

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

Appeal No. 5821 of 2023

Sundaresan Viswanatahier	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 03, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated September 27, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00214) dated October 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. **Ground of appeal-** The appellant has filed the appeal on the ground that he was refused access to information requested.
3. **Query No. 1** - The appellant, vide query No. 1 (1.1 – 1.17), *inter alia*, sought information regarding his emails dated 04.08.2023, 26.01.2023, 13.03.2023, 30.03.2023, 13.04.2023, 07.05.2023, 03.05.2023, 05.05.2023, 16.05.2023, 04.06.2023, 28.06.2023, 07.08.2023, 09.08.2023, 14.08.2023, 15.08.2023 and 17.08.2023 sent to Chairperson pertaining to audit standard fraud, secretarial audit report fraud, CAG report fraud, annual report to parliament fraud, etc.
4. **Reply of the Respondent** - The respondent, vide letter dated September 27, 2023, informed the appellant that with regard to his emails listed in query No. 1.1 – 1.17, Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) had provided its reply to him and advised him to lodge his complaints on SCORES. Further, with respect to emails mentioned in his query no. 1.3 and 1.4, the respondent informed that the same were examined by SEBI and no further action was proposed.

5. I have perused the query and the response provided thereto. On consideration, I find that the respondent has adequately addressed the queries by providing the information available with him regarding the various emails sent by the appellant to SEBI. In my opinion, no further intervention is warranted at this stage.

6. **Query No. 2** - The appellant, vide the said query, sought the following information:

“2. We now go to SEBI | RTI ACT, 2005 <https://www.sebi.gov.in/rti-act-2005.html>. Being SUO MOTTO DISCLOSURES UNDER RTIA

2.1) pls make particulars of organisation simple and in few paragraphs without making the reader navigate to several pages by the end of which he gets confused

2.2) in powers and functions of SEBI why attach the whole act – select the relevant provisions and place them

2.3) why attach the whole of “Securities and Exchange Board of India (Employees' Service) Regulations, 2001 [Last amended on August 05, 2020] “ – just exhibit relevant extracts in a simple form

2.4) under “The procedure followed in the decision making process, including channels of supervision and accountability” the organisations chart is only disclosed ? Is RTIA a joke ?

2.5) “Norms set by SEBI for the discharge of its functions ” does not disclose public grievances against SEBI who is a public authority

2.6) also “Statement of Categories of Documents that are held by SEBI or under its Control” “pls make out a complete list eg documents filed with SEBI etc etc

2.7) Pls verify the missing matters under suo motto disclosures and do the needful eg monthly remuneration etc etc”

7. **Reply of the Respondent** - The respondent, vide letter dated September 27, 2023, informed the appellant that his query is in the nature of seeking action from SEBI. Hence, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act, 2005.

8. I have perused the query and the response provided thereto. On consideration, I concur with the response of the respondent that the said query of the appellant is more in the nature of suggestions and seeking action from SEBI. In this context, I note that in the matter of *Dr. D. V. Rao vs Shri Yashwant Singh & Anr.* (Order dated April 21, 2006), Hon’ble Central Information Commission (hereinafter referred to as “CIC”) in held that: “It is not open to an appellant to ask, in the guise of seeking information, questions to the public authorities about the nature and quality of their actions. The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether.

The petitioner's right extends only to seeking information as defined in Section 2(f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority."

9. **Queries No. 3 to 7** - The appellant, vide the said query, sought the following information: “

- “3) Complete minutes , agenda papers etc in respect of Meetings of Board of SEBI on placement of annual reports of SEBI for 2020-21 , 2021-22 and 2022-23 , including indicating names of those who attended , who voted for , who voted against , who proposed , who seconded etc etc , who abstained , who insisted his dissent be recorded and if the same was recorded --- names and names of nominators of members of the Board may be mentioned separately if not mentioned in the minutes (eg the nominators include Ministry Corporate Affairs , RBI , Central Govt . In particular with respect to mandated contents of annual reports requiring interactions and / or coordination with Ministry Corporate Affairs, RBI and others , the views of the nominees of the said organisations on the agenda papers if recorded in the minutes may also be forwarded . Any interest disclosed if any on the matter of annual report is also the information sought.*
- 4) Various authorities eg SFIO , ED , Economic Offence Wing of several police establishments , CBI , SEBI , Ministry Corporate Affairs , Revenue authorities (income tax and GST) and several others are reported to have acted against delinquents— any action taken in these matters by SEBI against auditors , secretarial auditors , audit committee , directors and others or referred by SEBI to ICAI , ICSI , Ministry Corporate Affairs . ATRs along with list of dates of significant events is ALSO the information sought indicating the names of culprits . Any references made to others by SEBI and action taken by those to whom they were referred by SEBI and sub sequent action by SEBI in this matter . ATRs along with list of dates of significant events is ALSO the information sought*
- 5) NFRA has issued several orders and review reports --- — any action taken in these matters by SEBI against auditors , secretarial auditors , audit committee , directors and others or referred by SEBI to ICAI , ICSI , Ministry Corporate Affairs ATRs along with list of dates of significant events is ALSO the information sought indicating the names of culprits . Any references made to others by SEBI and action taken by those to whom they were referred by SEBI and sub sequent action by SEBI in this matter. ATRs along with list of dates of significant events is ALSO the information sought*
- 6) Any matters refered by IBBI to SEBI and A TR. ATRs along with list of dates of significant events is ALSO the information sought. Any references made to others by SEBI and action taken by those to whom they were referred by SEBI and sub sequent action by SEBI in this matter ATRs along with list of dates of significant events is ALSO the information sought*
- 7) In addition to the above have any of the following matters been referred to ICAI or NFRA or Ministry Corporate Affairs or SFIO or ED or CBI or others by SEBI or others or referred to SEBI by them and ATR with list of dates on which significant events and milestones occurred: ...”*

10. **Reply of the Respondent** - In response to the query 3 to 7, the respondent, vide letter September 27, 2023 informed that the queries are vague and not specific. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act, 2005. The respondent further informed that the information sought is not maintained by SEBI in normal course of regulation of securities market.

11. I have perused the queries and the response provided thereto. As regard query No. 3, I note that the appellant has specifically sought information pertaining to minutes of the SEBI Board meetings and agenda papers regarding annual reports of certain specific years. On consideration, I find that the aforesaid query has not been adequately addressed by the respondent and the same warrants reconsideration.
12. As regard queries No. 4 to 7, I concur with the response of the respondent that the said queries are vague and not specific. Further, I note that the requested information is not readily available with the respondent in the manner as sought by the appellant and that the respondent would be required to analyse and collate information which is maintained in separate individual files placed at multiple locations. In my opinion, analysing and collating would disproportionately divert the resources of SEBI and would defeat 'the practical regime of right to information' as envisaged in the preamble of the RTI Act. In this context, I note that the Hon'ble CIC, in the matter of *Mr. Deepak Girdhar vs. CPIO, SEBI* (Order dated March 30, 2021), observed that *"6. The Commission, after hearing the submissions of the respondent and after perusal of records, observes that the information sought by the appellant is voluminous in nature and may not be readily available with the CPIO in the manner as sought by the appellant, collating and compiling of which would disproportionately divert the resources of the respondent organization. Hence, the disclosure of information is exempted as per Section 7(9) of the RTI Act."* In view of these observations, I find that the requested information is exempt from disclosure under section 7(9) of the RTI Act.
13. Considering the above observations, I remit the application to the respondent for *de novo* consideration of Query no. 3 and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
14. The Appeal is accordingly disposed of.

Place: Mumbai

ANAND BAIWAR

Date: November 3, 2023

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