the Online RTI application No. AWBIC/R/E/21/00103 dated 16-10-2021 on 11.11.2021. The RTI Appeal No AWBIC/A/E/21/00063 dated 16.11.2021 was replied on 24.12.2021. The reply given to RTI Appellant is forwarded to the CIC for information.

The Respondent further submitted that she will resend the above-said replies to the Appellant through email during the course of the day.

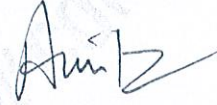
Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that the Appellant in the instant RTI Application has sought voluminous & scattered information that requires collection & collation of the data which would divert the time and resources of the public authority in providing all and directing the Respondent to provide the said information would attract section 7 (9) of the RTI Act and thus, the Respondent has provided adequate reply qua the instant RTI Application to the Appellant vide letter dated 11.11.2021 and 24.12.2021, and the Commission upholds the same. Hence, 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: 06.02.2023



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,
42 KM Stone, Delhi- Agra Highway, (NH-2),
Ballabhgarh, Faridabad,
Haryana-121 004

2. The Central Public Information Officer (CPIO)
Animal Welfare Board of India,
42 KM Stone, Delhi- Agra Highway, (NH-2),
Ballabhgarh, Faridabad,
Haryana-121 004

3. Mr. Naresh Kadyan
C 38, Rose Apartment, Sector-14,
Rohini, New Delhi-110085