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/2021/628696

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

1. CPIO,
Animal Welfare of India,
42 KM Stone, Delhi- Agra
Highway, (NH-2), Ballabhgarh,
Faridabad, Haryana-121004 ...प्रतिवादीगण /Respondent

2. CPIO,
Ministry of Environment, Forest
and Climate Change. Indira
Paryavaran Bhawan, Jor Bagh
Road, New Delhi-110003

Relevant dates emerging from the appeal:

RTI Application filed on	:	16.01.2020
CPIO replied on	:	Not on Record
First Appeal filed on	:	15.03.2020
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	06.07.2021
Date of Hearing	:	30.09.2022

The following were present:

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

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Respondent: Ms. Prachi Jain, Assistant Secretary, Shri Vikaram Chandravanshi, Advocate and Legal Advisor/AWBI and Shri Achuta Nand Shukla, Scientist-E, participated in the hearing in person.

Shri G. Kanan, Administrative Officer & Under Secretary/CPIO, participated in the hearing through video conferencing from NIC Chennai.

ORDER

Information sought:

The Appellant filed an RTI Application dated 16.01.2020 seeking information as under:

Scouts & Guides for Animals & Birds needs following complete information for the last ten years to till date with details of legal proceedings, list of court establishments to try & decide the crime:
1. Complete list of private establishments functioning in the premises of land & building, owned by the Government agencies, describing the activities done by them with their objectives & premises in their possession, their source of funding.
2. There are many rescue & rehabilitation canters for dancing bear & captive elephants, run & managed by the private establishments, without power & authority by law, to try & decide the crime against wild animals, but many animals accepted without completing legal procedure, hence complete list of canters all around India with details on wild animals rescued, source of procurement, complete details about legal proceedings as FIR, try & decide by court of law, cases under trial & decided, even pending investigation by competent Authorities.
3. Complete list with their source of procurement of wild animals, trophies, applied to get ownership of wild animals, trophies but rejected by authority due to violations, hence supply me complete details with present status of the matter, animals & trophies.
4. Complete list with their source of procurement of wild animals, trophies, applied to get ownership of wild animals, trophies & granted ownership by authority, hence supply me complete details with present status of the matter, animals & trophies with the owner of wild animals, trophies etc, whether alive or dead.
5. Complete list of license granted to import - export animals & birds, with their species, gender & age wise, present status with reason for import - export
6. Complete list of license rejected, applied to import - export animals & birds, with their species, gender & age wise, present status with reason for import - export
7. Complete details about to import captive Cheetah, Hippo, Zebra, Chimpanzee, Primates, Kangaroo with exotic species of birds, for educational purposes
8. Complete list of Advice & regulations issued by the 1. Animal Welfare Division (Govt. of India)
2. Animal Welfare Board of India
3. National Institute for Animal Welfare
4. Central Zoo Authority
5. Wildlife Crime Control Bureau
6. National Tiger Conservation Authority
7. National Board for Wildlife
8. National Biodiversity Authority
Present status & impact of advice with reasons of regulations.

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 15.03.2020, 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 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:

At the outset, the Commission remarked that the subject-matter of the instant RTI Application has already been heard on 04.01.2022 and decided by the Hon'ble Commission on 05.01.2022 in another case bearing File No. *CIC/AWBIC/A/2020/672806*. The Respondent concurred with the remarks of the Commission.

A written submission has been received by the Commission from Dr. S.K Dutta, Secretary/AA, Animal Welfare Board of India, Haryana vide letter dated 19.09.2022, 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/20/00013 dated 16-01-2020 and AWBIC/R/T/20/00015 dated 28-01-2020 on 12.02.2020 and Appeal No.AWBIC/A/E/20/00010 dated 15.03.2020 and AWBIC/A/E/20/00010 dated 15.03.2020 on 10.04.2020 and the same is forwarded to the CIC for information.
>
> It is stated that the matter was heard by the CIC on 04.01.2022 in CIC/AWBIC/A/2020/672806 and the second appeal was disposed of. The relevant copies of reply given to the Appellant and the CIC Order are enclosed.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that subject-matter of the instant RTI Application has already been heard on 04.01.2022 and decided by the Hon'ble Commission on 05.01.2022 in another case bearing File No. ***CIC/AWBIC/A/2020/672806.***

Accordingly, the instant Second Appeal is barred by principles of *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: 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 Board of India
3rd Seaward Rd, Valmiki Nagar,
Thiruvalluvar Nagar, Thiruvanmiyur,
Chennai, Tamil Nadu -600041

2. The Central Public Information Officer
Animal Welfare of India,
42 KM Stone, Delhi- Agra Highway,
(NH-2), Ballabhgarh, Faridabad,
Haryana-121004

3. The Central Public Information Officer,
Ministry of Environment,
Forest and Climate Change.
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003

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