

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

Appeal No. 6460 of 2025

Akankshya : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated May 26, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 13, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00158) dated June 28, 2025. 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, in her application dated May 26, 2025, sought the following information:

“ 1)Copy of letter no. HRD/2378/2024 dated 07.06.2024 issued by SEBI & signed by Dinesh Ravulapati, AGM addressed to Bimal Prasad Panda, Manager. staff no.2378.

2) Whether CCS(Pension) Rules, 1972 & 2021 are applicable to the SEBI officers for the purpose of determining pensionary benefits. if yes, supply a copy of the notification which establishes this applicability.

3) Please provide the name(s) of the nominee(S) of Bimal Prasad Panda, Manager under CGEGIS,1980 & provide a certified copy the nomination form submitted by him.

4) Please provide details of the individuals nominated by Mr. Panda for receiving Death-cum-Retirement Gratuity, family pension including their relationship to Mr Panda. Please supply certified copy of Form B (nomination Form) submitted by Mr Panda.

5) Please inform whether Mr Panda has revised/updated any of his nominations (under CGEGIS or Gratuity etc.) after his marriage. if so, provide copies of the revised forms submitted by him.”

3. **Reply of the Respondent** –The respondent, in response to query nos. 1 and 3-5 in the application, informed that the information sought does not pertain to the appellant. The respondent also informed that the information sought relates to personal information, which may cause unwarranted invasion into the privacy of the officials and the information sought is available to SEBI in a fiduciary relationship and disclosure of the same may also endanger the life or physical safety of the person(s). Hence the information is exempt u/s 8(1)(e), 8(1)(j) and 8(1)(e) of the RTI Act.

The respondent, in response to query no. 2, informed that the query is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that she was refused access to information requested.
5. I have perused the application and the response provided thereto. I note that appellant vide query nos. 1 and 3-5 has, *inter alia*, sought details regarding the nominee of a SEBI employee and a letter issued by SEBI to the said employee. On consideration, I concur with the response of the respondent that query nos. 1 and 3-5 do not relates to the appellant and relates to personal information of a third party. In this context, reference is made to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court held that: "59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..."

6. Additionally, I am of the opinion that the information sought vide query nos. 1 and 3-5 is available to SEBI in fiduciary capacity. In this context, I note that the Hon'ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) observed that *"The term 'fiduciary relationship' is used to describe a situation or transaction where one person (beneficiary) places complete confidence in another person (fiduciary) in regard to his affairs, business or transaction/s. The term also refers to a person who holds a thing in trust for another (beneficiary). The fiduciary is expected to act in confidence and for the benefit and advantage of the beneficiary, and use good faith and fairness in dealing with the beneficiary or the things belonging to the beneficiary. If the beneficiary has entrusted anything to the fiduciary, to hold the thing in trust or to execute certain acts in regard to or with reference to the entrusted thing, the fiduciary has to act in confidence and expected not to disclose the thing or information to any third party. There are also certain relationships where both the parties have to act in a fiduciary capacity treating the other as the beneficiary. Examples of these are : a partner vis-à-vis another partner and an employer vis-à-vis employee..... if on the request of the employer or official superior or the head of a department, an employee furnishes his personal details and information, to be retained in confidence, the employer, the official superior or departmental head is expected to hold such personal information in confidence as a fiduciary, to be made use of or disclosed only."*
7. I note that appellant in her appeal has contended that as she is the wife of the SEBI employee, she is entitled to the requested information. In this context, I note that Hon'ble Delhi High Court in *Vijay Prakash v. UOI*, 2009 SCC OnLine Del 1731, has clarified that in a private dispute between husband and wife, the basic protection afforded by virtue of the exemption from disclosure enacted under Section 8(1)(j) cannot be lifted or disturbed unless the petitioner is able to justify how such disclosure would be in 'public interest'. I note that the appellant in her appeal has failed to provide any submissions as to how the disclosure of the information is justified by larger public interest. Accordingly, I do not find any deficiency in the response of the respondent.
8. With regard to query no. 2, I concur with the response of the respondent that the query is in the nature of seeking clarification/opinion from the respondent. I find that the said query cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under 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) wherein Hon'ble Central Information Commission(**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.

9. 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: July 22, 2025

RUCHI CHOJER

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