

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

Appeal No. 5030 of 2022

B A Nagaveni	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 25, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated May 01, 2022. 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. The appellant, in his appeal, submitted that he did not get the information sought in his application. In view of the submission made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query numbers 1 and 3-** The appellant, vide query numbers 1 and 3 of his application dated March 25, 2022, sought the following information:

1 For Trading in Futures and Options is it necessary to deposit 50 percent of the margin amount in Cash is it compulsory.

3 Please clarify SEBI Circular dated February 25 2020 The Circular is attached herewith As in Page Number 7 Annexure B Clause 3 out of a to d clauses if anyone clause fulfilled is sufficient.
4. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information”, as defined under Section 2(f) of the RTI Act.

5. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of seeking clarification/opinion from the respondent. It is understood that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...". In view of these observations, I find that the said queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. Accordingly, I do not find any deficiency in the response.

6. **Query number 2** –The appellant, at query number 2, stated the following:

2. I have Pledged Approved securities in Demat form with CDSL as collateral for trading in Futures and Options

7. The respondent, in response to the aforesaid query, informed that no information is sought. On perusal, I find that the appellant has made a mere statement. Further, the appellant has not sought any information as defined under Section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response.

8. **Query number 4**– The appellant, vide query number 4, sought the following information:

4. As of 1 1 2019 what are the norms for trading in Futures and Options Please furnish a Circular for that effect.

9. The respondent, in response to the aforesaid query, informed that the query is vague and roving in nature. Accordingly, the same cannot be construed as seeking "information", as defined under Section 2(f) of the RTI Act. However, the appellant was advised to refer to the SEBI Master Circular SEBI/HO/MRD2/MRD2_DCAP/P/CIR/2021/0591 dated July 05, 2021 dated July 05, 2021 and various circulars referred therein, as amended from time to time. The respondent also guided the appellant by providing the link/path for accessing the Circulars which are available on the SEBI website.

10. I have perused the query raised by the appellant. I find that the same is vague and not specific. Further, it is difficult to ascertain what exact information has been sought by the appellant. In this context, I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon'ble CIC held: "*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO.*" In view of these observations, I do not find any deficiency in the response.
11. Notwithstanding the above, I note that the respondent has guided the appellant to refer to the SEBI Master Circular SEBI/HO/MRD2/MRD2_DCAP/P/CIR/2021/0591 dated July 05, 2021. Further, I note that SEBI Circulars are available on the SEBI website, which is in the public domain. Accordingly, I find that no further intervention is warranted at this stage.
12. Further, I note that the appellant, in his appeal, stated that he had sent emails on February 27, 2022 and March 13, 2022 seeking clarification on the SEBI Circular. However, no reply was received by him. I find that this statement was made for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said statement does not warrant consideration at this stage.
13. 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: May 30, 2022

S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA