



# MADHUSTHALI INSTITUTE OF TEACHER TRAINING

A Co-Ed B.Ed., D.El.Ed. & B.L.I.S. College

Recognised by NCTE, ERC-Bhubaneswar

Affiliated to Sido-Kanhu Murmu University, Dumka & Jharkhand Academic Council, Ranchi

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Ref. No.: MITT/MVT/23/01

Date: 21.12.2023

Subject: Statutory Declaration under Section 4(1) (b) of the RTI Act, 2005

## TO WHOM IT MAY CONCERN

The Madhusthali Vidyapeeth Trust is a Trust within the meaning of the Indian Trust Act-1882 (hereinafter referred to as "MVT"), MVT was established in the year 1990 with the motto "*Sa Vidya Ya Vimuktaye*" and with the ideal and object of knowledge which liberates the mind. With these ideals, MVT runs school and colleges. Its character is wholly voluntary, charitable, non-profit making and its activities are totally non-political.

The MVT has three institutions (as on 1st January, 2024). None of its institutions have an independent legal existence and are only branches of MVT, functioning under the ultimate direction, superintendence and control of the Headquarters of MVT situated at Liluah, Howrah, West Bengal. We, the Madhusthali Institute of Teacher Training, Jharkhand, is one of the three institutions of MVT and legally inseparable from MVT as an entity. For determining any such action, the nature and characteristics of MVT as a whole have to be taken into account and considered.


As mentioned in the Trust Deed of MVT, there is no governmental control in the functioning, administration and day to day management of MVT in any manner whatsoever. In circumstances mentioned hereinafter, this fact has been accepted by the Hon'ble Supreme Court of India, vide No. 2019/SCC/on Line/SC501.

It is humbly submitted that the tests for determining a "public authority" under the RTI Act and the tests for determining an "authority" under Article 226 of the Constitution are similar and if a private body is not an "authority" within the meaning of Article 226, it would be indicative of the fact that such body is not a "public authority" under the RTI Act either. Even otherwise, MVT does not satisfy any of the tests for being considered a 'public authority' under the RTI Act, 2005.

The aforesaid judgement of the Hon'ble Supreme Court coupled with the fact that the Madhusthali Institute of Teacher Training (hereinafter referred to as 'MITT' an unit of 'MVT'), Jharkhand, being one such centre, does not and cannot fall within the meaning of 'public authority' as per Section 2(h) of the Right to Information Act, 2005.

Therefore, in our humble submission, the MVT (including its institution such as Madhusthali Institute of Teacher Training) do not fall within the operation of the said RTI Act at all and are not required to perform any obligation as mandated therein.

In this context, the judgement of the Hon'ble Supreme Court of India in the case of Thalappan Service Coop Bank Ltd vs State of Kerala reported in (2013) 16 SCC 82 which also supports our contention can be also consulted.

  
21.12.23  
Dr. Jolly Sinha  
Principal  
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