

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

Appeal No. 3979 of 2020

Nikhil Jain : Appellant

Vs.

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated October 26, 2020 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 17, 2020, responded to the application filed by the appellant. The appellant filed an appeal dated November 17, 2020, against the said response dated November 17, 2020. 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 application dated October 26, 2020 sought the following information:
 1. *Please specify the subject wise bifurcation of questions in paper 1 & paper 2 of phase 1 and paper 2 of phase 2.*
 2. *Please specify that what exactly (like essay or letter or a combination of such topics) will be asked in paper 1 of phase 2.*
 3. *Please specify the details regarding monthly gross and net earnings (including allowances) which a newly appointed Grade A officer receives.*
3. The respondent, in response to query number 1, informed that the details with regard to Phase I and Phase II examinations will be shared with all the candidates in due course. In response to query number 2, the respondent observed that the same is in the nature of seeking clarification/opinion and accordingly, cannot be construed as “information” as defined under section 2(f) of the RTI Act. In response to query number 3, the respondent provided the link on SEBI website for accessing the details of monthly pay and allowances.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that no exact information was provided to the appellant.
5. **Query number 1-** I note that the respondent had clearly informed that the requested information will be shared with all the candidates in due course. It is understood that the recruitment process is not over and pre-mature disclosure might damage the ongoing process. In this context, the Hon'ble CIC, in the matter of *Sbri U.R.M. Raju Vs. Visakhapatnam Port Trust* (judgement dated March 09, 2009 in CIC/AT/A/2008/01463), observed: “ *If information regarding current recruitment processes is authorized to be disclosed even before such a process is completed, it is possible that it would pave the way for wholly absurd claims for disclosures. For example, a petitioner may, citing precedent, demand information regarding various aspects of a recruitment process undertaken by the Public Service Commissions and, such other recruitment bodies, even before such a process is completed and thereby throw the entire process into disarray. No public interest shall be served by such disclosures. On the contrary, such premature disclosures shall have a deleterious impact on public interest and will serve no public purpose.*” In view of the said observation, I do not find any deficiency in the response.
6. **Query number 2-** I have perused the query and the response. On consideration, I agree with the observation of the respondent that the information sought through the appellant's query was more in the nature of eliciting clarification, opinion, etc. from SEBI, which does not fall within the purview of section 2(f) of the RTI Act. In this context, I note that the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011), inter alia held: “ *A public authority is “...not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provided advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act*”. Further, in the matter of *Sbri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: “ *... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...*”. In view of these observations, I find that the respondent cannot be obliged to provide a response to such request for information, as made by the appellant. Accordingly, I do not find any deficiency in the response to the queries.

7. **Query number 3-** I have perused the query and the response and I find that the respondent has adequately addressed the query by guiding the appellant to access the requisite disclosures made by SEBI with respect to pay and allowances, which is available in public domain. I do not find any deficiency in the respondent's response to the appellant's query.

8. 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

ANAND BAIWAR

Date: December 14, 2020

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



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