

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

Appeal No. 6397 of 2025

Norbert Sabbas Mascarenhas	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 21, 2025 (received by SEBI on March 24, 2025) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 09, 2025, responded to the application filed by the appellant. The appellant filed an appeal dated May 09, 2025 (received by the Office of Appellate Authority on May 15, 2025). I have perused the application, the response of the respondent 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, in his application dated March 21, 2025, sought the following information :
 1. “ Has SEBI issued specific directions making it mandatory to link AADHAAR number while opening demat accounts and/ or trading accounts in offline mode.
 2. If yes to (1) above, please provide certified copy of specific provisions of law, rules, circulars, directions under which SEBI has made it mandatory to link AADHAAR number to open offline demat accounts and/ or trading accounts.
 3. If no to (1) above, please provide list of KYC documents requires to open offline demat accounts and/ or trading accounts.”

3. **Reply of the Respondent** - The respondent, in response to the application, informed that appellant's queries are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

Notwithstanding the aforesaid, the respondent informed that appellant can refer to SEBI Master Circular on KYC in Securities Market which, *inter-alia*, states that the usage of Aadhaar (including usage of eKYC and biometric, as the case may be) shall be optional and purely on a voluntary basis by the client. The respondent also informed that the said Master Circular is available on SEBI website.

Further, respondent informed that appellant can refer to para 12 to 15 (for list of documents admissible as Proof of Identity -Pol) and para 16 to 25 (for proof of address - PoA requirement) of the above mentioned SEBI Master Circular on KYC in Securities Market, for KYC documents required to open offline demat accounts and/or trading accounts.

4. **Ground of appeal**- On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the queries and the response provided thereto. On consideration, I concur with the response of the respondent that appellant's queries are in the nature of seeking clarification/opinion from the respondent. I find that the said queries cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) wherein Hon'ble Central Information Commission observed that "7. *The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him.*" Accordingly, I do not find any deficiency in the response of the respondent.

6. Notwithstanding the aforesaid, I find that the respondent had provided appropriate guidance to the appellant with respect to the requested information.
7. The appellant, in his appeal, has submitted that the respondent had provided wrong web link address in his reply. On perusal, I note that the aforementioned web link is correct and opening. However, for the guidance of the appellant, the aforementioned web link and path for accessing the same on SEBI website is reproduced hereunder:

Link: https://www.sebi.gov.in/legal/master-circulars/oct-2023/master-circular-on-know-your-client-kyc-norms-for-the-securities-market_77945.html

Path: Home » Legal » Master Circulars>> Master Circular on Know Your Client (KYC) norms for the securities market

8. Further, the appellant, in his appeal, has submitted that respondent had not provided the certified copy of Master Circular of SEBI mentioned in his reply. In this regard, I note that for issuance of certified copies of SEBI orders and circulars, SEBI has issued Circular No. CIR/LAD/1/2019 (Issue of Certified copies of Orders and Circulars) dated April 04, 2019 and SEBI Circular No. SEBI/HO/LAD1/LAD1_DoP3/P/CIR/2023/88 (Amendment to Circular on issue of Certified copies of Orders and Circulars) dated June 13, 2023. The same is available on the SEBI website (www.sebi.gov.in) under the headings Legal » Circulars. In light of the alternative mechanism provided in the aforementioned Circulars for obtaining certified copy, I do not find any merit in the submission of the appellant. In this context, it is also pertinent to note that Hon'ble Madras High Court in *S Robinson versus Tamil Nadu State Information Commissioner* (Date of Decision: April 13, 2017) has held “*I am unable to persuade myself that RTI Act can be invoked for all purposes regardless of the fact that there is existence of alternative effective mechanism provided under the respective departments for seeking information. If such recourse is encouraged and entertained it will destroy the very frame work of the respective mechanism which provides for furnishing information under the respective department. I do not see any merits in the contentions of the learned counsel for the petitioner that in view of the overriding provisions provided under Section 22 of the RTI ACT any kind of information can be obtained. Such an interpretation would run contrary to the other provisions of the Acts of similar nature and would make such acts otiose and nugatory. The framers of the Act and the object behind the Act would not have envisaged that any information to be sought can be made available only under the RTI Act and not at all through other Acts. Such an interpretation would not advance the letter and spirit of the RTI Act.*” Accordingly, I do not find any deficiency in the response of the respondent.

9. 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: June 13, 2025

RUCHI CHOJER

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