

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

Appeal No. 4304 of 2021

Geeta Khattar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 14, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 06, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated June 13, 2021, against the said response dated May 06, 2021. 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. **Grounds of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. On perusal of the appeal, it appears that the appellant is not satisfied with the reply to query numbers 3A, 3B, 5 and 6A. In view of the submissions of the appellant, I am only dealing with the said queries, in this appeal.
3. **Query number 3A and 3B** –The appellant, vide query number 3A and 3B, *inter alia*, sought the following information:

3A. Name of the departments in SEBI and Number of the officials / employees in the same department (about), as per the format provided in the application.

3B. SEBI official web link where the purity of information no. 3A can be viewed / verified online.
4. The respondent, in response to query numbers 3A and 4B, informed that the information sought is not readily available with SEBI in the format as sought by the appellant and the collection of the same will disproportionately divert the resources of SEBI, in terms of section 7(9) of the RTI Act. However, the respondent informed that the directory of SEBI employees is available on the SEBI website. The link for accessing the directory was also provided to the appellant. The appellant, in her appeal, reiterated the queries raised in her application and requested that the same may be provided.

5. I have perused the queries and the response. I do not find any reason to disbelieve the response that the requested information is not readily available with SEBI in the format as sought by the appellant. It is understood that for providing the information in the format as requested for in the application, it would require to analyse a substantial amount of data and collate the same. If the respondent does so, it would defeat 'the practical regime of right to information' as envisaged in the preamble of the RTI Act. Considering the same, I find that providing the information sought by the appellant, will disproportionately divert the resources of SEBI. In this regard, I note that the Hon'ble CIC in *Shri Praveen Agarwal vs. SEBI* (Decision dated October 1, 2008), had held that "*It is true that given the volume and the complexity of the information requested by the appellant, it would be impossible to locate and collate it without substantial research effort. A public authority cannot be obliged to engage in it for the benefit of an applicant, who may not be the only and, the last such applicant. Many more would want to have this privilege which doubtless would lessen the applicant's research burden while increasing it for the public authority.*" In view of the above observations and applicability of section 7 (9) of the RTI Act, I find that the respondent is not obliged to provide the information sought by the appellant.
6. Without prejudice to the above, I note that the information pertaining to various departments and officers of SEBI, can also be found out by the appellant by accessing the information available on the SEBI website, which is published in terms of section 4 (1) (b) of the RTI Act. I note that the respondent has adequately guided the appellant by providing the link for accessing the directory of SEBI employees. Accordingly, I do not find any deficiency in the response.
7. **Query number 5-** The appellant, vide query number 5, sought the following information-
"What for SEBI pays salary to the officials who have been appointed for the departments? To work under the rules and regulations or to misuse of power."
8. The respondent, in response to the query, observed that the query is in the nature of seeking clarification/opinion and accordingly, cannot be construed as seeking "information" as defined under section 2(f) of the RTI Act.
9. On consideration, I agree with the observation of the respondent that the query 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 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 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...". In view of the said observations, I do not find any deficiency in the response.

10. **Query number 6A-** The appellant, vide query number 6A, *inter alia*, sought information regarding the Department or Division in which a particular officer has been appointed.
11. The respondent, in response to the query, informed that the information relating to posting of the particular officer, is available in the directory of SEBI employees. The appellant, in her appeal, submitted that the requested information has not been provided by the respondent.
12. I have perused the query of the appellant. It is understood that the answer to the query can be found out by the appellant by accessing the information available in the public domain, which is published in terms of section 4 (1) (b) of the RTI Act. In this context, the Hon'ble Delhi High Court in *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* and the Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Notwithstanding the same, I note that the respondent has adequately guided the appellant to access the relevant information on the SEBI website. Accordingly, I do not find any deficiency in the response.
13. 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: Jul 12, 2021

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