

# Central Information Commission

CIC/AD/A/2009/001481  
Dated 8<sup>th</sup> March, 2010

Adjunct to the Order in the Case No.CIC//AD/A/2009/001481  
dated 27.11.09 in the case of

Mr. Vinod Kumar Damodar  
v/s.

Animal Welfare Division

Hearing was held on 8<sup>th</sup> March, 2010

## Background

1. The Order given by the Commission on 27.11.09 in the above case is as follows:
  - i) *The Commission after hearing the submission of the respondents directs*
    - a) *CPIO, AWD to provide supporting documents with regard to point (3) of the RTI application and also against point (5).*
    - b) *CPIO, AWB to provide any further information if available on record against point (8) of the RTI application. If not, the Appellant to be informed about its non availability. Information against point (5) also to be provided.*
  - ii) *The information should reach the applicant by 27.12.09.*
  - iii) *The Appellant is directed to submit a compliance report to the Commission by 4.1.10.*
  - iv) *The Commission also observed that the designated CPIO in the instant case is of the rank of Section Officer. The Commission under the authority vested u/s 25(5) of the RTI Act directs the Secretary, Ministry of Environment & Forests to ensure that only those officers who are not below the rank of Under Secretary as CPIO. The name and designation of the new CPIOs may be intimated to the Commission by 18.12.09.*
2. The Applicant complained that the decision of the Commission was not complied with.

3. The Appellant was not present during the hearing.
4. Mr. O.P. Joshi, Under Secretary, AWD cum CPIO, Mr.R.C. Joshi, Asst.,AWD, Mr. P.K. Mandal, Asst.,AWD and Mr.R.B. Choudhary, Asst. Secy.. AWBI represented the Public Authority.
5. The Respondent from the AWF produced before the Commission his reply dated 14.12.09 which was furnished to the Appellant in compliance with the Commission's order. However, in respect of point 5 he replied that the question does not relate to the AWBI and that the reply has to be furnished by the CPIO, AWD. He provided information with regard to point 8. The Respondent from AWD informed the Commission that on receipt of the letter dated 14.12.09 from AWBI the matter was taken up by the Joint Secretary with the Chairman, AWB in which he informed the Chairman that the Secretary AWB was requested to comply with the direction of the Commission's order in the letter dated 30.11.09 and to provide requisite information to the Appellant. However, the Secretary AWBI once again referred the point 5 back to the CPIO, AWD and as the matter is related to AWBI, the Ministry once again requested to Secretary to provide the requisite information and to send the proof of dispatch of information to the Appellant, to the Ministry. In response to this letter, the Secretary, AWB provided some information on 23.03.08 to the Appellant. However he inadvertently provided the wrong information related to some other matter. Subsequently on receipt of the Commission's notice for hearing on 08.03.10 in the matter of noncompliance, the Joint secretary requested the Chairman of the Animal Welfare Board for his personal intervention in this regard and to direct the Secretary AWBI to provide the information to the Appellant. The Respondent from AWBI stated that the information sought ultimately was provided on 27.02.08. The Commission after having noted that the relevant information furnished to the Appellant, directs **Mr. R.B. Chowdhury, ACPIO, AWBI** to show cause as to why penalty of Rs.250/- per day should not be imposed upon him for not providing the information within the stipulated period. The response should reach the Commission by 5 April, 2010.

6. The appeal is accordingly disposed of.

(Annapurna Dixit)  
Information Commissioner

Authenticated true copy:

(G. Subramanian)  
Deputy Registrar

Cc:

1. Shri Vinod Kumar Damodar  
Member Royal SPCA  
Breeze 5/2750 A  
Calicut, Kerala
2. The CPIO  
M/o Environment & Forests  
Animal Welfare Division  
Jeevan Prakash Bldg.  
25, Kasturba Gandhi Marg  
New Delhi 110 001
3. Shri D.Rajasekar  
The CPIO & Secretary  
Animal Welfare Board of India  
13/1 Third Seaward Road  
Valmiki Nagar  
Thiruvanmiyur  
Chennai 600 041
4. Mr. R.B. Chowdhury, Asstt. Secretary  
Animal Welfare Board of India  
13/1 Third Seaward Road  
Valmiki Nagar  
Thiruvanmiyur  
Chennai 600 041
5. Officer in charge, NIC
6. Press E Group, CIC