

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-110 002
GOVERNMENT OF NCT OF DELHI

No.RTI (Appeal)/I.D-356/2017/FAA/HQ/F&SI/148-59

Dated: 5-5/17

In the matter of : Application/appeal filed by Sh.Mahender Prasad Chaudhary, R/o N-28/C-4, CSA Colony, Railway Line, Wazirpur Industrial Area, Ashok Vihar, Delhi-110052 U/s 19(1) of the Right to Information Act, 2005.

V/s

PIOs i.e. Assistant Commissioners (All Zones), Food Supplies & Consumer Affairs Department (ID NO. 5526)

Date of hearing :04.05.2017

ORDER

The appellant Sh.Mahender Prasad Chaudhary has filed an application under RTI Act, 2005 before the PIOs i.e. AC (All Zones), Food & Supplies Department on 06-01-17 which was forwarded to all Zones on 09-01-17. Reply was given by AC(S) on 8-2-17, AC(W) on 6-2-17, AC(SW) on 18-1-17, AC(E) on 13-2-17, AC(ND) on 7-2-17 and AC(NW) on 16-1-17. Thereafter, an appeal was filed on 27-3-17.

Present Sh.Mahender Prasad Chaudhary, Applicant. Most of the PIOs and APIOs are not present. AC(S) is present. Present : Sh. Kulbir Singh, FSI, Smt. Sukhbiri Devi, UDC, Smt. Rekha, UDC, Sh. Ravi Dutt, UDC, Sh. A.P. Verma, FSI, Sh. Mahavir Singh, FSO, C-1.

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".

608/SSA/IT
5/5/17

SA 5/5/17 Sh. Arunesh

NFS Act also promotes Transparency. Section 14 of the NFS Act desires an internal grievance redressal mechanism be put in place which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed. 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 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 appeal notice on 29-3-17, still the ACs have not ensured file inspection. AC(W) has not supplied the correct information as per the applicant.

Ends of justice would be met if the AC's provide him an opportunity to inspect the file by the applicant except AC(S), who has provided the list to the applicant within 15 days and thereafter another reply be given to the applicant within the same 15 days. This needs to be ensured by the AC's being the RO/TO declared by the CFS. PIOs i.e. AC (All Zones) 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.

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-356/2017/FAA/HQ/F&S/140-59
Copy to

Dated: 5/5/17

1. Sh.Mahender Prasad Chaudhary, R/o N-28/C-4, CSA Colony, Railway Line, Wazirpur Industrial Area, Ashok Vihar, Delhi-110052.
 2. PIOs i.e. ACs (All Zones).
 3. SA(IT) with the request to upload the order in F&S website.
- Copy for information to:

CFS

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