



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 No.274/1102/2013

Dated: 10.06.2014

In the matter of:

Shri Braham Singh Nagar,
Room No. 28, H.C.G.B.S.,
Sewa Kutir, Kingsway Camp,
Delhi-110009.

..... Complainant

Versus

Punjab National Bank,
Through – Chairman & Managing Director,
Head Office,
7, Bhikaji Cama Palace,
New Delhi

..... Respondent No. 1

Manager,
Punjab National Bank,
Branch Sector – 21,
Faridabad (Haryana)

..... Respondent No. 2

Date of hearing : 28.05.2014

Present :

1. Shri Braham Singh Nagar, Complainant.
2. Shri A.C. Sharma, Manager, on behalf of the Respondent.

ORDER

The above named complainant, a person with 100% blindness filed a complaint dated 28.07.2013 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 he has a Savings Bank Account No. 4585000100018163 in Punjab national Bank, Branch Sector – 21, Faridabad. He had applied for grant of A.T.M. Card in the Branch but his application due to blindness was rejected while there is no such rule.

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

.....2/-

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 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, Punjab National Bank, New Delhi vide letter dated 02.09.2013.

5. General Manager, Punjab National Bank, Branch Faridabad vide e-mail dated 18.11.2013 submitted that they have already informed Shri Brahm Singh Nagar in this connection. He promised to come to branch for giving undertaking with one witness for issuance of ATM Card as per Bank guidelines for which permission from circle office will be sought. Shri Nagar has not reported for doing the needful. Please instruct him to report in branch for doing needful.

6. The respondent vide this Court's letter dated 05.12.2013 was asked to clarify (i) whether giving undertaking with one witness for issuance of ATM Card is essential as per guidelines issued by Reserve Bank of India and Indian Bank Association, (ii) if so, please provide a copy of such instructions and (iii) whether such practice is followed in respect of other persons also.

7. The respondent vide e-mail dated 20.12.2013 submitted that (1) giving of undertaking with one witness is essential for issuing of ATM to blind persons as per guidelines. (2) Copy of instructions/guidelines have been attached herewith for your reference. (3) Such practice is not followed in respect of other persons.

8. Upon considering the e-mails dated 18.11.2013 and 20.12.2013 of the respondent, a hearing was scheduled on 28.05.2014.

9. During the hearing on 28.05.2014, both the complainant and the respondent reiterated their written submissions. After hearing out both the parties, it would be quite in context for this Court to observe that there exists clear-cut guidelines issued both by Indian Banks Association as well as Reserve Bank of India in respect of relevant matters including extending facility of ATM to persons

with visual impairment/persons with disabilities on equal basis with a others without any discrimination. This explains why there is absolutely no merit in the content of the respondents.

10. In the above view of the matter, the respondents are hereby directed to issue ATM Card in favour of the complainant without obtaining any additional undertaking which is not obtained from other customers and without any discrimination within a week from today. The respondents are further directed to ensure that their entire staff across the country are made aware of extending norms/guidelines in an attempt to ensure that the persons with disabilities like the complainant are not subjected to any unnecessary hassle and harassment and that they are able to avail of the banking facilities without discrimination on an equal basis with others.

11. Action taken in respect of the matter be intimated to this Court as soon as possible.

12. The case is disposed off with the above directions.

Sd/-

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