

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

Appeal No. 5962 of 2024

Geeta Khattar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated February 23, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 20, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00059) dated March 21, 2024. 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 she has been provided incomplete, misleading and false information. The appellant, in her appeal, has raised dissatisfaction only with respect to the reply to request nos. 1 & 3-15 of her application.
3. **Request Nos. 1, 7, 8, 11, 12, 13 and 15 of the application** - The appellant, vide her request nos. 1, 7, 8, 11, 12, 13 and 15 of the application dated February 23, 2024, sought the following information:

“1. Provide the name of the modes DAILY Benpos is maintained by the listed companies, RTA, CDSL, and NSDL”

“7. Provide the name of online portal through which a case can be sent to Executive Director, WTM & Chairperson, SEBI. PROVIDE A COPY OF PARTICULAR PAGE WHERE SEBI EXPLAINED THE SAME IN PICTURE. (A copy is attached regard to this). ALSO PROVIDE CIRCULAR NUMBERS REGARDING THE QUERY.

8. Provide the number of PARTICULAR CIRCULARS issued by SEBI between 2021 to Feb. 2024, where detailed information is available regarding Intraday/day trading and delivery base trading.”

“11. Provide the PARTICULAR CIRCULAR numbers where detailed information regd. Benpos is provided by SEBI.

12. Provide PARTICULAR CIRCULAR numbers where detailed information regd. Offences and punishment are provided if someone does so on the SCORES online portal.

13. Provide the name of Benpos reports and Excel files, through which the listed companies, RTA, CDSL, and NSDL verify if the investor is eligible for the Dividend. (Daily, weekly or monthly)”

“15. Provide the names of PARTICULAR rank have been permitted to deal with cases in the SCORES online portal. Also provide circular numbers where detailed information is provided by SEBI”

4. **Reply of the Respondent** - The respondent, in response to the aforesaid requests, informed that the information sought is not clear and specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005.

Additionally, with respect to request no. 8 of the application, the respondent informed that appellant to refer to relevant circulars/guidelines pertaining to trading and settlement in Indian securities market including intraday trading, etc. The respondent provided relevant links to access the said circulars and guidelines on SEBI website.

Further, with respect to request no. 11 of the application, the respondent informed the appellant to refer to relevant regulations/circulars/guidelines pertaining to Depositories. The respondent provided the relevant links to access the said regulation, circulars and guidelines on SEBI website. The respondent also informed the appellant that specific provisions and mechanism followed by NSDL and CDSL with respect to Benpos are available on their respective website. The respondent provided the relevant links to access the same.

5. I have perused the request, the response provided thereto. On consideration, I agree with the response of the respondent that the request 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 Central Information Commission (hereinafter referred to as “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. Notwithstanding the above, I note that with respect to request nos. 8 and 11 of the application, the respondent has adequately guided the appellant by providing the links of the relevant

regulation/circulars/guideline, etc. for information related to her said requests. Accordingly, no further intervention of this forum is warranted.

6. **Request No. 3 of the application** - The appellant, vide her request no. 3 of the application, sought the following information: *"Provide a copy of the online portal brochure where SEBI has explained how to register complaints for the Human Resources department in pictures."*
7. **Reply of the Respondent** - The respondent, in response to the aforesaid request, informed that there is no brochure available with Securities and Exchange Board of India (hereinafter referred to as "**SEBI**")
8. I have perused the requests made by the appellant and the response provided by the respondent. The respondent, in his response, has categorically mentioned that the requested information is not available with SEBI. In this context, I note that the Hon'ble CIC in the matter of *Sb. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: *"... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given."* Hence, I do not find any deficiency in the response of the respondent.
9. **Request no. 4 of the application** - The appellant, vide her request no. 4 of the application, sought the following information: *"In this way, the investor may register a complaint in the online portal SCORES for disciplinary action against SEBI officials. PROVIDE A COPY OF PARTICULAR PAGE WHERE SEBI EXPLAINED THE SAME IN PICTURE. (A copy is attached regard to this)"*
10. **Reply of the Respondent** - The respondent, in response to request no. 4 of the application, informed that SCORES is an online platform designed to help complainants to lodge their complaints pertaining to securities market, online with SEBI against listed companies and SEBI registered intermediaries.
11. I have perused the aforesaid requests and the response provided by the respondent. I note the request of the appellant is hypothetical in nature. However, I note that the respondent, in his reply, has clarified to appellant regarding the types of complaints that can be filed in SCORES. On consideration, I find that the respondent has adequately addressed the said requests by providing the information available with him. Accordingly, no further intervention of this forum is warranted.
12. **Request nos. 5 and 6 of the application** - The appellant, vide her request nos. 5 and 6 of the application, sought the following information:

“5. Provide the name of the PARTICULAR ranks of officials who deal with the investor complaints related to Secondary market in SCORES online portal

6. Provide the PARTICULAR names of the ranks appointed in SEBI that can deal with the complaints in SCORES.”

13. **Reply of the Respondent** – The respondent, in response to requests nos. 5 & 6 of the application, informed that complaint handling process in SEBI is a collective process in which different officers at different level contribute. Further, the respondent informed that the names and departments of SEBI officials are available on SEBI website. The respondent provided the relevant link to access the same.
14. I have perused the aforesaid requests and the response provided thereto. On consideration, I find that the respondent has adequately addressed the said requests by providing the information available with him. Further, it is observed that the complainant can view the name and contact details of the concerned SEBI dealing officer on SCORES portal. Hence, I do not find any deficiency in the response of the respondent.
15. **Request nos. 9, 10 and 14 of the application** - The appellant, vide her request nos. 9, 10 and 14 of the application, sought the following information:

“9. Provide the Act, regulations, Circulars, etc. to whom the priority given by SEBI i.e. SEBI Act, regulations, Circulars, etc. or the Central Govt. Act, regulations, Circulars, etc

10. To which Acts are SEBI officials bound to follow the first, i.e. SEBI Act, regulations, Circulars, etc., or the Central Govt—act, regulations, Circulars, etc.”

“14. Provide PARTICULAR CIRCULAR numbers where detailed information regd. Punishment and provisions are prescribed by SEBI if the dealing officials close applications in the SCORES online portal on FAKE GROUNDS & FAKE METHODS.”

16. **Reply of the Respondent** - The respondent, in response to the aforesaid requests, informed the appellant that the information sought 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, 2005.
17. I have perused the aforesaid requests and the response provided thereto. On consideration, I find that the request of the appellant is in the nature of seeking clarification/opinion from the respondent. It is understood 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. I find that the said request 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 the 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/advice 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.

18. Further, I note that the appellant, in her appeal, has cited few orders, however, the same are distinguishable from the facts of the instant case. Accordingly, I do not find any deficiency in the response of the respondent.
19. 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: April 16, 2024

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