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# DAV COLLEGE MANAGING COMMITTEE

## CHITRA GUPTA ROAD, NEW DELHI-110055

Ref. No.:

Legal Cell/47

Dated: 09-07-2018

### CIRCULAR MOST IMPORTANT

To  
The Principals/ Headmasters/Headmistress/  
Offg. Principals/Tr. Incharges of  
All DAV Colleges/ Public Schools/ Project Schools/ Affiliated Aided  
Schools

Sir/Madam,

#### Sub : With regard to RTI Cases

This has further reference to our Circular in connection with the Guidelines regarding RTI Cases. These guidelines are required to be followed only in the cases which are covered under the RTI Act i.e. Affiliated Aided Schools/Colleges **and not any other Institutions.**

It may be stated that since DAV Public School is unaided school and not getting any grant or aid from the Govt. is not a Public Authority as defined u/s 2 (h) of the Right to Information Act. Section 2 (h) defines "Public Authority" as under :

*"(h) 'public authority' means any authority or body or institution of self government established or constituted.*

- (a) by or under the Constitution*
- (b) by any other law made by Parliament*
- (c) by any other law made by State Legislature*
- (d) by notification issued or order made by the appropriate Government and includes any -*
  - i. body owned, controlled or substantially financed;*
  - ii. non-Government Organization substantially financed directly or indirectly by funds provided by the appropriate Government."*

*Thus, all Government departments, statutory bodies, Government undertakings, autonomous bodies, public sector undertakings (substantially government owned or controlled) shall fall within the ambit of 'public authority'.*

**Therefore, the Public Schools are not covered under the RTI Act as has been clarified in the various judgment :**



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The Chief Information Commissioner, Haryana constituted a Full Bench comprising of three State Information Commissioners - Shri Yoginder Paul Gupta, Shri Sajjan Singh and Shri Naresh Gulati to hear the matter. The case was heard and the Hon'ble Full Bench was pleased to accept all the contentions of the DAV CMC, New Delhi and as per the order dated 20.08.2014, the unaided schools are under no obligation to give/supply any information.

As per order dated 20.08.2014, the unaided schools are neither substantially funded nor controlled by the appropriate Government to fall within the meaning of Section 2(h) of the Act. The schools are not a public authority. Hence they are not liable to discharge obligations of a public authority. It will be pertinent to hold that the supervisory control exercised by the appropriate Government under the Haryana Education Act, 2005 does not automatically made the schools functioning in the State fall within the purview of the RTI Act 2005. The RTI Act deals with bodies which are owned, controlled or substantially financed, directly or indirectly, by the appropriate Government.

That Public Schools run by the DAV College Trust and Management Society do not receive any aid either from the State Government or the Central Government. Therefore, **DAV Public Schools are not covered under Section 2(h) of the RTI Act, and are not a Public Authority.**

This is for favour of information please.

  
(S.M. PURI)  
Chief Legal Advisor

Copy for information to

- Worthy President
- General Secretary
- Director (Admn.)
- Director (Colleges)
- Director (PS-I)
- Director (PS-II)
- Director (PS-III)
- Director (PS)
- Regional Directors of All Zones
- Shri Rajdeep Singh Cheema, Advocate