

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

Appeal No. 5860 of 2023

Shashi Mehrotra : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. An application dated October 12, 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 November 09, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00246) dated November 29, 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 information provided was incomplete, misleading or false information.
3. **Requests No. 1 & 2 of the application** - The appellant, vide his request nos. 1 & 2 of the application, sought the following information:

*“1) What is the procedure / action that SEBI follows if a complaint is dropped against SEBI Employee via email to Chairman and Directors of SEBI.
2) Please share the official orders if any regarding point no 1.”*
4. **Reply of the Respondent** - The respondent, in response to request no. 1, informed that as per the practice, such emails are forwarded to the concerned department in SEBI for its consideration. In response to request no. 2, the respondent informed that the information sought is not clear and specific as no particular order has been sought. 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 requests and the response provided thereto. As regard, request no. 1, I find that the respondent has adequately addressed the request by providing the information available with him.

Accordingly, I do not find any deficiency in the response. With regard to request no. 2, I concur with the response of the respondent that the same 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 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."* In view of these observations, I find that the request 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.

6. **Requests no. 3 of the application** - The appellant, vide his request no 3 of the application, sought the following information:

"3) Please refer the email attachment regarding complaint Sri. Amit Pradhan (Chief General Manager SEBI) in which a complaint was dropped against him.

- a) Please provide the copy of the action taken by SEBI (official order/ email etc) with respect to initial email dated 6-09-2023*
- b) Please provide the copy of the action taken by SEBI (official order/ email etc) with respect to initial email (Reminder 1) dated 11-09-2023*
- c) Please provide the copy of the instruction given to Deepshikha Lohmorb with respect to which email was received from DeepshikhaL@sebi.gov.in*
- d) Please provide the Xerox copy by SEBI (official order/ email etc) of the action taken with respect to initial email (Reminder 2) dated 13-09-2023*
- e) Please provide the copy of the action taken by SEBI (official order/ email etc) with respect to email (Reminder 3) dated 18-09-2023*
- f) Please provide the copy of the action taken by SEBI (official order/ email etc) with respect to email (Reminder 4) dated 22-09-2023*
- g) Please provide the copy of the action taken by SEBI (official order/ email etc) with respect to email (Reminder 5) dated 03-10-2023"*

7. **Reply of the Respondent** - In response to request nos. 3 (a) & b) above, the respondent, *inter alia*, informed that all the issues raised w.r.t appellant's grievance were duly addressed vide SEBI's clarification letter dated 13/09/2023. Hence, contents of his emails were not considered for further action.

In response to request no. 3 (c), the respondent informed that the complaint handling mechanism at SEBI is a collective affair, in which officers of different levels contribute. Hence, handling the complaints is internal to the functioning of SEBI and the information relates to personal information, the disclosure of

which has no relation to any said public activity or interest. Accordingly, the same is exempt u/s 8(1) (g) & 8(1)(j) of the RTI Act.

In response to the request nos. 3 (d) - (g), the respondent informed that since the response was already provided by SEBI vide letter dated 13/09/2023, no action was taken on emails sent by the appellant, as no new facts/information was brought out in said emails, which required further course of action.

8. I have perused the aforesaid requests and the response provided thereto. As regard, request nos. 3 (a)-(b) and 3(d)-(g) of the application, on consideration, I find that the respondent has adequately addressed the request by providing the information available with him. In my opinion, no further intervention is warranted at this stage.

As regard, request no. 3(c), I agree with the response of the respondent that the requested information pertains to internal functioning of SEBI and the same is strategic in nature. Further, the information also pertains to the systems and procedures followed by SEBI. In my opinion, the disclosure of the requested information would affect and compromise the regulatory functions and roles of SEBI. The same may also hamper decision making by SEBI. In light of the same, non-disclosure of information, which is internal to the functioning of SEBI and of strategic interest, will fall within the exemption offered under section 8(1)(a) of the RTI Act.

9. **Requests No. 4 of the application** - The appellant, vide his request no. 4 of the application, *inter alia*, sought information pertaining to complaints against SEBI employees in a tabular format.
10. **Reply of the Respondent** - In response to the request no. 4, the respondent 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 request and the response provided thereto. On consideration, w.r.t. request no. 4 of the application, I find that the information about SEBI officials relates to personal information, the disclosure of which has no relationships 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. I note that a similar issue was settled in the matter of *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon'ble High Court of Karnataka had ruled that: "... it

cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority". Further, 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. **Requests No. 5 of the application** - The appellant, vide his request no. 5 of the application, sought information regarding maximum time limit in which a complaint against an employee is resolved, as per SEBI rules. The respondent also sought copies of the relevant SEBI rules in this regard.
13. **Reply of the Respondent** – The respondent, in response to request no. 5, informed that no maximum time limit has been prescribed for disposing of complaints against employees. However, the terms and conditions of service of SEBI employees are governed by SEBI (Employees Service) Regulations 2001 and the same is available on the SEBI website.
14. I have perused the aforesaid requests and the response provided thereto. As regard, request no. 5 of the application, I find that the respondent has adequately addressed the request by providing the information available with him. In my opinion, no further intervention is warranted at this stage.
15. 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

B RAJENDRAN

Date: December 15, 2023

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