

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

Appeal No. 5120 of 2022

Appeal No. 5121 of 2022

Geeta Khattar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two identical applications dated May 19, 2022 (transferred by Department of Personal & Training through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a common letter dated June 09, 2022, responded to the said applications filed by the appellant. The appellant filed two appeals (Reg. Nos. SEBIH/A/E/22/00394 and SEBIH/A/E/22/00395 dated June 13, 2022), against the said response dated June 09, 2022. I have carefully considered the applications, the responses and the appeals and find that the matter can be decided based on the material available on record.
2. **Queries in the application-** The appellant, vide 14 queries in each of her above mentioned applications, *inter alia*, sought information regarding various issues. The respondent, in his letter dated June 09, 2022, informed that the respondent, vide letter dated May 19, 2022 had already responded to the similar information sought by the appellant vide her application No. SEBIH/R/T/22/00091. The respondent also enclosed copy of the said response dated May 19, 2022.
3. **Ground of appeal-** The appellant has not mentioned any specific ground for filing the appeals. The appellant, in her appeals, submitted that neither the text of the RTI application is reflected nor the attachment is available on the RTI Portal against the reply document. In view of the submissions made by the appellant, I am dealing with the queries and the response provided by the respondent, in the following paragraphs.
4. **Query numbers 1, 5, 9 and 10-** The appellant, vide query number 1, sought reasons for which rules, regulations, guidelines, circulars etc. are conducted by the Government of India (GOI). Vide query number 5, the appellant sought reason for the GOI paying salary, allowances, pension etc. to the

officials. The appellant vide query number 9, sought information regarding the aim and policies under which the rules, regulations, guidelines, circulars etc. is being conducted by the GOI. Vide query number 10, the appellant sought reason for giving category to each letter which is issued by the Departments/Ministries.

5. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information” as defined under the RTI Act.
6. I have perused the queries and the response provided thereto. On consideration, I find that the queries are in the nature of seeking clarification/opinion from the respondent. I note that only the documents/information available in material form as per the records available with the public authority can be furnished under the RTI Act. Further, the respondent is not supposed to create information, or interpret information or compile information as per the desire of the appellant under the ambit of the RTI Act. The respondent 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 the appellant. In this context, I note that the Hon’ble CIC had made similar observation in the matter of *Mr. Nitin Moolani vs. CPIO, SEBI* (order dated October 25, 2021). In view of these observations, I do not find any deficiency in the response.
7. **Query numbers 2, 3, 7 and 8-** The appellant, vide said queries, *inter alia*, sought the reasons for appointing CVO/ officials in the Departments/ Ministries. The appellant also sought reason for organizing RTI seminars and workshop done by DoP&T and GOI. Further, the appellant sought online portal names where letters can be certified with same Department/Ministry.
8. The respondent, in response to the aforesaid queries, informed that the requested information is not available with SEBI. On consideration, I do not find any reason to disbelieve the said statement. I note that the respondent can provide only that information which is existing and available with him. Accordingly, I do not find any deficiency in the response.
9. **Query numbers 4, 6, 11, 12, 13 and 14-** The appellant, vide query numbers 4, 6, 11, 12 and 13, *inter alia*, sought information regarding oath taken by Government of India officials, their duty, GOI’s objective to state the Act and brief details of guidelines issued in respect to third party information along with DoP&T website/ web link details such where rules/ regulations are available. Vide query number 14,

the appellant sought copy of letter ref no KS/COMPLIANCE/NSE/CORR/2016-17/RB/081 from NSE.

10. The respondent, in response to the aforesaid queries, informed that respondent had already responded to the said queries in his letter dated April 28, 2022 which pertained to the appellant's application received by SEBI on April 08, 2022.
11. I have perused the query and the response provided thereto. I note that the respondent has referred to his letter dated April 28, 2022 vide which the appellant was provided the relevant information. Accordingly, I do not find any deficiency in the response.
12. Further, I note that the appellant, in her appeals, submitted that neither the text of the RTI application is reflected nor the attachment is available on the RTI Portal against the reply document. I have perused the applications and the response provided thereto. On consideration, I note that the respondent has specifically provided the application number and the response date, vide which he had previously responded to similar queries raised by the appellant. Further, the respondent's response dated May 19, 2022 has been uploaded along with his letter dated June 09, 2022 on the RTI MIS Portal and the same is accessible by the appellant. Accordingly, I do not find any merit in the said submission.
13. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeals are accordingly dismissed.

Place: Mumbai
Date: July 13, 2022

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