

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/2020/684475

In the matter of:

Naresh Kadyan

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,
Animal welfare Board of
India 3rd Seaward Rd, Valmiki
Nagar, Thiruvalluvar Nagar,
Thiruvanmiyur, Chennai,
Tamil Nadu -600041

... प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI Application filed on	:	15.06.2020
CPIO replied on	:	Not on record
First Appeal filed on	:	20.07.2020
First Appellate Authority order	:	Not on record
Second Appeal received on	:	07.09.2020
Date of Hearing	:	11.03.2022

The following were present:

Appellant: Absent (informed the Commission vide an undated letter that he does not want to avail hearing).

Respondent: Shri Narender Kumar, CPIO and Under Secretary, Department of Animal Husbandry and Dairying and Smt. Prachi Jain, CPIO and Asst. Secretary, Animal Welfare Board of India participated in the hearing in person.

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5/14/2022
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ORDER

Information sought:

The Appellant filed an RTI Application dated 15.06.2020, seeking information on the following eight points:

Scouting for Energy Power by Sukanya Berwal, Commissioner of Education, Scouts & Guides for Animals & Birds along with OIPA: Indian People for Animals:

Under RTI, supply your comments, recommendations, Research, communication made & received along with concerned file Noting Sheets, on the following:

1. Energy be defined as Horse Power, why not to Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power, whereas Project Elephant never defined Elephant Power, like wise National Research Center on Camels, National Research Centre on Yak, Central Institute for Research on Buffaloes, Central Institute for Research on Cattle, National Dairy Research Institute, National Research Centre on Equines along with Animal Welfare Board of India, Rashtriya Kamdhenu Aayog, National Board for Wildlife, Indian Council of Agricultural Research, National Biodiversity Authority, National Authority for Animal Welfare, hence supply me the Research papers, recommendations, decisions on Public Grievances portal, related to Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power
2. Regulations under section 10 of the Prevention of Cruelty to Animals Act, 1960 & Advisory on Educational purpose under section 9 (k) of PCA Act, 1960.
3. Introduction of prototype of Vehicle to transport animals & birds as per Bureau of Indian Standards, keeping in view Central Motor Vehicle Act
4. Installation of animal scanner at every toll plaza, preventing cruelty against animals, performing our fundamental duties as defined under article 51 A (g) of Indian Constitution read with section 3 of the Prevention of Cruelty to Animals Act, 1960
5. License required to operate Horse Power but no authority or license required to handle Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power, regulate them by law
6. Elephant Power, Camel Power, Yak Power, Buffalo or Ox Power replaced by Horse Power as Motor Engine, left them jobless, Is it possible to replace each other, restoring their five freedoms
7. Provide me Mandate, objectives with functions along with point wise compliance of: National Research Center on Camels, National Research Centre on Yak, Central Institute for Research on Buffaloes, Central Institute for Research on Cattle, National Dairy Research Institute, National Research Centre on Equines along with Animal Welfare Board of India, Rashtriya Kamdhenu Aayog, National Board for Wildlife, Indian Council of Agricultural Research, National Biodiversity Authority, National Authority for Animal Welfare
8. Complete details related to Elephant foetus with Mother Elephant blasted with in Kerala, whereas dynamite was introduced by Nobel then justification of Nobel Peace Prize, please define

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 20.07.2020, 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 unsatisfactory reply furnished by 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 vide an undated letter has informed the Commission as under:

"2. ..., to decide on merit, on the following matters as I don't want to avail hearing."

Smt. Prachi Jain submitted that an appropriate reply was provided to the Appellant on 11.07.2020 and the First Appellate Authority has also adjudicated the First Appeal on 01.09.2020. At the instance of the Commission, she handed over the copies of the aforesaid CPIO's reply and the First Appellate Authority's order to the Commission during the hearing.

Decision:

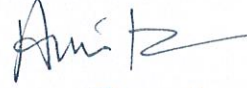
Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that an appropriate reply was provided to the Appellant and the same is upheld. The Commission further observes that the information sought in the present RTI Application is similar to the information sought in the RTI Application vide Second Appeal File Nos. CIC/AWBIC/A/2020/693304 and CIC/AWBIC/A/2020/692262 scheduled for hearing on 11.03.2022.

Accordingly, the instant Second Appeal is barred by principles of *constructive res judicata*. No fresh adjudication is required 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: 11.03.2022

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, Thiruvanmiyur,
Chennai, Tamil Nadu -600041
- ✓ 2. The Central Public Information Officer
Animal welfare Board of India
3rd Seaward Rd, Valmiki Nagar,
Thiruvalluvar Nagar, Thiruvanmiyur,
Chennai, Tamil Nadu -600041
3. Mr. Naresh Kadyan
C 38, Rose Apartment, Prashant Vihar,
Sector-14, Rohini, Delhi-110085