



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No36/1102/12-13

Dated: 14.03.2014

In the matter of:

Shri Gowranga Das,
Kabi Bijoylal H.S. Institute,
Bhatjangla, Krishnagar,
Nadia, West Bengal - 741101.

..... Complainant

Versus

United Bank of India,
(Through its : Chairman & Managing Director),
Head Office,
11, Hemant Basu Sarani,
Kolkata – 700 001.

..... Respondent

Date of hearing : 05.02.2014

Present :

1. Shri Gowranga Das, Complainant.
2. Meenakshi Sundaram, AGM and Shri Vivek Kumar Mishra, Manager (Law) on behalf of the Respondent.

ORDER

The above named complainant, a person with 100% blindness filed a complaint vide e-mail dated 09.02.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding denial of ATM Card.

2. The complainant submitted that though he produced the relevant circulars of RBI and IBA, the Branch Manager, United Bank of India, Shaktinagar Branch was continuously and intentionally harassing him by not providing him ATM Card. The complainant also enclosed a copy of RBI's circular No.DBOD No.Leg.BC.38/09.07.005/2012-13 dated 05.09.2012 regarding banking facilities to visual challenged/persons with disabilities.

3. Reserve Bank of India vide their master circular No.DBOD No.Leg.BC.19/09.07.006/2010-11 dated 01.07.2010 on customer service in banks have consolidated and updated by incorporating instructions issued upto 30.06.2010 and advised the banks to ensure accessibility of ATMs, provision of all banking facilities including cheque book facility/operation of ATMs/locker/third party cheque/net banking facility/retail loans/credit cards/ATMs with Braille key board/accessible ramps etc. so that

.....2/-

persons with disabilities including persons with visual impairment are not discriminated. The master circular of RBI is available on their website (<http://www.rbi.org.in>). Based on the said instructions, Indian Banks Association (IBA) also issued similar guidelines for implementation by its members.

4. The matter was taken up under Section 59 of the Act with the Chairman and Managing Director, United Bank of India, Kolkata vide letter dated 07.03.2013.

5. General Manager, United Bank of India vide letter dated 20.03.2013 submitted that their Saktinagar Branch had since issued an ATM-cum-Debit Card to Shri Gowranga Das against his Savings Bank Account on 16.03.2013. The respondent also confirmed that the Bank will provide all the banking facilities including the ATM Card to other customers with visual impairments/other disabilities on equal basis with others. Appropriate instructions in this regard are being circulated among all branches of the bank to ensure that RBI's and IBA's instructions are carried out in letter & spirit and that all banking products/facilities are provided to customers with visual impairments and other disabilities without any discrimination and on an equal basis with others.

6. The matter was closed vide letter dated 23.04.2013 informing the complainant that since his grievance had been settled, no further intervention of this Court was required in the matter.

7. The complainant vide letter dated 25.03.2013 informed that the bank asked for (i) a declaration-cum-undertaking; (ii) an affidavit by an Executive Magistrate on a stamp paper of Rs.10/- and (iii) an Indemnity Bond on a stamp paper of Rs.50/- to collect the ATM Card. This Court vide letter dated 21.05.2013 thereupon asked the bank to clarify the following:-

- (i) Whether United Bank of India insists on any additional undertaking from persons with visual impairment which is not insisted upon by the customers without disabilities;
- (ii) Whether the bank is following in letter & spirit the relevant RBI's Circular dated 01.07.2010 and IBA's Circular dated 18.11.2008 respectively.

8. General Manager (Marketing, Retail Banking & ADC), United Bank of India, Alternate Delivery Channel Department, Kolkata vide letter No.ADC/COMPS/S/106/2013-14 dated 03.06.2013 submitted the following:-

- (i) An affidavit and an indemnity are being obtained from visually impaired customers to protect customer's interest and prevent loss to customer/Bank due to misuse.
- (ii) No difference in terms of service is being made in compliance with relevant RBI's circular dated 01.07.2010 and IBA's circular dated 18.11.2008.

