

Format for Society / Trust

Date

To,

Sub:- Right To Information Act. 2005.

Ref:- 1) Your application under RTI Act, 2005 dated ____
(received on_____)

2) Hon'ble Bombay High Court, Bench at Nagpur order
dated 01-03-2024 in Letters Patent Appeal No. 466/201 in
Writ Petition No.5168/2010.

Sir.

1) Received your application dtd_____ under Right to Information Act, 2005 **(Ref No.1)**. We would like to inform you that _____ (Name of the Society /Public Trust) is registered under the Bombay Public Trusts Act. 1950, Reg. No. _____, dtd_____ and /or Societies Registration Act, 1860, Reg. No. _____, dtd_____.

2) The Public charitable Trust registered under the Bombay Public Trusts Act, 1950 and/or a Society registered under the Societies Registration Act, 1860 is not a 'Public Authority' within the meaning of Section 2(h) of the Right To Information Act, 2005 as it is not a 'Public Authority established or constituted under the Constitution, law made by Parliament, law made by State Legislature or by notification issued or order made by the appropriate Government and it is also not a body owned, controlled or substantially financed by the Government or a non-Government Organization substantially financed directly or indirectly by funds provided by the appropriate Government.

- 3) The question of “applicability RTI Act to Public Trust registered under provision of Maharashtra Public Trust Act, 1950 which are running an institution” is decided by Hon’ble Bombay High Court, Bench at Nagpur in it’s constituted full Bench by order dated 01-03-2024 in the matter of People Welfare Society V/s The State Information Commission, Nagpur Bench, Nagpur (Letters Patent Appeal No. 466/2011 in Writ Petition No.5168/2010 (D) the relevant portion of the order is as under|:-

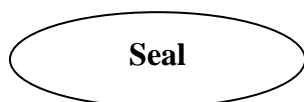
Whether a Public Trust registered under the provisions of Maharashtra Public Trusts Act 1950, which is running an institution that receives grant from the State is duty bound to supply information sought from it under provisions of Right to Information Act 2005 ?	If the information solicited under the RTI Act, is regarding the Public Trust, then there is no obligation to supply the information, if such Public Trust, does not fall within clause (i) of sec.2 (h) of the RTI Act and has not received any substantial Government largesse or land on concession, to implement the aims and objects of the said Public Trust.
	In case the information solicited is in respect of the Educational or other Institutions run by the Public Trust, then depending on the extent of financial support given by the State, in case such finance, is found to be substantial, which is a plea to be decided by the Information Commissioner, information relating to such Educational or other Institutions can be directed to be supplied.
	The Charity Commissioner, would also not be legally obliged to supply such information, which may be

	collected by him, in respect of the Public Trust, under the provisions of the Maharashtra Public Trusts Act, in case such information falls under the exempted category mentioned in Section 8(j) of the Act and the demand does not have statutory backing. In case the information solicited does not fall in the exempted category under sec.8 of the RTI Act, then information as submitted to the Authorities under the provisions of the Maharashtra Public Act, under its various provisions by the Public Trust, can be supplied by the Authority who has the custody of such information.
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- 4) In view of the above, Right to Information Act- 2005 not applicable to our Society/Trust. Therefore, your application is disposed off.

Thanking you,

Yours faithfully.



Sign: _____

Name: _____

Post: Secretary/ Competent Authority