



BY SPEED POST

OFFICE OF THE FIRST APPELLATE AUTHORITY/SPL. SECRETARY (RTI 2005)  
(Under the Right to Information Act, 2005)  
DEPARTMENT OF FOOD, SUPPLIES & CONSUMER AFFAIRS  
'C' Block, Room No.118, 1<sup>st</sup> Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002  
GOVERNMENT OF NCT OF DELHI

No:RTI-(Appeal)/I.D-39/2017/FAA/HQ/IF&SI/407-10

Dated: 14/6/17

In the matter of : Application/appeal filed by Sh. Abdul Latif Saifi, R/o House No.A-II/303, Madangir, New Delhi-110062 U/s 19(1) of the Right to Information Act, 2005.

V/s

PIO i.e. Assistant Commissioner (South), Food Supplies & Consumer Affairs Department.

Date of hearing : 14.06.2017

ORDER

The appellant Sh. Abdul Latif Saifi has filed an application under RTI Act, 2005 before the PIO i.e. AC (South), Food & Supplies Department on 21-4-17. Reply has been given on 25-5-17. An appeal was filed on 06-06-17.

None present for the applicant. Smt. Sangeeta Vasisht, FSO-45&46 is present. PIO/AC(S) is not present.

As per RTI Act Sec.2(f) definition of INFORMATION is as under :

"Information" means any material in any form, including Records, Documents, Memos, e-mails, Opinions, Advices; Press releases, Circulars, Orders, Logbooks, Contracts, Reports, Papers, Samples, Models, Data material held in any electronic form and information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force".

"Records" is defined as U/S 2(i) of the RTI Act, 2005 includes:-

- A "any document, manuscript and file;
- B any microfilm, microfiche and facsimile copy of a document;
- C any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- D any other material produced by a computer or any other device".

As per RTI Act Sec.2(j), "Right to information" means...the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to :-

- (i) "Inspection of work, documents, records;
- (ii) Taking notes, extracts or certified copies of documents or records;
- (iii) Taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device".

NFS Act also promotes Transparency. Section 12 of the NFS Act states (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act. (2) The reforms shall, inter alia, include full transparency of records. The initiative taken up by the Department to ensure transparency as available on the website of the Department which reads as "SMS ALERTS REGARDING DISPATCH OF RATION TO FPS" : Recently in order to computerize Supply Chain Management of PDS operations, sugar offtake module has been implemented in Delhi State Civil Supplies Corporation. SMS alert is being sent to

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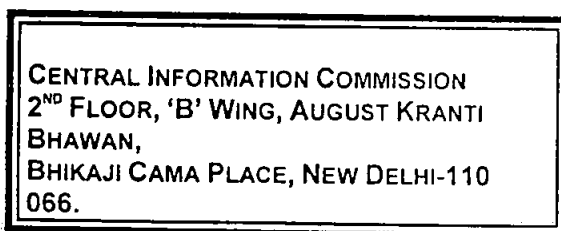
Vigilance Committee headed by the Hon'ble MLA of the area, concerned FSO, Inspectors and card holders who have registered with our website, as and when sugar is dispatched from sugar godown. Anyone can receive SMS pertaining to any FPS, by registering their mobile number on the following link: <http://nfs.delhi.gov.in/Citizen/UpdateMobileNumber.aspx>. Section 27 of the NFS Act reads as "All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government." And Section 28 of the NFS Act reads as "(1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government. (2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits." Which promotes transparency and accountability as per the NFS Act. Despite clear orders in the notice dated 07-06-17, still the PIO/AC(S) has not complied with the orders of file inspection to the applicant.

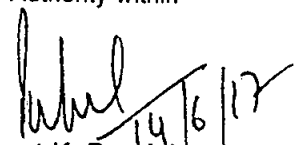
Ends of justice would be met if the file inspection and the records amended are shown to the applicant by the PIO/AC(S) personally within 10 days and another reply given thereafter to the applicant by the PIO within the same 10 days. This needs to be ensured by the ACs being the RO/TO declared by the CFS. PIOs i.e. ACs are the Record and Transparency Officers as notified by the department (which is also displayed on the website of the department) vide order No.RTI (HQ)/F&S/Misc/2016/1520-1549 dated 18.3.2016 will ensure that the requisite information is furnished to the applicant.

