



RAMAKRISHNA MISSION SIKSHANAMANDIRA

(A NCTE recognized Govt. Aided (WB) Autonomous Post-Graduate College under University of Calcutta)
College with Potential for Excellence (CPE), College of Teacher Education (CTE) &
Swami Vivekananda Centre for Multidisciplinary Research in Educational Studies

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BELUR MATH, HOWRAH - 711 202, WEST BENGAL

Ref: RKMSM/RTI/82A/1/23-24

Date: 20.09.2023

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

TO WHOM IT MAY CONCERN

The Ramakrishna Mission is a society within the meaning of the Societies Registration Act, 1860 (hereinafter referred to as "RKM"). RKM was established by Swami Vivekananda, the foremost disciple of Shri Ramakrishna Paramahansa, with the motto "For one's own salvation and for the welfare of the world" and with the ideal and object of service to man being service to God. With such ideals, RKM runs a large number of schools, colleges, other educational and cultural initiatives and many other social service institutions. Its character is wholly voluntary, charitable, non-profit making and its activities are totally non-political.

The RKM has 110 branch centres (as on 1st January, 2022) spread across India. **None of its branch centres have an independent legal existence and are only branches of RKM**, functioning under the ultimate direction, superintendence and control of the Headquarters of RKM situated at Belur, Howrah, West Bengal. We, the Ramakrishna Mission Sikshanamandira, West Bengal, is one of the 110 branch centres of RKM and legally inseparable from RKM as an entity. For determining any such action, the nature and characteristics of RKM as a whole have to be taken into account and considered.

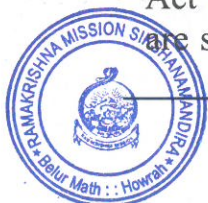
Under the Memorandum of Association and Rules and Regulations of RKM, there is no governmental control in the functioning, administration and day to day management of RKM in any manner whatsoever. In circumstances mentioned hereinafter, this fact has been accepted by the Hon'ble Supreme Court of India.

In this connection, the following judgement and order of the Hon'ble Supreme Court of India dated 28th February, 2019 in the matter of Ramakrishna Mission vs. Kago Kuniya reported in 2019 SCC On Line SC 501 may be noteworthy, wherein the Hon'ble Supreme Court has considered all these aspects of the RKM and has conclusively held that RKM cannot be considered to be an "authority" within the meaning of Article 226 of the Constitution of India. The Hon'ble Supreme Court has also held that RKM does not fall within the description of "State" under Article 12 of the Constitution.

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,

"Education is the manifestation of the perfection already in man."

- Swami Vivekananda





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It would be indicative of the fact that such body is not a “public authority” under the RTI Act either. Even otherwise, RKM does not satisfy any of the tests for being considered a “public authority” under the RTI Act.

The aforesaid judgement of the Hon’ble Supreme Court coupled with the fact that the Ramakrishna Mission Sikshanamandira, West Bengal, 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 RKM (including its branch centres such as the Ramakrishna Mission Sikshanamandira) 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.



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