

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

Appeal No. 6215 of 2024

Hansaji I Prajapati	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 02, 2024 (received by SEBI on September 06, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 23, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated October 21, 2024 (received by the Office of Appellate Authority on October 30, 2024). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Queries in the application-** The appellant, in his application dated September 02, 2024, sought following information :

The appellant (Sh. Hansaji Prajapati) has stated that his friend Mr. Jitendra Kushwaha had sent an RTI Letter to SEBI and a response to the same had been provided by SEBI. The applicant has attached a copy of that RTI Letter and the response received from SEBI. He has further stated that in response to query no. 3, 4 and 5 of that letter, SEBI had neither disclosed name of the persons / institutions nor provided relevant documents. The appellant has stated that he has heard that the money deposited in PACL Ltd. company has been misappropriated for anti-national activities by them. The applicant has himself investigated the matter and found the allegations true. In this context, the applicant has sought point-wise reply to the following queries:

- 1. Is SEBI afraid of disclosing the names of the persons who are helping terrorists?*
- 2. Does SEBI want to protect the persons who are helping terrorists?*

3. *Does taking action against those who help terrorists fall in the category of national interest or does it fall in the category of immorality?*

4. *Does the Section 8(g) of the RTI Act provides that the names of the enemies hidden in this country should not be revealed?*

3. **Reply of the Respondent** - The respondent, in response to the query nos. 1-4, informed that the queries of the appellant are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as 'information' as defined u/s 2(f) of RTI Act.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the queries and the response provided thereto. On consideration, I concur with the response of the respondent that the said queries are in the nature of seeking clarification/opinion from the respondent. I find that the said request cannot be construed as seeking 'information' as defined under section 2(f) of 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/advice 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 of the respondent.

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 26, 2024

RUCHI CHOJER

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