



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-53/2017/FAA/HQ/F&S/ 513-16

Dated: 7/7/17

In the matter of : Application/appeal filed by Sh. Shiv Shankar, R/o RZ-13/331-E, Gali No.10, Jagdamba Vihar, West Sagar Pur, New Delhi-110046 U/s 19(1) of the Right to Information Act, 2005.

V/s

PIO i.e. Assistant Commissioner (New Delhi), Food Supplies & Consumer Affairs Department.(ID:2103)

Date of hearing :07.07.2017

ORDER

The appellant Sh.Shiv Shankar has filed an application under RTI Act, 2005 before the PIO i.e. AC (ND), Food & Supplies Department on 16-5-17 to which reply was given on 9-6-17. An appeal was filed on 23-06-17.

Present Sh. Shiv Shankar, Applicant.. Smt. Anita Kumar,FSO-40 and Smt.Revamma P.C., FSI-40 is present. PIO/AC(New Delhi) 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,

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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/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 29-06-17, no file inspection was carried out by the PIO/AC(New Delhi) to the applicant till date which shows the attitude of the PIO to ensure transparency.

Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(New Delhi) personally within 15 days and another amended reply be given thereafter to the applicant by the PIO within the same 15 days keeping in view **Decision No.CIC/SG/C/2010/000392/7857 Adjunct Complaint No.CIC/SG/C/2010/000392 in the case of earlier F&S Department case.** 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-53/2017/FAA/HQ/F&S/ 513-16
Copy to:

Dated: 7/7/17

1. Sh. Shiv Shankar, R/o RZ-13/331-E, Gali No.10, Jagdamba Vihar, West Sagar Pur, New Delhi-110046.
2. PIO i.e. AC (New Delhi).
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-54/2017/FAA/HQ/F&S/ 517-20

Dated: 7/7/17

In the matter of : Application/appeal filed by Sh. Shiv Shankar, R/o RZ-13/331-E, Gali No.10, Jagdamba Vihar, West Sagar Pur, New Delhi-110046 U/s 19(1) of the Right to Information Act, 2005.

V/s

PIO i.e. Assistant Commissioner (New Delhi), Food Supplies & Consumer Affairs Department.(ID:2104)

Date of hearing :07.07.2017

ORDER

The appellant Sh.Shiv Shankar has filed an application under RTI Act, 2005 before the PIO i.e. AC (ND), Food & Supplies Department on 16-5-17 to which reply was given on 14-6-17. An appeal was filed on 23-06-17.

Present Sh. Shiv Shankar, Applicant.. Smt. Anita Kumar,FSO-40 & Smt. Revamma P.C., FSI-40 is present. PIO/AC(ND) Sh. M.S.Vats 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 29-06-17, no file inspection was carried out by the PIO/AC(New Delhi) to the applicant which shows the attitude of the PIO to ensure transparency.

Ends of justice would be met if the file inspection is allowed to the applicant by the PIO/AC(New Delhi) personally within 15 days and another amended reply be given thereafter to the applicant by the PIO within the same 15 days keeping in view **Decision No.CIC/SG/C/2010/000392/7857 Adjunct Complaint No.CIC/SG/C/2010/000392 in the case of earlier F&S Department case**. 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-54/2017/FAA/HQ/F&S/ 517-20

Dated: 7/7/17

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GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-52/2017/FAA/HQ/F&S/ 509-12

Dated: 7/7/17

In the matter of : Application/appeal filed by Sh.Vinod Kumar, R/o 4606, Gali Shahtara, 1st Floor, Ajmeri 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.(ID NO. 1397)

Date of hearing :07.07.2017

ORDER

The appellant Sh. Vinod Kumar has filed an application under RTI Act, 2005 before the PIO i.e. AC (Central), Food & Supplies Department on 17-04-17 to which reply was given on 12-5-17. An appeal was filed on 21-06-17.

Present Sh.Vinod Kumar, Applicant. Sh. Ravindran, Supdt., RTI(HQ) is present. PIO/AC(Central) is not present.

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

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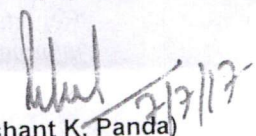
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First Appellate Authority

No.RTI (Appeal)/I.D-52/2017/FAA/HQ/F&S/ **509-12**

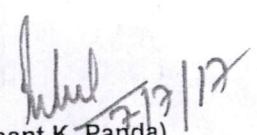
Dated: **7/7/17**

Copy to:

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