

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

Appeal No. 4308 of 2021

Appeal No. 4309 of 2021

Appeal No. 4310 of 2021

Appeal No. 4311 of 2021

Appeal No. 4312 of 2021

Appeal No. 4313 of 2021

Appeal No. 4314 of 2021

Appeal No. 4315 of 2021

Appeal No. 4316 of 2021

Appeal No. 4317 of 2021

Appeal No. 4318 of 2021

Appeal No. 4319 of 2021

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

ORDER

1. The appellant had filed 5 applications dated May 16, 2021 and 7 applications dated May 19, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a common letter dated June 10, 2021, responded to the applications filed by the appellant. The appellant filed 12 appeals dated June 15, 2021 (SEBIH/A/E/21/00212, SEBIH/A/E/21/00213, SEBIH/A/E/21/00215, SEBIH/A/E/21/00216, SEBIH/A/E/21/00217, SEBIH/A/E/21/00218, SEBIH/A/E/21/00219, SEBIH/A/E/21/00220, SEBIH/A/E/21/00221, SEBIH/A/E/21/00222, SEBIH/A/E/21/00223 and SEBIH/A/E/21/00224) against the said response dated June 10, 2021. I have carefully considered the applications, the response 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 her 12 applications dated May 16, 2021, *inter alia* sought copies of Action History of various complaints filed on the SCORES Portal.

3. The respondent, in response to the applications, observed that the appellant has filed 118 applications under the RTI Act (since April 01, 2021 till date) seeking similar information in the same matter. The respondent also mentioned 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 amount 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 loose faith and confidence in the Sunshine Act. A beneficent statute, when made a tool for mischief and abuse must be checked in accordance with law. In view of the same, the appellant was advised to refer to the information which has already been provided by SEBI in response to the appellant's earlier applications.
4. **Ground of appeal-** The appellant has filed the appeals on the ground that incomplete, misleading or false information was provided.
5. I note that the appellant has filed multiple applications and sought information pertaining to complaints filed by her on the SCORES Portal. Further, I do not find any reason to disbelieve the observation of the respondent that the appellant has filed 118 applications (since April 01, 2021 till date) seeking similar information in the same matter. I note that the appellant has been advised to refer to the information which has already been provided by SEBI in response to her earlier applications. In the context of filing multiple applications under RTI Act seeking similar information, I note that the Hon'ble CIC, in *Shri 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 loose 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” 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. I also note that in the context of misuse of provisions of RTI Act, the Hon’ble CIC, in *R. P. Verma vs. CPIO, Ordinance Factories* (Decision dated September 5, 2018) strongly criticised the practice of filing multiple applications on similar matters.

6. It is further pertinent to mention herein that the Hon'ble High Court of Madras in the matter of *Public Information Officer, Registrar (Administration) vs. B. Bharathi*, (Order dated 17.09.2014 in W.P. No. 26781/2013), has also held as follows-

"... The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest..." The Hon’ble CIC, in the matter of *Samir Sardana vs. CPIO, Mormugao Port Trust* (order dated March 01, 2021) also referred to the said observations made by the Hon’ble High Court, while dismissing the appeal. In view of the same, I find no deficiency in the response.

7. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeals are accordingly dismissed.

Place: Mumbai

Date: July 12, 2021

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