

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

Appeal No. 5871 of 2024

Vijayakumar Vasudev Ankam	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 21, 2023 (received by SEBI on November 06, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 01, 2023, responded to the application filed by the appellant. The appellant filed appeal dated December 08, 2023 (received by the Office of Appellate Authority on December 12, 2023) and appeal dated December 24, 2023 (received by the Office of Appellate Authority on January 3, 2024) with respect to his aforesaid application. I have perused the application, the response of the respondent and the appeals and find that the matter can be decided based on the material available on record.
2. **Grounds of Appeal** – On perusal of the appeals, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, submitted that the respondent has not provided the reply within the stipulated time as mandated under the RTI Act. Further, the appellant has stated that the links provided in the reply of the respondent do not open. Hence, he has requested that he may be provided with the said documents, which are duly verified by SEBI. The appellant, in his appeal has reiterated the requests in his application and has requested to provide the information sought by him in his application.
3. **Request 1 and 2 of the application** - The appellant, vide request nos. 1 & 2 of the application, *inter alia*, sought the following information:

Request no. 1 - SBI Mutual Fund had launched SBI MAGNUM CHILDREN'S BENEFIT FUND in the market a few years ago. While launching the said scheme, which documents SBI Mutual Fund had submitted to SEBI.

Request no. 2 - Which rules and conditions mentioned by SBI Mutual Fund while launching the said scheme.

4. **Reply of the Respondent** – In regard to request no. 1, the respondent provided the relevant link available on SEBI website to access the required information. In regard to request no. 2, the respondent informed that the scheme in question is launched under SEBI (Mutual Fund) Regulations, 1996 and circulars issued thereafter from time to time. The respondent provided the links to access the said regulation and circulars on SEBI website.
5. I have perused the aforesaid requests and response provided thereto by the respondent. I note that the respondent has adequately addressed the said requests of the appellant, however, the appellant, in his appeal, has submitted that he is unable to open the links given in the reply of the respondent. In this regard, I note that the said links are correct and are opening. I note that the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**"), in the matter of *Kul Bhushan Jain vs. CPIO, SEBI* (Order dated December 22, 2022) 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. Notwithstanding the above, the path to access the said links on SEBI website (www.sebi.gov.in) is provided herewith for the benefit and guidance of the appellant:

Path for link (request no.1) - Filings > Mutual Funds > Scheme Information Document (SID)

Path for links (request no. 2) - Legal > Regulations & Legal > Master Circular.

6. **Request 3 and 5 of the application** - The appellant, vide request nos. 3 & 5 of the application, *inter alia*, sought the following information:

Request no. 3- Whether the said scheme has been approved by SEBI or not at the time of the launch. Provide documentary information about this.

Request no. 5- Whether SEBI approval is required while launching any mutual fund scheme or just for name sake SEBI collects the new scheme information from mutual fund companies for themselves.

7. **Reply of the Respondent** – In regard to request no. 3 and 5 of the application, the respondent informed the appellant that the information sought is in the nature of clarification/opinion. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act. Further, with regard to request no. 3, the respondent informed that the Final Scheme Information Document received by SEBI are already available on the SEBI website.
8. I have perused the aforesaid requests and the response provided thereto. On consideration, I agree with the response of the respondent that information sought by the appellant is 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. I find that the said requests 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/opinion under the RTI Act. In this context, reliance is placed on matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), wherein the Hon’ble Central Information Commission (hereinafter referred to as “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...*”. Accordingly, I do not find any deficiency in the response.
9. **Request 4 of the application** – The appellant vide request no. 4 of the application, inter alia, sought the following information:
 - Documented information is to be provided regarding the rules/provisions under which the said scheme is locked-in for five years
10. **Reply of the Respondent** – The respondent in response to the aforesaid request informed the appellant that the information sought is available in SEBI Master Circular for Mutual Funds dated May 19, 2023, which is available publicly on SEBI website.
11. I have perused the aforesaid request and the response provided thereto. I note that the respondent has adequately responded to the request of the appellant. Further, the link to access the relevant

circular is already provided in the reply of the respondent (reply to request no. 2). Additionally, the path to access the said link has also been given in para 5 of this order. Accordingly, no further interference of this forum is warranted at this stage.

12. I further note that the appellant in his appeal has alleged non-receipt of the response within the time specified under the RTI Act. In this regard, I note that the application dated October 21, 2023 was received by SEBI on November 06, 2023. From the available records, it is observed that a response dated December 01, 2023 was issued by the respondent with respect to the application. The said response was dispatched to the appellant through Registered Post Acknowledgement Due. Hence, I find that the respondent has provided his reply to the application within the time stipulated under the RTI Act
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: January 5, 2024

B RAJENDRAN

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