

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

Appeal No. 5484 of 2022

Sudhakar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 25, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 10, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00639) dated November 11, 2022. 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. **Queries in the application** –The appellant, vide his application dated October 25, 2022, sought the following information:

1. What is the legal right of widowed daughter in-law in India in her predeceased father in-law self acquired and inherited properties in Hindu family if he dies intestate before his deceased son?

2. In Indian law for life insurance act if policy holder dies intestate who has the absolute right for the beneficial amount paid by the insurance company beneficial nominee or legal heirs? Legal heirs have rights to claim from beneficial nominee or not?

3. For Mutual funds as per existing Indian law who is the ultimate owner for amount settled by the fund house to the nominee at the event of death of the unit holder if he dies intestate, nominee or legal heirs who is ultimate owner for that amount and nominee is also a one legal heir for the deceased person?

3. 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 section 2(f) of the RTI Act. However, the respondent advised the appellant to refer to the provisions of the SEBI (Mutual Funds) Regulations, 1996 and the Circulars issued by SEBI regarding requirements of nominations. The respondent also provided the links for accessing the said Regulations and SEBI Circulars available on the SEBI website.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, *inter alia*, submitted that he had not sought the respondent's opinion or clarification.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are more in the nature of seeking clarification/opinion from the respondent. I note that 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. 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/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.*" In view of these observations, I find that the said queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act.
6. Notwithstanding the above, I note that the respondent has guided the appellant to access the relevant Regulations and SEBI Circulars which are already available in the public domain. The appellant may be guided accordingly.
7. 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: December 07, 2022

ANAND BAIWAR

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