

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

Appeal No. 3913 of 2020

Indu Rani : Appellant

Vs.

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated June 22, 2020 (received by SEBI on June 30, 2020) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 24, 2020 responded to the application filed by the appellant. The appellant filed an appeal dated September 10, 2020 against the said response dated July 24, 2020. 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 her application dated June 22, 2020, inter alia sought the following information:
 1. *Reason for payment not made by Karvy Stock Broking Ltd. (Karvy) against settlement of instrument number 2001.....*
 2. *No action has been taken by SEBI with respect to complaint number SEBIE/MH20/.... dated January 22, 2020. If any action has been taken, same may be informed.*
 3. *It may be informed when the above mentioned instrument will be settled and the payment will be made.*
 4. *Whether negligence in payment amount to negligence of duty of SEBI?*
3. The respondent, in response to the queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, cannot be construed as “information”, as defined under section 2(f) of the RTI Act. The respondent also informed that the appellant’s complaint was registered by SEBI on SCORES and that the status of the same can be viewed in SCORES by providing the details and password, allotted to the appellant, at the time of registration of the complaint. Further, the respondent also provided the copy of the action history of the complaint and the toll free helpline numbers launched

by SEBI to facilitate replies to various queries of the general public on matters relating to securities market.

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response of the respondent. The appellant has further stated that Karvy has not transferred her shares to SHCIL.
5. **Query numbers 1, 3 and 4-** On perusal of the query numbers 1, 3 and 4, I find that they are rightly considered to be in the nature of eliciting a clarification or opinion of the respondent, and the same cannot be construed as information as defined u/s 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, I note that the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011), *inter alia* held: "*A public authority is "...not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provided advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act".* Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "*... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...*". Accordingly, I do not find any deficiency in the response.
6. **Query number 2-** On perusal of the query, I find that the appellant has clearly sought information with respect to her complaint registered on SCORES. In this regard, I note that the respondent, has already provided copy of the Action History of the complaint. It is observed that the Action History of the complaint reveals the action taken and the date-wise progress of the complaint. It is understood that all the complaints which are lodged in the SCORES system and the related correspondence, can be accessed online on SCORES website under the tab "View Complaint Status" by providing the complaint registration number and password, which is allotted at the time of registering the complaint. I find that the respondent has adequately addressed the query by providing the information available with him. Therefore, I find no deficiency in the respondent's response to the appellant's application.

7. Further, I note that the appellant, in her appeal, has made submissions regarding shares not being transferred by Karvy to SCHIL. I find that the submissions are in the nature of grievance, which does not warrant consideration under the RTI Act.
8. 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: October 09, 2020

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