

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

Appeal No. 5790 of 2023

Nitin Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/23/00242) dated July 05, 2023 (forwarded by Department of Posts, India and received by SEBI on July 08, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 04, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated August 29, 2023 (received by the Office of Appellate Authority on August 31, 2023). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to request numbers A-2, A-3 and A-4 of the application. In view of the submissions made by the appellant in his appeal, I am only dealing with the said requests and the response provided thereto, in this order.
3. **Request number A-2-** The appellant, vide request number A-2 of his application dated July 05, 2023, sought information regarding certain emails sent to SEBI:

“Copy of statement of action taken on the request contained in the subject emails.”

4. The respondent, in response to the aforesaid request, informed that the appellant had sought procedure for off market transfer of suspended shares. The respondent also provided the details of the email dated May 13, 2023 provided by SEBI in response to the appellant’s various emails regarding the said subject matter. Further, the respondent mentioned regarding the email dated June 05, 2023 forwarded by the appellant to SEBI, pertaining to Q.8 of FAQ on “Common Queries of Investors”. With respect to the same, the respondent informed that the appellant, in his earlier RTI

application dated June 21, 2023, had referred to the said FAQ and asked the procedure of off-market transfer. The said application was responded to by the respondent vide letter dated July 20, 2023 and the response was as follows:

“Procedure for off market transfers has been provided by depositories. The same may be assessed by the following link.....”

5. The appellant, in his appeal, *inter alia*, submitted that the requested information has not been supplied. The appellant also stated that information is to be supplied in the shape of a document.
6. I have perused the request and the response provided thereto. I note that the appellant has specifically sought information regarding five emails sent by the appellant to SEBI. I find that the request has not been adequately addressed by the respondent and the same warrants reconsideration.
7. **Request number A-3-** The appellant, vide request number A-3, sought the name and designation of officers of asksebi.gov.in who are charged with responding to such email requests.
8. The respondent, in response to the aforesaid request, informed that the information sought pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI. Further, the said information is strategic in nature, disclosure of which may hamper the decision making by SEBI in its supervisory and regulatory role. In view of the same, the information sought by the appellant is exempt under section 8(1)(a) of the RTI Act. The appellant, in his appeal, *inter alia*, submitted that the information is not supplied and that the reply is absurd.
9. I have perused the request and the response provided thereto. On consideration, I find that the information about SEBI officials relates to personal information, the disclosure of which has no relationships to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. I note that a similar issue was settled in the matter of *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon’ble High Court of Karnataka had ruled that: *“... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority”*. Further, 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.

10. **Request number A-4-** The appellant, vide request number A-4, sought the following information:

“Copy of statement of pendency and ageing thereof at the desks of the above mentioned officers of asksebi@sebi.gov.in”

11. The respondent, in response to the aforesaid request, informed that the request is vague and not specific and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act. The appellant, in his appeal, *inter alia*, submitted that the PIO has not specified which particular word or letter of the query he has not understood. Further, the appellant made various submissions regarding importance of disclosures of information in regard to functioning of the government.
12. I have perused the request and the response provided thereto. On consideration, I agree with the response of the respondent that the same is 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 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.”* In view of these observations, I find that the request cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
13. Further, on perusal of the appeal, it appears that the appellant requested to initiate penal action against the respondent under the RTI Act. Further, the appellant also requested to grant him costs/ special costs and exemplary costs. In this regard, I note that as per Section 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the powers to impose

a penalty or recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, while deciding on a complaint or a second appeal. Hence, I find that these requests are beyond the purview of the First Appellate Authority, SEBI.

14. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request number A-2 and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
15. The Appeal is accordingly disposed of.

Place: Mumbai

Date: September 27, 2023

B RAJENDRAN

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