

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

Appeal No. 5659 of 2023

Lena Irene Mascarenhas	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 17, 2023 (received by SEBI on February 21, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 21, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated April 17, 2023 (received by SEBI on April 20, 2023).

2. The appellant, in the appeal, has made a request for personal hearing. On the issue of providing an opportunity of hearing by the First Appellate Authority (FAA) under RTI Act, a full bench of Hon’ble CIC in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that “*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*” Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon’ble CIC in the matters of *Mr R.K Jain vs. UPSC* (Decision dated March 10, 2014). In view of the above observations, I have carefully considered the application, the response and the appeal. I note that the grounds of appeal are self-explanatory. Hence, the matter can be decided based on the material that is available on record.

3. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
4. **Query numbers 1, 2, 3,4 and 6-** The appellant, vide query numbers 1, 2, 3, 4 and 6, sought certified copies of complete file, including but not limited to the following documents pertaining to the subject matter i.e. four complaints filed by the appellant against ICICI Bank Ltd.:

- 1. The Order/s Passed by SEBI*
- 2. Written Submissions made by ICICI Bank Ltd.*
- 3. All the documents called for from ICICI Bank Ltd., against whom the complaint was made.*
- 4. The minutes of hearing (if no hearing was held, please state accordingly).*
- 6. Any other information in respect to the subject matter.*

5. The respondent, in response to the aforesaid queries, informed that no such information is available on record. The respondent also informed that the SCORES complaints filed by the appellant has been dealt in the SCORES portal and that the status of the complaints including the closing remarks of the dealing officer, can be viewed in the SCORES Portal by using the login credentials. The respondent also provided the link for accessing the SCORES Portal. Further, the respondent informed that the information sought by the appellant in this regard is not held exclusively with the public authority without access to the appellant.
6. The appellant, in her appeal, *inter alia*, stated that SEBI was expected to enquire into the complaints in its quasi-judicial role and pass appropriate findings/directions/orders. The appellant stated that she is entitled to certified copies of complete file including the information pertaining to the specific queries raised by her. The appellant also contended that the respondent has not provided point wise queries and that he also gave contradictory reply.
7. I have perused the queries and the response provided thereto. On perusal of the queries, I find that the appellant has sought information with respect to her complaints registered on SCORES portal. The respondent has categorically stated that no such information is available on record. However, the respondent guided the appellant to the SCORES portal with respect to the complaints mentioned in the subject matter of the application. In my opinion, the information sought by the appellant appears to be presumptive in nature. Further, I find that the information sought at query numbers 3 and 6 is vague and not specific. It is an established law that the information sought for in order to be

disclosable under the RTI Act, must be existent and available in the records. The respondent has already informed regarding non-availability of the information sought by the appellant. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble CIC held: *"The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act."* In view of these observations, I do not find any deficiency in the response provided by the respondent.

8. Notwithstanding the above, I note that the respondent has guided the appellant to access the SCORES Portal since the information pertaining to the complaints filed by the appellant is available therein. I note that all the complaints which are lodged in the SCORES portal and the related correspondence along with date-wise progress of the complaint, can be accessed online on SCORES website under the tab "View Complaint Status" by providing the complaint registration number and password, which is allotted at the time of registering the complaint. Further, with respect to other information sought by the appellant at query numbers 1, 2, 3, 4 and 6, the respondent has categorically stated that no such information is available with SEBI. Hence, I do not find any contradiction in the response provided by the respondent. I find that the respondent has adequately addressed the query numbers 1, 2, 3, 4 and 6.
9. Further, the appellant made many allegations against the respondent/SEBI. In my opinion, if the appellant has any grievance, he may approach the appropriate grievance redressal forum. I note that redressal of grievance does not fall within the ambit of the RTI Act. Hon'ble CIC, in the matter of *Mr. Surendra Vishwakarma vs. President Secretariat* (Order dated April 29, 2016) observed that *"In this context, we note that the RTI Act cannot be used to make the respondent to do certain things or take certain action for the reason that the Act is not the proper law for redressal of grievances/disputes and there are other appropriate forum(s) for resolving such matters."* The appellant, in her appeal, also submitted that the order is *void-ab-initio* since the respondent has not affixed his stamp and seal to the order dated March 21, 2023. From the available records, I note that the that the response dated March 21, 2023 has been duly signed by the respondent and the same was issued as per the prevalent procedure. Accordingly, no further intervention is warranted at this stage.

10. **Query number 5-** The appellant, vide query number 5, sought the following information-

“5. Name/s and Designation/s of all SEBI official/s dealing with my subject –complaint.”

11. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under sections 8(1)(g) & 8(1)(j) of the RTI Act as the complaint handling mechanism at SEBI is a collective affair, in which officers of different levels contribute. Hence, handling the complaints is internal to the functioning of SEBI and the said information relates to personal information, the disclosure of which has no relation to any public activity or interest. The appellant, in her appeal, *inter alia*, submitted that the complainant has a right to know about the processes and personnel involved.
12. I have perused the query and the response provided thereto. On consideration, I find that the non-disclosure of information relating to SEBI officials is justified as the same relates to personal information, the disclosure of which has no relationships to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. I note that a similar issue was settled in the matter of *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon’ble High Court of Karnataka had ruled that: *“... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority”*. Further, I note that the Hon’ble CIC, in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that- *“It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given.”* In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act. Accordingly, I do not find any deficiency in the response.

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: May 11, 2023

B RAJENDRAN

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