9. The reply dated 03.06/2013 received from the respondent was forwarded to the complainant vide this Court's letter dated 01.07.2013 for comments/rejoinder. Vide his e-mail dated 11.11.2013, the complainant submitted that United Bank of India was intentionally and continuously making discrimination with its visually impaired customers by framing guidelines containing (i) declaration-cum-undertaking; (ii) an affidavit by an Executive Magistrate on a stamp paper of Rs.10/- and (iii) an

indemnity bond on a stamp paper of Rs.50/- to provide ATM Card and internet banking to such type of customers, which are completely against customers with visual impairment.

10. Upon considering the letter dated 03.06.2013 of the respondent and e-mail dated 11.11.2013 of the complainant, a hearing was scheduled on 05.02.2014.

11. During the hearing on 05.02.2014, reiterating his written submissions, the complainant submitted that he has been issued an ATM-cum-Debit Card, for which he is thankful to the Bank and to this Court for its intervention. However, he felt discriminated in the matter of issuance of ATM-cum-Debit Card as, he as a person with blindness, is required to submit a declaration-cum undertaking, an affidavit on a non-judicial Stamp Paper and an Indemnity Bond which is not required of other customers. He submitted that he is the customer of the Bank like any other customer and, therefore, must be given all the facilities and treatment on equal basis with other customers without any discrimination whatsoever. He should not be asked to give any undertaking, affidavit or indemnity bond to get an ATM-cum-Debit Card or locker, internet banking etc. if the same is not required to be given by other customers.

12. The representative of the respondent-bank submitted that the Bank does not discriminate against the person, with blindness in the matter of issuing of an ATM-cum-Debit Card or any other banking facility. However, the visually impaired and illiterate customers are required to submit an Affidavit and an Indemnity Bond in their own interest and to prevent loss to the customers or Bank for misuse. The said policy is framed by the Board of the Bank which is supreme and the same is being followed. According to him, it is only a precaution but not discrimination against any particular group of its customers. He further clarified that the Bank follows the guidelines of Reserve Bank of India issued from time to time. However, the operational details are decided by the Board for implementation of; the guidelines. In the instant case, according to him, the Bank is following the guidelines of RBI to issue the ATM Card to persons with visual impairment without any discrimination. The Affidavit/Indemnity Bond etc. are as precautionary measures as approved by the Bank's Board.

13. It is observed that the Reserve Bank of India vide their letter No.RBI/2007-08/358 dated 04.06.2008 advised all the scheduled Commercial Banks to ensure that all the banking facilities, such as check-book facility including third party cheques, ATM facility, net banking facility, locker facility, retail loans, Credit Card etc. are invariably offered to the visually challenged without any discrimination. Reserve Bank of India also mentioned the observation of this Court in its Order dated 05.09.2005 in Case No. 2791/2003 that visually impaired persons cannot be denied the facility of cheque book, locker and ATM on the possibility of risk in operating/using the said facility, as the element of risk is involved in case of other customers as well. Thereafter, a number of advisories have been issued by Reserve Bank of India. Yet, there are instances in which the persons with blindness and low vision are asked to submit additional documents/affidavit etc. primarily on the ground of their disability. It indeed is a discrimination which must be stopped forthwith. Instead of making a customer with blindness to submit such additional documents, the Banks should explore the possibility of using the technology to prevent any possibility of misuse and consequent loss to the Bank and the customer.

14. In the facts and circumstances of the case, the respondent-bank is directed not to ask for any additional Indemnity Bond/Affidavit from the complainant and other similarly placed persons with blindness or any other disability for any banking facility. A copy of this Order is marked to Reserve Bank of India for taking necessary action so that their guidelines are made more specific leaving no scope for ambiguity in implementation of such guidelines.

15. The case is disposed off with the above direction.

Sd/-

(P. K. Pincha)
Chief Commissioner
for Persons with Disabilities.

Copy to:-

Reserve Bank of India, Department of Banking Operation & Development, Central Office, 12th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai-400 001 for necessary action.