

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

Appeal No. 6135 of 2024

Subbarayudu	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 20, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 11, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00198) dated August 30, 2024.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated July 11, 2024. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on August 30, 2024. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **Request in the application** - The appellant, vide his application dated June 20, 2024 sought the following information:

“PLEASE PROVIDE INFORMATION OF PRESENTLY WORKING IN LEGAL DEPARTMENT OF OFFICERS ,THIER ALLOTTED WORK MONTHLY WROKING PROGRESS,AND ALLOTTED THIER DUTIES , LEGAL TEAMS,TOTAL CASES FILED IN SEBI VS OTHERS CASES DETAILS ,BROKERS CASES,ALL CASE DATAILS IN 2023 IN PARTY OF SEBI CASES ,AND LEGAL INTERNSHIPS DETAILS AND SELECTED PERSOND THIERS ROLE IN SEBI AND WHAT ARE THE FUNCTIONS IN LEAGAL DEPARTMENT ,TOTAL SEBI EMPOLYEES ALLOTTED WORK AND THIE FILES READDING ALL SUBJECTS”

5. **Reply of the Respondent** - The respondent, in response to the application, informed that the information (names, contact details, department of posting) pertaining to the officers working in SEBI, information pertaining to the function of the department in SEBI, report & statistics, information pertaining to the application for legal internships in SEBI and details relating to the Organization Structure are all publically available on SEBI website. The respondent also provided the relevant links to access the same.

Further, the respondent informed that for assessing the candidates out of the applications received by SEBI, preference is given to applicants having exposure to corporate laws (including securities laws), prior internship experience, including other factors such as academic achievement, paper publications, participation in moot courts, etc. Additionally, the respondent informed that out of the applicants who meet these broader criteria, final candidates are selected in view of factors such as their marks, SEBI's area of requirement for the relevant period, applicant's area of expertise / interest, etc.

With respect to the query regarding "*total cases filed in SEBI vs others, case details, brokers cases, all case details in 2023 in party of SEBI cases*", the respondent informed that the information sought is vague and not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005.

Further, in respect of the queries seeking work allotted to officers in legal department, the monthly working progress and duties allotted to such officers, details of persons selected for legal internship with SEBI and their roles and functions in legal department, the respondent informed that such information is personal in nature and has no relation with the larger public interest. Further, the respondent informed that the internal work allocation amongst the officers and its progress is a collective affair in which officer at different level contributes. Disclosure of such information would also endanger the life and physical safety of such officers and may also lead to identification of source of information or assistance given in confidence. Therefore, disclosure of information pertaining to the said queries is exempted under Section 8(1)(j) and 8(1)(g) of RTI Act, 2005.

6. **Ground of appeal** - On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
7. I have perused the aforesaid request and the response provided thereto. With respect to the query regarding "*TOTAL CASES FILED IN SEBI VS OTHERS CASES DETAILS ,BROKERS CASES,ALL CASE DATAILS IN 2023 IN PARTY OF SEBI CASES*", I concur with the response of the respondent that the request is vague and not clear. 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 of the respondent.
8. With respect to queries seeking work allotted to officers in legal department, the monthly working progress and duties allotted to such officers, details of persons selected for legal internship with SEBI and their roles and functions in legal department, I concur with the respondent that the internal work allocation amongst the officers and its progress is a collective affair in which officer at different level contribute. Disclosure of such information may also endanger the life and physical safety of such officers. In this regard, I note that the Hon'ble CIC, in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that- "*It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given.*" In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act.

9. With respect to the remaining queries, I note that the respondent has adequately addressed the said requests by providing the information available with him. I note that the respondent has provided various links to access information (names, contact details, department of posting) pertaining to the officers working in SEBI, information pertaining to the function of the department in SEBI, report & statistics, information pertaining to the application for legal internships in SEBI and details relating to the Organization Structure. However, the appellant, in his appeal has submitted that he does not have the knowledge of computer/ internet and that the hard copies of the documents may be provided to him. In this regard, I note that the instant RTI application and the appeal are filed online. Further, I note that the respondent has informed the appellant that the information sought is available on SEBI website and has also provided the relevant links to access the said information on the website. On consideration, I find that the information sought is in public domain. Further, reliance is placed on Hon'ble CIC order dated December 22, 2022, in the matter of *Kul Bhushan Jain vs. CPIO, SEBI*, wherein it was observed that *"The Commission noted that the reply given by the CPIO was appropriate as he first quoted the relevant notifications with their dates -8th June 2018 and 30th November 2018. He also informed the appellant that these gazette notification are available on the SEBI website. A link was also given to access the same. The FAA quoted certain court rulings which state that once the information is available on a website, it is in public domain and no longer held or under the control of the public authority. The FAA had also stated that the link was provided to access the information and the link is active. The same was reiterated vide the written submissions dated 16.2.2022 which was also endorsed to the appellant. The Commission is in agreement with the submissions advanced by the Representative of the CPIO. From the submissions, it is abundantly clear that the information is available on the given website and hyper link..... Therefore, no further action is warranted in the present case."* In view of these observations, I find that the respondent cannot be obliged to provide documents, which is already available in the public domain.
10. 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: September 26, 2024

RUCHI CHOJER

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