

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

Appeal No. 5773 of 2023

Saurabh Dixit	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 11, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 10, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00177) dated August 10, 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. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto in the following paragraphs.
3. **Query numbers 1, 2 and 3** –The appellant, vide query numbers 1, 2 and 3, sought the following information regarding a notice dated June 03, 2022 allegedly received by Wipro CEO from Karnataka Office of State Commissioner for the rights of the persons with disabilities:

“1. Under RTI act and Sebi rules of corporate governance, did Wipro inform exchanges about getting this notice and termination of a whistleblower.
2. Under RTI act and Sebi rules of corporate governance, please provide information that if Wipro informed exchanges about getting this notice and termination of a whistleblower.
3. Under RTI act and Sebi rules of corporate governance since the employee was a stakeholder, what was the reason for not providing reasonable adjustment to an employee on wheelchair.”
4. The respondent, in response to the aforesaid queries, informed that the requested information is not maintained by SEBI in normal course of regulation of Securities market. Hence, the same is not available

with SEBI. The appellant, in his appeal, submitted that SEBI is supposed to be public authority to enforce corporate governance.

5. I have perused the queries and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI as the same is not maintained by SEBI in the normal course of regulation of securities market. In this context, 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) held that *"The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant."* In view of these observations, I do not find any deficiency in the response provided by the respondent.

6. **Query number 4** - The appellant, vide query number 4, sought the following information-

"4. Under RTI act and Sebi rules of corporate governance, please provide how many Wipro obudsman did employee filed with Wipro and how many results of Obudsman investigation was shared with the employee."

7. The respondent, in response to the aforesaid query, informed that the requested information does not pertain to SEBI.

8. I have perused the query and the response provided thereto. I note that the information does not pertain to SEBI and that the same is not available on record. On consideration, I find that the respondent has adequately addressed the query. Accordingly, I do not find any deficiency in the response.

9. **Query number 5**- The appellant, vide query number 5, sought the following information-

"5. Under RTI act and Sebi rules of corporate governance, what was the reason for Wipro not replying to government notice."

10. The respondent, in response to the aforesaid query, informed that the query is in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
11. I have perused the query and the response provided thereto. On consideration, I find that the query of the appellant is in the nature of seeking clarification/opinion from the respondent. 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 query 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. Accordingly, I do not find any deficiency in the response.
12. 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: September 05, 2023

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