

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

Appeal No.4895 of 2022

Amit Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 02, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 03, 2022, responded to the application filed by the appellant. The appellant filed appeal (Registration No. SEBIH/A/E/22/00192) dated March 30, 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. **Queries in the application** –The appellant, vide his application dated February 02, 2022, sought the following information pertaining to Securities Market Trainers (SMARTs)
 - (a) *Provide the minimum number of participants required during each LAP session (Offline and Online Webinar) to settle the full claim.*
 - (b) *Provide the minimum number of participants required during each LAP session (Offline and Online Webinar) to settle clubbed claims.*
 - (c) *Provide the calculation criteria/ method of participants during each LAP session (Offline and Online Webinar).*
 - (d) *Provide the documents (SMART Operation Guidelines) issued till 31JUL2021 in which you have mentioned the calculation method of LAP participants during the LAP online webinar session conducted by SMART.*
3. The respondent, in response to query numbers (a) and (b), advised the appellant to refer to clause 10 v) and 12 ii) of the operational guidelines, which had already been sent to all SMARTs. The respondent also informed that the said guidelines were available on the SEBI investor website. The respondent also provided the link for accessing the said guidelines. With respect to the query number (c), the appellant

was advised to refer to Clause 13 xiv) of the said operational guidelines. With respect to query number (d), the appellant was advised to refer to Clause 15 ii) of the said operational guidelines.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, *inter alia*, submitted that the information must be provided in the order (pointwise) as it is requested. The appellant also submitted that the requested information is not available in the public domain.
5. I have perused the queries and the response provided thereto. On consideration, I find that the answer to the queries can be found out by the appellant by accessing the information available on the SEBI website, which is in the public domain. I note that Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that “.... *unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act.*” In view of these observations, I find that the respondent cannot be obliged to provide response to such requests for information, as made by the appellant through his application.
6. Notwithstanding the same, I find that the respondent has provided point wise information with respect to the application and also guided the appellant to access the relevant information which is available on the SEBI website. In my view, the queries have been adequately addressed. Accordingly, I do not find any deficiency in the response.
7. 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: April 28, 2022

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