

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

Appeal No. 6084 of 2024

Deepak Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 12, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated July 04, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00154) dated July 17, 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. **Ground of appeal** – The appellant filed the appeal on the ground that the information provided is incomplete, misleading or false information.
3. **Request no. 1 of the application** - The appellant, vide request no. 1 of his application dated June 12, 2024, *inter alia*, sought the following information pertaining to the recruitment advertisement for the post of Grade A (Assistant Managers):

"Kindly provide the rationale behind reducing the no. of reserved seats in an open direct recruitment and deviating from Government of India reservation rules"
4. **Reply of the Respondent** - The respondent, in response to request no. 1 of the application, informed that the information sought is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005
5. I have perused the aforesaid request and the response provided thereto. On consideration, I concur with the response of the respondent that the information sought 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 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

6. **Request no. 2 of the application** - The appellant, vide request no. 2 of his application dated June 12, 2024, *inter alia*, sought the following information pertaining to the recruitment advertisement for the post of Grade A (Assistant Managers):

"Secondly, Provide the Post-wise breakup of UR, OBC, SC, ST, EWS and PWD currently employed in SEBI (As on May 31, 2024) in the following format:

1. Assistant manager Total No. of officers UR OBC SC ST EWS PWD In similar format for the following posts as well:
2. Managers
3. AGM
4. DGM
5. GM
6. CGM
7. ED
8. WTM"

7. **Reply of the Respondent** – The respondent, in response to request no. 2 of the application, informed that the information sought is enormous in nature and maintained in separate individual files, placed at multiple locations across SEBI and collating the same for providing response to appellant's query would disproportionately divert the resources of the public authority in terms of section 7(9) of the RTI Act, 2005.

8. I have perused the aforesaid request and the response provided thereto. I note that the requested information is not readily available with the respondent in the manner as sought by the appellant and that the respondent would be required to search and collate the information. In my opinion, searching and collating would disproportionately divert the resources of SEBI and would defeat 'the practical regime of right to information' as envisaged in the preamble of the RTI Act. In this context, I note that the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**"), in the matter of *Mr. Deepak Girdhar vs. CPIO, SEBI* (Order dated March 30, 2021), observed that "6. *The Commission, after hearing the submissions of the respondent and after perusal of records, observes that the information sought by the appellant is voluminous in nature and may not be readily available with the CPIO in the manner as sought by the appellant, collating and compiling of which would disproportionately divert the resources of the respondent organization. Hence, the disclosure of information is exempted as per Section 7(9) of the RTI Act.*" Accordingly, I do not find any deficiency in the response.
9. **Request no. 3 of the application** - The appellant, vide request no. 3 of his application dated June 12, 2024, *inter alia*, sought the following information pertaining to the recruitment advertisement for the post of Grade A (Assistant Managers):
- 3) *"Finally, Provide the Names and Category(UR/OBC/SC/ST/EWS/PWD) of all the officers across all ranks which are currently on payroll of SEBI."*
10. **Reply of the Respondent** - The respondent, in response to request no. 3 of the application, informed that the information sought 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 individual and may also endanger the life or physical safety of the person(s). The same is, therefore, exempt in terms of Section 8(1)(g) and 8(1)(j) of the RTI Act.
11. I have perused the aforesaid requests and the response provided thereto. On consideration, with respect to request no. 3 of the application, I find that the information about SEBI officials 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 individual and may also endanger the life or physical safety to the person. In this regard, I note that the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**"), in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that- "*It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is*

exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given.” In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act.

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: August 13, 2024

RUCHI CHOJER

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