Want to know more about your housing society's transactions?

Members have to submit an application to the information officer -- secretary, president or treasurer of their society, seeking details of transactions, expenses

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LEGAL REMEDIES

In the previous few columns, we have discussed various issues regarding transfer of membership by a member, maintenance of common areas and facilities, rectification of defects in neighbour's flats, etc, which are often faced by a member of a cooperative group housing society in Delhi. Legal solutions have also been provided for them under the Delhi Cooperative Societies Act, 2003 and Delhi Cooperative Societies Rules, 2007.

Under the 2003 Act, members and creditors of a cooperative society are entitled to seek information relating to any transaction of the cooperative society. However, the procedure for the same and the appellate authority were not prescribed and members/creditors often faced problems in obtaining information from the managing committee of the housing society.

After enactment of the Right to Information Act in 2005, nec-essary changes were made to the 2003 Act and 2007 Rules to incorporate provisions governing the process of obtaining information pertaining to cooperative societies. This, on one hand, gave a tool to the members who could have access to any information they wanted regarding the working and functioning of their housing society. On the other hand, it has created an additional responsibility on the managing committee of the society.

The process for obtaining information is very clear. For this, an application requesting information in writing and accompanied with a fee of ₹10 per page per copy has to be referred to the information officer -- the secretary or president or treasurer of the society who has been authorised by the housing society to act in matters

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relating to right to information. The Act/Rules impose an obligation on the information officer to provide the information within 30 days of the receipt of application. The information officer also has the authority to reject provision of information on the following grounds:

- If any court or tribunal has expressly prohibited the publication of that information.
- If providing such information may endanger the life or personal safety of any person.
- If the information sought is personal in nature and is of no public importance.
- If the information is of a period of more than five years prior to application unless it pertains to that information which is to be a part of permanent records as listed in Schedule I of the Rules.

If he fails to dispose the application within 30 days, it will be deemed to be refusal of request for information.

The law also provides for appeal to the Registrar of Societies in case the information officer does not provide the information or refuses to provide it without any reason or by providing wrongful reasons for such refusal. Such an appeal may be made within 30 days from the lapse of the 30-day period within which the information officer has to reply to the applicant. The registrar has the authority to impose a penalty on the information officer or on the committee to the tune of ₹250 per day which, in total, cannot exceed ₹10,000, which will be borne by the penalised committee members or the information officer.

Further, the managing committee is required to keep a record of every question that is asked and the details of the replies if they were given or the reasons for not giving a reply.

This is an important mechanism for bringing about transparency in the functioning of a cooperative housing society.

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