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/2020/692262

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	:	27.08.2020
CPIO replied on	:	Not on record
First Appeal filed on	:	27.09.2020
First Appellate Authority order	:	Not on record
Second Appeal received on	:	12.11.2020
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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ORDER

Information sought:

The Appellant filed an RTI Application dated 27.08.2020, seeking the following information:

A). Smt. Sukanya Berwal, Commissioner of Education, Scouts & Guides for Animals & Birds along with OIPA: Indian People for Animals endorsed me to explain that Performing Animals Rules 1973, might be replaced by Performing Animals Registration Rules 2001 but Resources Persons of National Judicial Academy Anand Grover, Advocate, presented during 25th and 26th March, 2017 in the WORKSHOP ON ANIMAL RIGHTS JURISPRUDENCE FOR MAGISTRATEs, supply me complete details about Anand Grover teaching wrong facts along with TA/DA & Fee etc paid to him
B). National Judicial Academy with many other legal Establishments as National or state legal services authority may select - nominate Resource Persons to share their expert opinion & knowledge, Experiences & to give training, Workshop, refresher courses etc in the field of Animal Rights & their Welfare including the Prevention of Cruelty to Animals Act, 1960 along with Rules & Notifications, like wise similar for the Wildlife Protection Act, 1972 & Biological Diversity Act, 2002 along with others rules & regulations, hence supply me complete details, list with future schedules for above said subjects:
1. Resource Persons for animal rights & their welfare
2. Resource Persons for Wildlife
3. Resource Persons for Flora & fauna
4. Resource Persons for Biological Diversity Act, 2002 with Rules & Regulations.
5. Qualifications & procedure to be a Resource Persons for above said subjects
6. Eligibility for Resource Persons along with benefits & fee - TA & DA
7. List - details of Maneka Gandhi & Gauri Mulekhi participated as Resource Persons with National Judicial Academy, because their conflict of interest to appear before the many courts as petitioners.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 27.09.2020, 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 31.08.2020 and the First Appellate Authority has also adjudicated the First Appeal on 06.11.2020. 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 No. CIC/AWBIC/A/2020/693304 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