

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

Appeal No. 5204 of 2022

Kunal Chib	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 08, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00446) dated July 16, 2022. 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 dated June 08, 2022, sought the following information:
 1. *Let me know the process how a single name share (shares owned by single person of a company) can be converted into joint name (In Blood Relation)?*
 2. *Can a single account holder open another Demat and Trading account in joint name where the first account holder will be the same as single owned account holder and 2nd account holder will be his son?*
3. The respondent, in response to aforesaid queries, informed that the said queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act. However, with respect to query number 1, the respondent informed that physical shares held in single name can be transferred to joint name provided the securities are held in the dematerialized form with a depository. Further, the respondent provided information regarding the Gazette notifications dated June 08, 2018 and November 30, 2018. The respondent also provided the links for accessing the said notifications. With respect to query number 2, the respondent informed that demat account can be opened in single or in joint holders’ name. The respondent also advised the appellant to refer to point 21 and 26 of the FAQs on Depository System, available on the SEBI website. Further, the respondent provided the link for accessing the said FAQs.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, reiterated the queries raised in his application. The appellant, *inter alia*, submitted that he does not have knowledge or any information on the matter for which he has raised the questions.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries are in the nature of seeking clarification/ opinion from the respondent. The queries also appear to be situational queries. I note that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. In this context, 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 respondent did not have any obligation to provide such clarification/opinion with respect to situational queries, under the RTI Act.
6. Notwithstanding the above, I note that the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any 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 Appeal is accordingly dismissed.

Place: Mumbai

Date: August 11, 2022

A SUNIL KUMAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA