

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

Appeal No. 6179 of 2024

	:	Appellant
Ajay Basudev Bose		
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 14, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 03, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00235) dated September 28, 2024. 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. **Request in the application** - The appellant, vide his request of the application dated August 14, 2024 sought the following information

“Under RTI act Please provide information related to SEBI CHAIRPERSON MADHABI PURI BUCH
1) In backdrop of Hindenburg Serious Allegations against SEBI Chairperson Madhabi Puri Buch what action has been taken by SEBI against Madhabi Puri Buch
2) Please provide details of Whether any Enquiry Initiated against SEBI Chairperson Madhabi Puri Buch in aftermath of Hindenburg Serious Allegations against her
3) With Reference to point no 2 if Enquiry initiated against SEBI Chairperson Madhabi Puri Buch then Please provide Name and Designation of Enquiry Officer and Names of other members of Enquiry committee”
3. **Reply of the Respondent** - The respondent, in response to the application informed that the queries of the applicant are vague and not specific and are in the nature of seeking clarification/explanation. 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 filed the appeal on the ground that the information provided is incomplete, misleading and false information.
5. I have perused the aforesaid requests and the response provided thereto. On consideration, I concur with the response of the respondent that the request is vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble Central Information Commission (hereinafter referred to as “**CIC**”) held: *“The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.”*
6. Additionally, I concur with the response of the respondent that the information sought are also in the nature of seeking clarification/explanation 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 explanation under the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble Central Information Commission (hereinafter referred to as “**CIC**”) observed that *“7. The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/opinion/advice/confirmation/clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him”* 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: October 17, 2024

RUCHI CHOJER

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