

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

Appeal No.5841 of 2023

Amitabh Gupta : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated October 23, 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 30, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00232) dated October 30, 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 October 23, 2023 sought the following information:

“1. Please provide me the clarification on your circular dated 16.03.2023 on minor changes in name due to customs in the religion to write the name as below (few examples)

a. SANTOSH DAVI ALIAS SANTOSH DEVI ALIAS SANTOSH DEVI
AGGARWAL ALIAS SANTOSH DEVI GUPTA ...

2. PLEASE PROVIDE ME THE DETAILED LIST OF DOCUMENTS / AFFIDAVITS / INDEMNITY BONDS WHICH PROVIDE ME THE SECURITIES TO BE TRANSFERRED IN THE NAMES, AS THESE ARE NOT NAME CHANGE BUT A TRADITION IN THE PAST TO WRITE THE NAME.”

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 Ac, 2005. Further, the respondent informed the appellant to refer to the Master Circular for Registrars to an Issue and Share Transfer Agents dated May 17, 2023. The respondent also provided the relevant link for the same.

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent and has, *inter alia*, requested that the information may be provided to him.
5. I have perused the request raised in the application and the response provided thereto. On consideration, I find that the requests are more 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 compile information as per the desire of the appellant under the ambit of the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) where similar information was sought by the appellant. The Hon'ble CIC, in the said matter, observe 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.*” Notwithstanding the above, I note that the respondent has guided the appellant to refer to the Master Circular for Registrars to an Issue and Share Transfer Agents dated May 17, 2023 and has also provided the relevant link for the same. In view of these observations, 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

Date: November 20, 2023

B RAJENDRAN

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