

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, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-41/2017/FAA/HQ/F&S/ 430-33

Dated: 20/6/17

In the matter of: Application/appeal filed by Smt. Heena Ahuja, R/o House No-D-44, Bhagat Singh Marg, Street No.5, Adarsh Nagar, Delhi-110033 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 : 19.06.2017

ORDER

The appellant Smt. Heena Ahuja has filed an application under RTI Act, 2005 before the PIO i.e. AC (North-West), Food & Supplies Department on 17-4-17 to which, reply was given on 9-5-17. An appeal was filed on 7-6-17.

Present Ms. Heena Ahuja, Applicant. Sh. Jai Pal Yadav, FSO-8 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".

"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

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Sh. Madan

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 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 8-6-17, still the PIO/AC(NW) has not complied with the orders of file inspection to the applicant. The PIO in his reply dated 9-5-17 to the applicant is not even aware who the Special Commissioner (North-West) is, speaks about the mechanical nature of replies provided by the AC(NW) Sh. Desh Raj Singh.

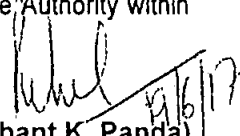
Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(NW) personally within 10 days and an amended reply given thereafter to the applicant by the PIO within the same 10 days. This needs to be ensured by the ACs being the RO/TO declared by the CFS. PIOs i.e. ACs 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:

CENTRAL INFORMATION COMMISSION
2ND 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)
First Appellate Authority

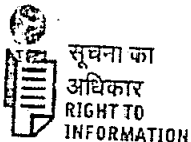
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Copy to:

Dated: 20/6/17

1. Smt Smt.Heena Ahuja, R/o House No.D-44, Bhagat Singh Marg, Street No.5, Adarsh Nagar, Delhi-110033.
2. PIO i.e. AC (North-West).
- ✓ 3. SA(IT) with the request to upload the order in F&S website.

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'C' Block, Room No.118, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-31/2017/FAA/HQ/F&SI 426-29

Dated: 20/6/17

In the matter of : Application/appeal filed by Sh. Surender Gupta, R/o House No.F-305, Karampura, New Delhi-110015 U/s 19(1) of the Right to Information Act, 2005.

V/s

PIO i.e. Assistant Commissioner (Central), Food Supplies & Consumer Affairs
Department.(ID:1382/5654)

Date of hearing :19.06.2017

ORDER

The appellant Sh. Surender Gupta has filed an application under RTI Act, 2005 before the PIO i.e. AC (Central), Food & Supplies Department on 17-3-17. All the replies have been sent by the APIO earlier to the applicant. Hence, the applicant may meet the PIO i.e. AC(Central) as none is present from the department. An appeal was filed on 23-5-17.

Applicant Sh. Surender Gupta is present. PIO/AC(C) 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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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

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offtake module has been implemented in Delhi State Civil Supplies Corporation. SMS alert is being sent to 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 25-5-17, still the PIO/AC(C) has not complied with the orders of file inspection to the applicant. No reply from the PIO/AC(Central) has been received.

Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(C) 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:

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BHIKAJI CAMA PLACE, NEW DELHI-110
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(Prashant K. Panda)
Controller(W&M)Special
Commissioner(F&S)(Addl.Charge)
First Appellate Authority

No.RTI (Appeal)/I.D-31/2017/FAA/HQ/F&S/ 426-29

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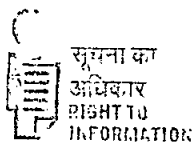
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GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-42/2017/FAA/HQ/F&SI 1134-27

Dated:- 21/6/17

In the matter of : Application/appeal filed by Sh. Gauri Shankar, R/o House No.E-91-B, Jal Vihar-I, Najafgarh, Delhi-110043 U/s 19(1) of the Right to Information Act, 2005.

V/s

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

Date of hearing : 20.06.2017

ORDER

The appellant Sh. Gauri Shankar has filed an application under RTI Act, 2005 before the PIO i.e. AC (North-West), Food & Supplies Department on 22-5-17 to which reply was given on 2-6-17. An appeal was filed on 8-6-17. The application was not transferred to Policy Branch also.

