

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

Appeal No. 5207 of 2022

Appeal No. 5208 of 2022

Appeal No. 5209 of 2022

Appeal No. 5210 of 2022

Appeal No. 5211 of 2022

Appeal No. 5212 of 2022

Appeal No. 5213 of 2022

Appeal No. 5214 of 2022

Appeal No. 5215 of 2022

Appeal No. 5216 of 2022

Geeta Khattar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed ten applications (seven applications dated June 29, 2022 transferred by Ministry of Corporate Affairs; two applications dated June 29, 2022 transferred by Department of Personnel & Training and one application dated July 19, 2022 transferred by Registrar of Companies and received by SEBI through RTI MIS portal, under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, vide common letter dated July 26, 2022 responded to the applications dated June 29, 2022. The respondent, vide letter dated July 27, 2022 responded to the application dated July 19, 2022 filed by the appellant. The appellant filed nine appeals (Appeal Nos. SEBIH/A/E/22/00468; SEBIH/A/E/22/00469; SEBIH/A/E/22/00470; SEBIH/A/E/22/00471; SEBIH/A/E/22/00472; SEBIH/A/E/22/00473; SEBIH/A/E/22/00474; SEBIH/A/E/22/00475; SEBIH/A/E/22/00477) dated July 29, 2022 against response dated July 26, 2022. The appellant also filed one appeal (Reg. No. SEBIH/A/E/22/00478) dated July 29, 2022 against response dated July 27, 2022. I have carefully considered the applications, the response and the appeals and find that the matter can be decided based on the material available on record.

2. **Queries in the application** –The appellant, vide above mentioned 10 applications, *inter alia* sought similar information regarding various guidelines issued by Central Government. The appellant also sought information regarding letter ref. no. KS/COMPLIANCE/NSE/CORR/2016,17/RB/081.
3. The respondent, in response to the applications, observed that the appellant has filed 393 applications under the RTI Act (since April 01, 2021 till date) seeking similar information in the same matter. The respondent also mentioned that the Hon'ble Central Information Commission (CIC) in various cases has held that repetitive use of RTI Act for seeking same or similar information is abuse of the RTI Act. It has been further held that an applicant is expected to seek all the requisite information in single RTI application and that an applicant does not have the right to repeat the same or similar request for information under the Act. It has also been held that repeated filing of applications amount to wastage of public resources and time and misuse of the RTI Act. Further, various courts have also observed that misuse of RTI Act has to be appropriately dealt with otherwise the public would lose faith and confidence in the Act. A beneficent statute, when made a tool for mischief and abuse must be checked in accordance with law. In view of the same, the appellant was advised to refer to the information which has already been provided by SEBI in response to the appellant's earlier applications. The appellant was also advised to restrain from filing repeated applications with respect to same/similar issued in future.
4. **Ground of appeal-** The appellant has filed the appeals on the ground that the information provided was incomplete, misleading or false.
5. From the information available on the RTI Portal, I note that the appellant has filed 393 applications under the RTI Act (since April 01, 2021 till date) seeking similar information with respect to various guidelines issued by the Central Government and information regarding the letter issued by NSE. I am constrained to state that the appellant has been filing multiple applications/ appeals with respect to similar subject matter. In this regard, I note that the Hon'ble Central Information Commission (CIC), in various cases has held that repetitive use of RTI Act for seeking same or similar information is abuse of the RTI Act. It has been further held that an applicant is expected to seek all the requisite information in single RTI application and that an applicant does not have the right to repeat the same or similar request for information under the Act. It has also been held that repeated filing of applications amounts to wastage of public resources and time and misuse of the RTI Act. Further, various courts have also observed that misuse of RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in the Act. A beneficent statute, when made a tool for mischief and abuse must be checked in accordance with law.

6. In the context of filing multiple applications under RTI Act seeking similar information, I note that the Hon'ble CIC, in *Shri Ramesh Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi* (File No. CIC/AD/A/2013/001326-SA decided on June 25, 2014) held that *"The universal principles of civil justice also recognized 'constructive res judicata', which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office"* It was also held that repetition of request for information may be considered as reasonable ground for refusal under the RTI Act and further that the First Appellate Authority and the Commission may be right and reasonable to consider this as a ground for rejecting the first or second appeal. Further, in the matter of *Jagdish Kumar Koli vs. Department of School Education & Literacy, MHRD, GOI* (order dated February 25, 2016), the Hon'ble CIC held that *"5. This finally disposes of all his appeals on this matter, directs the appellant that he shall not repeat such RTI requests, and directs the respondent authority not to cause wastage of public resources in responding to a repeated, frivolous and harassing RTI Application from the appellant."*
7. In the context of filing multiple complaints and then following the same with the RTI applications, attention is drawn to the matter of *Public Information Officer, Registrar (Administration) vs. B. Bharathi*, (Order dated 17.09.2014 in W.P. No. 26781/2013), wherein the Hon'ble High Court of Madras held as under-

"... The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest..." The Hon'ble CIC, in the matter of *Samir Sardana vs. CPIO, Mormugao Port Trust* (order dated March 01, 2021) also referred to the said observations made by the Hon'ble High Court, while dismissing the appeal.

8. In view of the above observations, no further intervention of this forum is warranted in the above appeals. The appellant is advised not to file repeated RTI Applications with respect to similar issues in future. Accordingly, the appeals are dismissed.

Place: Mumbai

Date: August 12, 2022

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