

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

Appeal No. 6141 of 2024

Rashmi Soni	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 16, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated August 30, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00204) dated September 01, 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. **Request in the application** - The appellant, vide his application dated August 16, 2024 sought the following information:

*"PLEASE PROVIDE INFORMATION UNDER RTI ACT 2005
1 PROVIDE INVESTOR PROTECTION FUND GUIDELINE OR CIRCULARS
2 PROVIDE IEPF GUIDELINE OR CIRCULARS"*

3. **Reply of the Respondent** - The respondent, in response to request no. 1 of the application, informed that the information sought is provided in the 'SEBI Master Circular for Stock Exchanges and Clearing Corporations' dated Oct 16, 2023 and 'SEBI Master Circular for Depositories' dated Oct 06, 2023. Further, the respondent informed that SEBI also issues several circulars/ guidelines w.r.t IPF of Stock Exchanges and Depositories from time to time and the same are available on SEBI website. The respondent also provided the relevant links to access the said circulars on SEBI website.

In response to request no. 2, the respondent informed that the information sought does not fall under the purview of SEBI. Hence, the same is not available with SEBI.

4. **Ground of appeal** - The appellant has filed the appeal on the ground that the information provided is incomplete, misleading and false information.

5. I have perused the aforesaid request and the response provided thereto. With respect to request no. 1 of the application, 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 same on the website. On consideration, I find that the information sought is in public domain. In this context, reliance is placed on Hon'ble Central Information Commission (hereinafter referred to as "**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.

6. With respect to request no. 2, I find that respondent has informed the appellant that the subject matter of the information sought does not fall under the purview of SEBI and hence, the same is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this regard, the Hon'ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors*, 2011 (8) SCC 497 (Judgment dated August 9, 2011) held that "*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.*" 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: September 26, 2024

RUCHI CHOJER

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