Present Sh. Gauri Shankar, Applicant. Sh. Jagdish Singh, FSO-35 is present. PIO/AC(SW) is not present.

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

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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 9-6-17, still the PIO/AC(SW) has not complied with the orders of file inspection to the applicant. The reply of AC(SW) on 2-6-17 to the applicant is also a mechanical one.

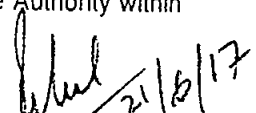
Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(SW) personally within 10 days and an amended reply be given thereafter to the applicant by the PIO within the same 10 days. This needs to be ensured by the ACs being the RO/TO declared by the CFS. PIOs i.e. 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.

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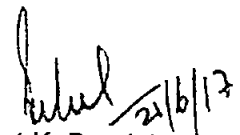
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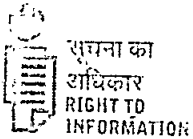
Dated: 21/6/17

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'C' Block, Room No.118, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002
GOVERNMENT OF NCT OF DELHI

No:RTI(Appeal)/I.D-43/2017/FAA/HQ/F&S/ 438-41

Dated: 21/6/17

In the matter of : Application/appeal filed by Md. Arfeen, R/o House No.1571, 1st Floor, Gali Pipal Wali, Pahari Bhojla, Turkman Gate, Delhi-110006 U/s 19(1) of the Right to Information Act, 2005.

V/s

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

Date of hearing : 20.06.2017

ORDER

The appellant Md. Arfeen has filed an application under RTI Act, 2005 before the PIO i.e. AC (Central), Food & Supplies Department on 5-5-17 to which reply was sent by the PIO on 22-5-17. An appeal was filed on 8-6-17.

Applicant is not present. Sh. Mukesh Kumar, UDC from AC(Central Office) is present. PIO/AC(C) is not present.

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

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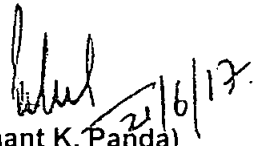
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Hence, the case is decided accordingly.

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अधिकार
RIGHT TO
INFORMATION

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, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-30/2017/FAA/HQ/F&SI 412-15

Dated: 16/6/17

In the matter of: Application/appeal filed by Smt. Renu Singh, R/o House No. F-273, Nanak Pura, New Delhi-110021 U/s 19(1) of the Right to Information Act, 2005.

V/s

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

Date of hearing : 16.06.2017

ORDER

The appellant Smt. Renu Singh has filed an application under RTI Act, 2005 before the PIO i.e. AC (North), Food & Supplies Department on 18-4-17 and no reply was received till 23-5-17. Hence the appeal was filed on 23-5-17.

None present for the applicant. Sh.R.K.Uppal, FSO-17 is present. PIO/AC(N) 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 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

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receive SMS pertaining to any FPS, by registering their mobile number on the following link: <http://nfs.delhi.gov.in/Citizen/UpdateMobile.Number.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 25-5-17, still the PIO/AC(N) has not complied with the orders of file inspection to the applicant.

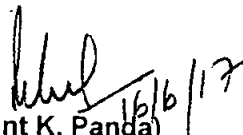
Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(N) personally within 10 days and another reply given thereafter to the applicant by the PIO within the same 10 days. This needs to be ensured by the ACs being the RO/TO declared by the CFS. PIOs i.e. ACs are 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:

CENTRAL INFORMATION COMMISSION
2ND 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)
First Appellate Authority

No.RTI (Appeal)/I.D-30/2017/FAA/HQ/F&SI 412-15

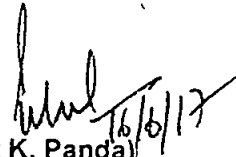
Dated: 16/6/17

Copy to:

1. Smt.Renu Singh, R/o House No.F-273, Nanak Pura, New Delhi-110021.
2. PIO i.e. AC (North).
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)
First Appellate Authority



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RIGHT TO
INFORMATION

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, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-40/2017/FAA/HQ/F&SI 416-19

Dated: 18/6/17

In the matter of : Application/appeal filed by Smt.Renu Singh; R/o House No.F-273, Nanak Pura, New Delhi-110021 U/s 19(1) of the Right to Information Act, 2005.

