

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

Appeal No. 5839 of 2023

Venkat : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated September 25, 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 October 12, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00229) dated October 25, 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 dated September 25, 2023 sought following information:

“It is mentioned that the Shareholder should provide a Legal Heirship Certificate or its equivalent certificate along with other documents mentioned in the 8th and 9th points in Annexure A as highlighted in the attached PDF document.

Could you please suggest what document s SEBI considers as an equivalent to a Legal Heirship Certificate?

Asking this question as Annexure A does not provide any recommendations. Circular ID SEBI/HO/MIRSD/MIRSD_RTAMB/P/CIR/2022/65”

3. **Reply of the Respondent** - The respondent, in response to the request, 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, 2005.
4. **Ground of appeal**- The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information. The appellant, in his appeal, has reiterated his request made by him in his application.

5. I have perused the request and the response provided thereto. On consideration, I find that the request of the appellant is in the nature of seeking clarification/opinion/suggestion 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, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. 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. 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

B RAJENDRAN

Date: November 17, 2023

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