

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA

Appeal No. 6226 of 2024

Abdul Wasid	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 27, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated October 14, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00273) dated November 09, 2024. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal** – The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false Information.
3. **Query nos. 1, 2, 3 and 6 in the application**-The appellant, vide query nos. 1, 2, 3 and 6 in the application sought the following information:
 - *The applicant wants to know as to what documents are required to become Authorized Person of NSE and BSE.*
 - *The applicant wants to know as to what documents are required to become authorized person by SEBI*
 - *He has further asked where a partner can lodge his complaint if he is not being appointed as an authorized person by the current member?*
 - *The applicant has asked how many complaints have been lodged with regard to NSE Clarification on Incentives / referral schemes, RefNo : NSE/INSP/63425 & Circular Ref. No:52/2004 and what actions have been taken thereon.*
4. **Reply of the respondent**- The respondent, in response to query nos. 1, 2 and 3 in the application, informed that authorised persons are registered with stock exchanges in accordance with criteria established by them. Accordingly, respondent informed that the information sought by the appellant is not

available with SEBI. Further, with respect to query no. 6 in the application, the respondent informed that the information sought by the appellant is not maintained by SEBI in the manner/format as specified and hence, the said information is not available with SEBI.

Additionally, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of SEBI and tracking the status of the same. The respondent also provided the details of the toll free helpline service numbers launched by SEBI to facilitate replies to various queries of the general public on matters relating to securities market.

5. I have perused the aforesaid queries and the response provided thereto. On consideration, I note that respondent has clearly informed that information sought by the appellant is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon'ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that *"The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant."* Accordingly, I do not find any deficiency in the response of the respondent. Notwithstanding the above, I note that the respondent has guided the appellant regarding lodging of grievance, if any, on the SCORES portal of SEBI.

6. **Query nos. 4, 5 and 8 in the application:** The query nos. 4, 5 and 8 in the application are mentioned hereunder:

- *The applicant has submitted that he was working as an unregistered partner till now, but after the issuance of NSE circular (NSE/INSP/63425-52/2024) dated 14.08.2024, his broker is not appointing him as an Authorized Person.*
- *The applicant has further stated that his broker is asking him to provide unnecessary documents as NISM certificate, proof of minimum 500 clients, etc and thus he is not appointing him as an Authorized Person.*

- *The applicant wants to have discussion about NSE Clarification on Incentives / referral schemes, Ref No. : NSE/INSP/63425 & Circular Ref. No:52/2004. His is a group of 850 unregistered partners and they all want to discuss the issue of not being appointed as Authorized Person by the member.*

7. **Reply of the respondent-** The respondent, in response to query nos. 4,5 and 8, informed that no information was sought by the appellant vide the aforementioned queries.
8. I have perused the aforesaid queries and the response provided thereto. On consideration, I concur with the response of the respondent that no information was sought by the appellant. Accordingly, I do not find any deficiency in the response of the respondent.
9. **Query no. 7 in the application-** The appellant, vide query no. 7 in the application sought the following information:
 - *The applicant has stated that there held a meeting between SEBI and ISF on August 18, 2024 in Mumbai. He wants to know what has been decided on NSE Clarification on Incentives / referral schemes, Ref No: NSE/INSP/63425 & Circular Ref. No:52/2004.*
10. **Reply of the Respondent –** The respondent, in response to the aforementioned query informed that appellant's query is vague and not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.
11. I have perused the aforesaid query and the response provided thereto. On consideration, I concur with the response of the respondent that the query is vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") held: "*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*" Accordingly, I do not find any deficiency in the response provided by the respondent.

12. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeal is accordingly dismissed.

Place: Mumbai

Date: December 05, 2024

RUCHI CHOJER

**APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA**