

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

Appeal No. 5148 of 2022

Appeal No. 5149 of 2022

Appeal No. 5150 of 2022

Appeal No. 5151 of 2022

Geeta Khattar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed four applications (one application dated May 24, 2022, two applications dated May 26, 2022 and one application dated June 03, 2022 which was transferred by Central Vigilance Commission) received by the respondent through RTI MIS portal, under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, vide three letters dated June 20, 2022 and one letter dated June 24, 2022, responded to the applications filed by the appellant. The appellant filed four appeals (Appeal No. SEBIH/A/E/22/00408 dated June 21, 2022 against response dated June 20, 2022; Appeal Nos. SEBIH/A/E/22/00417 and SEBIH/A/E/22/00418 dated June 24, 2022 against common response dated December June 20, 2022; Appeal No. SEBIH/A/E/22/00421 dated June 28, 2022 against response dated June 24, 2022). I have carefully considered the applications, the responses and the appeals and find that the matter can be decided based on the material available on record.
2. **Queries in the application** –The appellant, vide above mentioned 4 applications, *inter alia* sought information regarding complaints filed on the CPGRAMS Portal and letter No. KS/COMPLIANCE/NSE/CORR/2016-17/RB/081 issued by NSE. The appellant, also sought information regarding various subject matters such as appointment of CVO/officials by Government of India (GOI)/Ministries, salary paid to officials, oath taken by officials, rules and regulations conducted by GOI etc.
3. **Ground of appeal-** The appellant has filed the appeals on the ground that the information provided was incomplete, misleading or false.

4. From the information available on the RTI Portal, I note that the appellant has been seeking similar information with respect to the same subject matter. This forum has also passed orders in multiple appeals (including Appeal No. 5113 of 2022, Appeal No. 5122 of 2022, Appeal No. 5123 of 2022) with respect to the same subject matter. I am constrained to state that the appellant is misusing the RTI mechanism by filing multiple applications/ appeals. In this regard, I note that the Hon'ble Central Information Commission (CIC), in various cases has held that repetitive use of RTI Act for seeking same or similar information is abuse of the RTI Act. It has been further held that an applicant is expected to seek all the requisite information in single RTI application and that an applicant does not have the right to repeat the same or similar request for information under the Act. It has also been held that repeated filing of applications amounts to wastage of public resources and time and misuse of the RTI Act. Further, various courts have also observed that misuse of RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in the Act. A beneficent statute, when made a tool for mischief and abuse must be checked in accordance with law.

5. In the context of filing multiple applications under RTI Act seeking similar information, I note that the Hon'ble CIC, in *Sbri Ramesh Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi* (File No. CIC/AD/A/2013/001326-SA decided on June 25, 2014) held that *"The universal principles of civil justice also recognized 'constructive res judicata', which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office"* [Emphasis supplied] It was also held that repetition of request for information may be considered as reasonable ground for refusal under the RTI Act and further that the First Appellate Authority and the Commission may be right and reasonable to consider this as a ground for rejecting the first or second appeal. Further, in the matter of

Jagdish Kumar Koli vs. Department of School Education & Literacy, MHRD, GOI (order dated February 25, 2016), the Hon'ble CIC held that "5. This finally disposes of all his appeals on this matter, directs the appellant that he shall not repeat such RTI requests, and directs the respondent authority not to cause wastage of public resources in responding to a repeated, frivolous and harassing RTI Application from the appellant."

6. I note that the respondent has provided point wise information with respect to the queries raised by the appellant in the aforementioned applications. Similar queries have also been dealt by this forum in previous appeals filed by the appellant.
7. In view of the above observations, no further intervention of this forum is warranted in the appeals. The appellant is advised not to file repeated RTI Applications with respect to similar issues in future. Accordingly, the appeals are dismissed.

Place: Mumbai

Date: July 20, 2022

ANAND BAIWAR

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