

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

Appeal No.5858 of 2023

Sundaresan TV : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. An application dated October 31, 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 November 07, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00244) dated November 27, 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 has been refused access to the information requested.
3. **Requests now. 2 - 4 of the application** - The appellant, vide his application sought following information vide request nos.2 -4:

“The annual reports of SEBI are first forwarded to Department of Economic Affairs, Ministry Finance, who places the same before Parliament.

2) What happens to the report when they are forwarded to the Ministry – does Ministry act as a department of Department / Ministry of Post and just forwards the same to the Parliament without examining the same.

3) What are the processes through which the annual reports go through from the time it enters the Department till its exit to Parliament.

4) Who is responsible to see in DEA that the annual reports of SEBI meet the requirements of law . Name , designation etc – pls indicate for each of the annual reports for 2020-21 , 2021-22 and 2022- 23.”

4. **Reply of the Respondent** - The respondent, in response to the aforesaid requests, informed that the information sought is not available with SEBI.
5. I have perused the requests and the response provided thereto. With respect to request nos. 2 -4 above, I note that the said requests do not pertain to SEBI and appears to be pertaining to Department of

Economic Affairs (**DEA**), Ministry of Finance. I note that as per Section 6(3) of the RTI Act, when the information sought is held by another public authority or the subject matter of which is more closely connected with function of another public authority, the obligation is casted upon the public authority who is in receipt of the application to transfer the said application or such part of it as may be appropriate to the concerned public authority. In view of the above, w.r.t. the aforesaid requests, the respondent has the obligation to transfer the said application to DEA, Ministry of Finance.

6. **Requests nos. 5 - 6.2 of the application** – The appellant vide request nos. 5 – 6.2, *inter alia*, has referred to his emails addressed to both Chairman, SEBI and Department of Economic Affairs pertaining to allegations of misleading statements and suppressions of matters in the annual reports of SEBI.
7. **Reply of the Respondent** - In response to the request nos. 5 - 6.2, the respondent informed that the information sought are vague and not specific. Accordingly, the same cannot be construed as “information” as defined u/s 2(f) of the RTI Act, 2005.
8. I have perused the requests and the response provided thereto. On consideration, I agree with the response of the respondent that the same 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 clear, specific and available in the records of the public authority. 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 find that the request cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
9. In view of the above observations, w.r.t. request nos. 2 -4 above, I hereby direct the respondent to transfer the said application in terms of RTI Act to the concerned public authority and intimate the appellant regarding the same, within 5 working days from the date of receipt of this order.

10. The Appeal is accordingly disposed of.

Place: Mumbai

Date: December 12, 2023

B RAJENDRAN

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