It is pertinent to mention herein that the Ld. CIC issued a Show Cause Notice as to why maximum penalty cannot be imposed for their irresponsible conduct, being non-responsive to RTI application. The Ld. CIC observed that this is a serious lapse on the part of Food & Supply Department. The Ld. CIC also observed that "The authority is directed to give point wise revised reply to the RTI applicant on all the four questions within 15 days from the date of receipt of this order and the Commission directs the concerned PIO and the representative sent by him for the hearing to explain why maximum penalty cannot be imposed for their irresponsible conduct, being non-responsive to an RTI application" as decided in the case of Suresh Kumar Vs Food & Supply Department, Govt. of N.C.T. of Delhi.

Hence, the case is decided accordingly.

As per section 19 (3) of the Right to Information Act, 2005, the appellant, if not satisfied or does not receive the information/ documents from the PIO, may file appeal to the Second Appellate Authority within 90 days of issue of this order, whose particulars are given below:



  
(Prashant K. Panda)  
Controller(W&M)Special  
Commissioner(F&S)(Addl.Charge)  
First Appellate Authority

No.RTI (Appeal)/I.D-39/2017/FAA/HQ/F&SI 407-10

Dated: 14/6/17

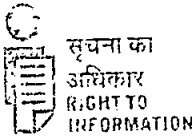
Copy to:

1. Sh. Abdul Latif Saifi, R/o House No.A-II/303, Madangir, New Delhi-110062.
2. PIO i.e. AC (South).
3. SA(IT) with the request to upload the order in F&S website.

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(Prashant K. Panda)  
Controller(W&M)Special Commissioner(F&S)(Addl.Charge)  
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'C' Block, Room No.118, 1<sup>st</sup> Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002  
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-29/2017/FAA/HQ/F&S/ 403-06

Dated: 14/6/17

In the matter of : Application/appeal filed by Sh.Rajesh Bharti, C/o People's All India Anti Corruption And Crime Prevention Society, Yashpal Malik House, Gali No.14-15B, Swatantra Nagar, Narela, Delhi-110040 U/s 19(1) of the Right to Information Act, 2005.

V/s

PIO i.e. Assistant Commissioner (North-West), Food Supplies & Consumer Affairs Department.

Date of hearing : 14.06.2017

**ORDER**

The appellant Sh. Rajesh Bharti has filed an application under RTI Act, 2005 before the PIO i.e. AC (NW), Food & Supplies Department on 12-4-17. Reply has been given on 15-5-17. An appeal was filed on 22-5-17.

None present for the applicant. Sh.Yoginder Kumar, FSO-1 is present. PIO/AC(NW) is not present.

As per RTI Act Sec.2(f) definition of INFORMATION is as under :

*"Information" means any material in any form, including Records, Documents, Memos, e-mails, Opinions, Advices, Press releases, Circulars, Orders, Logbooks, Contracts, Reports, Papers, Samples, Models, Data material held in any electronic form and information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force".*

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who have registered with our website, as and when sugar is dispatched from sugar godown. Anyone can receive SMS pertaining to any FPS, by registering their mobile number on the following link: <http://nfs.delhi.gov.in/Citizen/UpdateMobileNumber.aspx>. Section 27 of the NFS Act reads as "All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government." And Section 28 of the NFS Act reads as "(1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government. (2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits." Which promotes transparency and accountability as per the NFS Act. The applicant did not turn up despite notice issued by APIO/FSO-1 dated 29-5-17.

Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(NW) personally within 10 days and another reply given thereafter to the applicant by the PIO within the same 10 days. This needs to be ensured by the ACs being the RO/TO declared by the CFS. PIOs i.e. ACs are the Record and Transparency Officers as notified by the department (which is also displayed on the website of the department) vide order No.RTI (HQ)/F&S/Misc/2016/1520-1549 dated 18.3.2016 will ensure that the requisite information is furnished to the applicant.

It is pertinent to mention herein that the Ld. CIC issued a Show Cause Notice as to **why maximum penalty cannot be imposed for their irresponsible conduct, being non-responsive to RTI application**. The Ld. CIC observed that this is a serious lapse on the part of Food & Supply Department. The Ld. CIC also observed that "The authority is directed to give point wise revised reply to the RTI applicant on all the four questions within 15 days from the date of receipt of this order and the Commission directs the concerned PIO and the representative sent by him for the hearing to explain why maximum penalty cannot be imposed for their irresponsible conduct, being non-responsive to an RTI application" as decided in the case of **Suresh Kumar Vs Food & Supply Department, Govt. of N.C.T. of Delhi**.

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CENTRAL INFORMATION COMMISSION  
2<sup>ND</sup> FLOOR, 'B' WING, AUGUST KRANTI  
BHAWAN,  
BHIKAJI CAMA PLACE, NEW DELHI-110  
066.

(Prashant K. Panda)  
Controller(W&M)Special  
Commissioner(F&S)(Addl.Charge)  
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