

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

Appeal No. 5575 of 2023

Manish Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 25, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 20, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00022) dated January 24, 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. The appellant, in his appeal, submitted that the CPIO refused to provide information based on frivolous and unlawful reasons. 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 and 3-** The appellant, vide query number 1, *inter alia*, sought information regarding name, designation, staff number and number of employees/officers of SEBI who are empowered to pass a Quasi-Judicial Order. Vide query number 3, the appellant sought the Name, designation and staff number of all those employees/officers who are performing Quasi-Judicial functions in SEBI.
4. The respondent, in response to the aforesaid queries, informed that as per Section 15-I of the SEBI Act, 1992, the Board may appoint any officer, not below the rank of a Division Chief, to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty. The respondent also informed that the details of Division Chiefs (DGM and above) are available on the SEBI website. Further, the respondent also informed that the information pertaining to the name, employee code and designation of each of these employees, is exempt from disclosure under section 8(1)(g) and 8(1)(j) of the RTI Act as the same relates to personal information, the disclosure of which has no relationship to any public activity or

interest and may cause unwarranted invasion into the privacy of the officials. Further, the disclosure of the information may also endanger the life or physical safety of the person(s).

5. I have perused the queries and the response provided by the respondent. On consideration, I find that the respondent has adequately addressed query number 1 by providing the information available on record. I note that the respondent also categorically informed that the details of division chiefs (DGM and above) are available on the SEBI website, which is in the public domain. Accordingly, no further intervention of this forum is warranted.
6. With respect to query number 3, I note that the appellant has sought personal information of officers performing Quasi-Judicial functions in SEBI, which stands exempted from disclosure under section 8(1)(j) of the RTI Act. In this context, reference is made to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court held that: *"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..."* In view of these observations, I agree with the response of the respondent and I do not find any deficiency therein.
7. **Query number 2-** The appellant, vide query number 2, sought the number of employees/officers of SEBI who are empowered to pass a Judicial Order. The appellant also sought the name, designation and staff number of all those employees/officers.
8. The respondent, in his response, stated "Nil" with respect to the aforesaid query.

9. I have perused the query and the response provided thereto. On consideration, I find that the respondent has provided the information based on available records. Accordingly, I do not find any deficiency in the response.

10. Query numbers 4 and 5- The appellant, vide query numbers 4 and 5, sought the following information-

“4. Was the order dated 18.11.2022 bearing ref no. ED/MK/NRO/NRO/21306/2022-23 passed in the capacity of Quasi Judicial authority or it was passed in administrative/executive capacity by SEBI ?
5. Was the order dated 14.12.2022 bearing ref no. QJA/GPG/WRO/WRO/21970/2022-23 passed in the capacity of Quasi Judicial authority or it was passed in administrative/executive capacity by SEBI.”

11. The respondent, in response to the aforesaid queries, informed that the queries are 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.

12. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of seeking clarification/opinion from the respondent. I note 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. 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. In view of these observations, I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. 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: February 14, 2023

ANAND BAIWAR

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