

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

Appeal No.5857 of 2023

Venkatasai	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. An application dated November 15, 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 20, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00243) dated November 21, 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. **Requests in the application** - The appellant, vide his application, *inter alia* sought information pertaining to employment status and categorisation of employees in Public Sector Undertakings (**PSUs**), Public Sector Banks (**PSBs**) and regulatory organisations viz. Reserve Bank of India (**RBI**), Securities and Exchange Board of India (**SEBI**) and Pension Fund Regulatory and Development Authority (**PFRDA**).
3. **Reply of the Respondent** - The respondent, in response to request Nos.1-3 & 5 of the application which pertain to PSUs, PSBs, RBI and PFRDA, informed that the information sought is not available with SEBI. In response to request no. 4 of the application which pertain to SEBI, the respondent informed 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.
4. **Ground of appeal**- On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent and has, *inter alia*, requested that the information may be provided to him.
5. I have perused the application and the response provided thereto. I note that vide request no. 1-3 & 5 of the application, the appellant has, *inter alia*, sought information regarding employment status and categorisation of employees in PSUs, PSBs, RBI and PFRDA. In this regard, the respondent has

categorically mentioned that the requested information is not available with SEBI. In this context, I note that Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") in the matter of *Sh. 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." In view of these observations, I do not find any deficiency in the response.

6. Further, vide request no. 4, the appellant has sought information regarding employment status and categorisation of employees in SEBI. On perusal of the said request, I find that the request is more in the nature of seeking clarification/ opinion from the respondent. In this context, reliance is placed on matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), wherein the Hon'ble Central Information Commission (hereinafter referred to as "**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.
7. 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: December 12, 2023

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