

ಕಾನೂನು ವಾರ್ತೆ

ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯು ಪಟ್ಟಣ ಸಹಕಾರಿ ಬ್ಯಾಂಕುಗಳಿಗೆ
ಅನ್ವಯಿಸುವುದಿಲ್ಲ ವೆಂಬ ಬಗ್ಗೆ ಉಚ್ಚನ್ಯಾಯಾಲಯದ
ತೀರ್ಪನ್ನು ಇಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿ ತಮ್ಮ ಅಭಿಪ್ರಾಯ ನೀಡಿದ್ದಾರೆ.

ಸದಸ್ಯರು ಗಮನಿಸಿರಿ

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To,

The Chief Executive Officer

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There has been a raging controversy with regard to the applicability of the Right to Information Act 2005 to Cooperative Institutions.

Recently , the Hon'ble High Court of Karnataka in two separate cases reported in ILR 2008 Karnataka 3830 (The Bidar District Central Co-operative Bank Ltd., Vs. The Karnataka Information Commissioner) and ILR 2008 Karnataka 4105 (Dattaprasad Cooperative Housing Society Ltd., Vs Karnataka State Chief Information Commissioner) have held that Cooperative Societies/ Banks are not public authorities so as to bring it within the scope and ambit of the Right to Information Act.

“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 the 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.

The Hon'ble high Court has held "the supervisory control over the cooperative societies by the Registrar under the Cooperative Societies Act, can not be constituted as a control of such batures so that the petitioner/cooperative Bank can not be brought within the definition of Section 2(h) (d) (i) of the Act."

In has also held "solely on the basis of supervision and control by the Registrar of societies; and the definition of 'public servant' in the Cooperative societies and in Karnataka Lokayukta Act, 1984 a society can not be termed as 'public authority', So as to include a society within the definition of the term 'Public authority', it should fulfill the conditions stipulated in sub-Clause (d) of Cause (h) of section 2 of the RTI Act.

Thus the Right to Information Act is not applicable to the Cooperative institutions including Cooperative Banks.

Sd/-
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