V/s

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

Date of hearing : 16.06.2017

ORDER

The appellant Smt. Renu Singh has filed an application under RTI Act, 2005 before the PIO i.e. AC (North), Food & Supplies Department on 2-5-17 and no reply was received till 6-6-17. Hence the appeal was filed on 6-6-17.

None present for the applicant. Sh.R.K.Uppal, FSO-17 is present. PIO/AC(N) 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;
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- (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 Vigilance Committee headed by the Hon'ble MLA of the area, concerned FSO, Inspectors and card holders

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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. Despite clear orders in the notice dated 7-6-17, still the PIO/AC(N) has not complied with the orders of file inspection to the applicant.

Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(N) 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:

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2ND 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)
First Appellate Authority

No.RTI (Appeal)/I.D-40/2017/FAA/HQ/F&S/ 416-19

Dated: 16/6/17

Copy to:

1. Smt.Renu Singh, R/o House No.F-273, Nanak Pura, New Delhi-110021.
2. PIO i.e. AC (North).
3. SA(IT) with the request to upload the order in F&S website.

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BY SPEED POST

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(Under the Right to Information Act, 2005)
DEPARTMENT OF FOOD, SUPPLIES & CONSUMER AFFAIRS
'C' Block, Room No.118, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-32/2017/FAA/HQ/F&S/ 442-45

Dated: 21/6/17

In the matter of : Application/appeal filed by Sh. Surender Gupta, R/o House No.F-305, Karampura, New Delhi-110015 U/s 19(1) of the Right to Information Act, 2005.

V/s

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

Date of hearing : 21.06.2017

ORDER

The appellant Sh. Surender Gupta has filed an application under RTI Act, 2005 before the PIO i.e. AC (Central), Food & Supplies Department on 17-3-17 to which reply was sent on 20-4-17. An appeal was filed on 23-5-17.

Applicant not present. Sh. Mukesh Kumar, UDC from AC(Central office) is present. PIO/AC(C) 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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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 Vigilance Committee headed by the Hon'ble MLA of the area, concerned FSO, Inspectors and card holders

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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. After issuance of notice dated 25-5-17, file inspection has been done by PIO/AC(C) to the applicant dated 19-6-17.

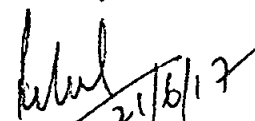
Ends of justice would be met if the amended reply is given to the applicant by the PIO personally within 10 days as the earlier reply dated 20-4-17 was not given any information to the applicant about the details sought. This needs to be ensured by the ACs being the RO/TO declared by the CFS. PIOs i.e. 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:

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First Appellate Authority

No.RTI (Appeal)/I.D-32/2017/FAA/HQ/F&S/ 442-45


Dated: 21/6/17

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- ✓ 3. SA(IT) with the request to upload the order in F&S website.

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GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-44/2017/FAA/HQ/F&S/ 442 - 49

Dated: 21.6.17

In the matter of : Application/appeal filed by Sh.Arvind Singh, R/o House No.H-16/300, Masjid Wali Gali, Ratia Marg, Sangam Vihar, New Delhi-110080 U/s 19(1) of the Right to Information Act, 2005.

V/s

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

Date of hearing : 21.06.2017

ORDER

The appellant Sh. Arvind Singh has filed an application under RTI Act, 2005 before the PIO i.e. AC (Admn), Food & Supplies Department on 24-4-17 to which reply was sent by the PIO on 23-5-17. An appeal was filed on 9-6-17.

Applicant not present. Sh.Satyavir Singh, FSO(Admn) is present. PIO/AC(Admn) 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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Ends of justice would be met if the amended reply is given to the applicant by the PIO personally within 10 days as the earlier reply dated 23-5-17 was not given any information to the applicant about the details sought. 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.

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No.RTI (Appeal)/I.D-44/2017/FAA/HQ/F&S/ 446-49
Copy to:

Dated: 21/6/17

1. Sh.Arvind Singh, R/o House No.H-16/300, Masjid Wali Gali, Ratia Marg, Sangam Vihar, New Delhi-110080
2. PIO i.e. AC (Admn.).
3. SA(IT) with the request to upload the order in F&S website.

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