

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

Appeal No. 5791 of 2023

Shantanu Rai	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/T/23/00164) dated August 03, 2023 (transferred from Department of Economic Affairs and received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 22, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00192) dated September 08, 2023. 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 August 08, 2023, sought the following information:

“Media houses publish various stories which at times are unverified and have a significant impact on the financial markets and economy. For e.g. a news story citing an announcement made during February 2020 by Directorate for Geology and Mining UP (DIRGM UP) that 3500tons of Gold have been discovered in Sonebhadra UP was spread across all media. 2Days later this news turned out to be fake when this news was rejected by GSI. However, by the time this fake news was rejected it had created significant volatility and fluctuations in the gold trading and financial markets. These type of events fall under the category of Insider Trading and there has to be a mechanism to check the role of media in such events and the earnings of media houses and media persons through stock markets. Information may be provided that is there any mechanism to keep a check on the role of media in insider trading and earnings of media houses and media persons through stock markets?”

3. The respondent, in response to the application, informed that an identical application has already been replied to vide letter No. CPIO/KS/.....2023-24 dated June 19, 2023.

4. **Ground of appeal-** The appellant has not provided any specific reason for filing the appeal. The appellant, in his appeal, *inter alia*, expressed his views regarding non-detection of certain activity in the surveillance mechanism of SEBI. The appellant also queried whether SEBI has verified that the parameters based on which the surveillance mechanism generates alerts, covers the activity mentioned in the application.

5. I have perused the query raised in the application and the response provided thereto. I note that the respondent, in his earlier reply dated June 19, 2023 pertaining to an identical application, informed that the query raised by the appellant was not clear and specific and was also in the nature of seeking clarification. The respondent also informed about SEBI's surveillance mechanism which is based on dynamic system parameters and pattern recognizing modules which detects suspected or alleged market manipulation, price rigging or insider trading to ensure the market integrity and fairness in trading. Further, the respondent also informed that any regulatory actions, if taken, are published on the SEBI website. On consideration, I find that the query is in the nature of seeking clarification/opinion from the respondent. The query also appears to be situational query. In my opinion, the CPIO is not supposed to provide clarification/opinion; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. In the context of seeking replies to situational queries, I note that the Hon'ble CIC, in the matter of *Mr. Mahendra Kumar Mehta vs. CPIO, SEBI* (Judgment dated April 12, 2021), held that: *"9. This Commission observes that the appellant herein attempts to seek legal opinion/clarification from the CPIO to his situational queries with regard to 'the circular, rules, regulations, notification etc. regarding trading member for taking stock in pledge, collateral, or security for providing margin to do trade in reference to derivatives segment, charging of interest and GST, precaution to be taken by trading member for protection of constituents individual/HUF etc.'. Therefore, the CPIO is not supposed to interpret information; or to furnish replies to situational queries; or to furnish clarifications. Hence, such queries seeking legal opinion/clarification from the CPIO are not covered within the definition of 'information' u/Section 2(f) of the RTI Act, 2005. Accordingly, this Commission upholds the contention put forth by the CPIO."* In view of these observations, I find that the said query 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.

6. Further, I note that the appellant, in his appeal, queried whether SEBI has verified that the parameters based on which the surveillance mechanism generates alerts, covers the activity mentioned in the application. I note that this request has been made for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an

information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said request does not warrant consideration at this stage.

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 28, 2023

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