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/2021/655724

In the matter of:

Naresh Kadyan ... अपीलकर्ता/Appellant

VERSUS
बनाम

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

Relevant dates emerging from the appeal:

RTI Application filed on	:	24.06.2021
CPIO replied on	:	Not on Record
First Appeal filed on	:	13.08.2021
First Appellate Authority order	:	Not on Record
Second Appeal received on	:	22.11.2021
Date of Hearing	:	30.09.2022

The following were present:

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

Respondent: Smt. Prachi Jain, CPIO & Assistant Secretary & Shri. Vikram Chandravanshi, Legal Advisor, from Animal Welfare Board of India, participated in the hearing in person

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ORDER

Information sought:

The Appellant filed an online RTI Application dated 24.06.2021 seeking information on the following twenty three points:

Scouting for Cow, as per official website blog of Rashtriya Kamdhenu Aayog read with its objectives & duties & functions as claimed Ayurveda is full of praise for Panchgavya, i.e. Cow viz Milk, Curd, Ghee, Cow Dung & Cow Urine. Use of Cow Urine and Cow dung on medical treatment, patent as Intellectuals property with many scientific results.

Smt. Sukanya Berwal along with Abhishek Kadyan & Smt. Suman Kadyan, endorsed me to supply following information, Complete details, list of point wise reply along with supporting documents & noting portions:

1. Compliance of objectives of Rashtriya Kamdhenu Aayog
2. Compliance of functions of Rashtriya Kamdhenu Aayog
3. Annual report of Rashtriya Kamdhenu Aayog
4. Members of Rashtriya Kamdhenu Aayog along with their contribution in Rashtriya Kamdhenu Aayog
5. Qualities, properties of Cow & properties of Panchagavya with scientific endorsements
6. Patents & trade marks, keeping in view properties of Panchagavya
7. Medicinal values of Cow Beef & Veal, describing its export from India, since last five years
8. Status of Cow as National Cattle of India as Scouts & Guides for Animals & Birds along with OIPA: Indian People for Animals adopted as such, comments on it, describing Ayog stand on it
9. Educational advisory, issued by the AWBI as per section 9 (k) of PCA Act, 1960
10. Regulations, issued by the AWBI as per section 10 of PCA Act, 1960
11. Installation of Animal scanners on toll plaza, to prevent Cow smuggling
12. Describe Cow as animal & goods with complete list, details on Hindu God & Goddess as per image uploaded on official websites of AWBI & Ayog.
13. Describe Cow transportation vehicle, rules & regulations, from one place to another
14. Status of Cow slaughtering in India, disclosing its slaughter under legal frame work
15. Describe Cow progeny age to slaughter by law, explaining States, where allowed
16. Describe use of naturally dead cow progenies bones, horn, flesh, hairs & skin
17. Details of feeding charges per day, fixed under Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, with details placing before Parliament as per section 38 A of PCA Act, 1960
18. Status of Draft Prevention of Cruelty to Animals in Animal Markets Rules, 2018
19. Status of Rashtriya Gokul Mission with others scheme of Ingenious breeds of Cow
20. Status of Cow as case property in FIR No. 374 of 2000 with GRP Gaziabad along with FIR No. 293 of 2000 with GRP Faridabad, details about complainants
21. Duties of duties & functions of Veterinarians along with details about Oath taken by him
22. Prototype of vehicles as per Bureau of Indian standards to carry animals
23. Describe animals five freedoms

Having not received any information from the CPIO, the Appellant filed a **First Appeal** dated 13.08.2021, 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 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 07.07.2022 and decided by the Hon'ble Commission on 08.07.2022 in another case bearing File No. ***CIC/DOAHD/A/2020/678510***. The Appellant and 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 of India, Haryana vide letter dated 06.07.2022, 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 RTI application No.AWBIC/R/T/21/00083 dated 24-06-2021 on 23.07.2021. The Board has also forwarded the RTI to DAHD for questions no.1 to 8, 12 & 19 vide leter dated 28.06.2021. The reply given to RTI is forwarded to the CIC for information.

A written Communication has been sent to the Appellant from Shri.Anil Kumar Bhatia, Under Secretary Committee Section (Petitions),Rajya Sabha

Secretariat vide letter dated 21.04.2022,wherein the Appellant has been informed as under:

> I am directed to refer to your petition dated the 28th February, 2022, on the subject cited above and to forward herewith a copy of the response dated the 5th April, 2022 received from the Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying for your information. However, with regard to the transportation of animals in a humane way, the comments of the Ministry of Road Transport & Highways are being sought.

A written Communication has been sent to the Appellant from Shri.Anil Kumar Bhatia, Under Secretary Committee Section (Petitions),Rajya Sabha Secretariat vide letter dated 10.08.2022,wherein the Appellant has been informed as under:

> I am directed to refer to your petitions dated Nil regarding (i) need to provide fiscal benefits to job providers at par with reserved class under PMEGP & MUDRA schemes to promote 'Make in India' (ii) need to remove wildlife trophies /articles, including Ivory from the purview of GST and prohibit trademark for unlawful activities, including ivory and (iii) need to restore legal rights of Kashmiri minorities, rehabilitation of Kashmiri Pandits and establishment of special courts, addressed to the Rajya Sabha and to forward herewith a copy each of the responses received from the (i) M/o MSME (ii) D/o Revenue, M/o Finance and (iii) M/o Home Affairs for your information.
>
> 2. It is further informed that, your petition regarding the modified scheme guidelines on implementation of PMEGP through Khadi and Village Industries Commission does not conform to the relevant Rules (Rule 138) governing the admissibility of the petition, which is available on the Rajya Sabha website *www.rajyasabha.nic.in under the link Committees/Standing Committees/Petitions/Rules.*

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 07.07.2022 and decided

by the Hon'ble Commission on 08.07.2022 in another case bearing File No. ***CIC/DOAHD/A/2020/678510.***

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