

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

Appeal No. 6256 of 2025

Akhil Kumar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated November 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 December 11, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00297) dated December 14, 2024. 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 November 20, 2024, sought the following information:

“ Please elaborate on the following (please cite the circular or notification wherever available):

- 1. Can a MFD in the country distribute other financial products? If yes, please cite circular. If no, what are the notifications for distribution of bonds, SDI, etc.*
- 2. Do AP rules cover the distribution of different products, other than equity products?*
- 3. The KYC guidelines have been very dynamic. Can you please elaborate a waterfall mechanism for what is the simplest KYC a customer can do digitally. For ex, a CKYC (if available), followed by Aadhar and PAN, if available, etc.*
- 4. If a customer already has a broker account, does he still need to do KYC again with another broker to open another account?*

5. *Do MFDs need to do KYC of their customers for their own records? Or only REs need to do KYC*

6. *How many equity and debt broker licenses have been issued over the last 2 years.*

7. *OBPP guidelines suggest platforms should only sell listed bonds online. How about offline brokers? Are they covered under OBPP guidelines? If not, does that mean they are free to sell listed or unlisted bonds to noninstitutional customers?"*

3. **Reply of the Respondent** - The respondent, in response to query nos. 1, 2, 3, 4, 5 and 7 in the application, informed that appellant's queries are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

Further, with respect to query nos. 1 and 5, respondent has also informed that Mutual Fund Distributors are registered with AMFI, which allots an AMFI Registration Number (ARN) to mutual fund distributors. The respondent advised appellant to refer to the website of AMFI for any Mutual Fund distributors related information. To the aforesaid queries, the respondent also informed that the appellant can refer to SEBI Master Circular on KYC in Securities Market and provided the link for accessing the same.

With respect to query no.4, respondent has additionally informed that the clients whose KYC records are validated by the KRAs need not undergo the KYC process again when the client approaches another intermediary in securities market (portability of KYC records) and the intermediary can fetch the validated records from the KRA. In this regard, respondent also informed the appellant that he can refer to Para 40 and 41 of FAQs titled 'KYC Norms for the Securities Market' available on SEBI website and provided the link for accessing the same.

With respect to query no. 6, respondent provided the path for accessing the list of SEBI registered entities on SEBI website.

With respect to query no. 7, respondent also informed that appellant can refer to Regulation 51A of SEBI (Issue and Listing of Non-convertible Securities) regulations, 2021 and Chapter XXI of 'Master Circular for issue and listing of Non- convertible Securities, Securitised Debt Instruments, Security Receipts, Municipal Debt Securities and Commercial Paper' dated May 22, 2024. The respondent also provided the link for accessing the same on the SEBI website.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested.

5. I have perused the application and the response provided thereto. With respect to query nos. 1, 2, 3, 4, 5 and 7, I concur with the response of the respondent that the said queries are in the nature of seeking clarification/opinion from the respondent. 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. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble Central Information Commission observed that *"7. The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/opinion/advice/confirmation/clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him"*. Notwithstanding the aforesaid, I note that respondent has provided links/path for accessing the relevant Circulars/FAQs/material. Accordingly, I do not find any deficiency in the response.
6. Further, with respect to query no.6, I find that the respondent has adequately addressed the said query by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
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: January 07, 2025

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