



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

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**Case No. 14441/1101/2023**

In the matter of —

Shri Vinod Bhai Mistry,  
R/o 1-B, Bhavanipur SOC,  
Nizampura,  
Vadodara – 390002 (Gujarat)  
Email: vinodmistry70.vm@gmail.com ... **Complainant**

### **Versus**

(1) The Chairman,  
State Bank of India  
Corporate Centre, State Bank Bhavan,  
Madame Cama Road, Nariman Point,  
Mumbai - 400021  
Email: chairman@sbi.co.in ... **Respondent No.1**

(2) The Branch Manager,  
State Bank of India,  
Abhilasha XRoad,  
New Seema Road,  
Vadodra – 390008 (Gujarat)  
Email: sbi.60448@sbi.co.in ... **Respondent No.2**

### **1. Gist of the Complaint:**

1.1 Shri Vinodbhai K. Mistry, a person with 85% locomotor disability and a wheelchair user, filed a complaint dated 24.08.2023 regarding the lack of barrier-free infrastructure at State Bank of India, Abhilasha XRoad, Vadodara, Branch Code: 60448.

1.2 The Complainant stated that he maintains a savings account at the

Abhilasha XRoad branch. The branch lacks a ramp, lift, and parking facilities, and is situated on the first floor with only a temporary M.S. fabricated staircase.

1.3 The Complainant requested that the bank be directed to make the premises accessible in accordance with Chapter VIII of the Rights of Persons with Disabilities Act, 2016.

## **2. Notice Issued to the Respondents:**

2.1 A notice dated 05.09.2023 was issued to the respondents, directing them to submit their comments on affidavit regarding the complaint within the statutory time limit.

## **3. Reply Filed by Respondent No. 1:**

Respondent No. 1, via email dated 12.09.2023, advised Respondent No. 2 to initiate appropriate action.

## **4. Reply Filed by Respondent No. 2:**

4.1 Respondent No. 2 filed a reply on affidavit dated 03.10.2023, submitting the following points:

(a) It may not be feasible to construct ramps because:

- (i) The branch entrance and road are at the same level;
- (ii) There is insufficient space to construct a ramp due to the proximity of the entrance, a narrow entryway, and the significant height difference.
- (iii) Some branches are located in commercial complexes, institutions, or Defence establishments where ramp construction is challenging;
- (iv) There are disputes with landlords; and
- (v) Some branches are on the first floor without lift facilities.

(b) In these circumstances, Controllers and Branch Managers will consider:

- (i) Exploring the possibility of relocating the branch to ground-floor premises before the current lease expires;
- (ii) Considering the merger with a nearby branch, as per

bank guidelines;

(iii) Communicating with senior citizens and persons with disabilities to inform them about doorstep banking or the option to transfer their accounts to a nearby, accessible SBI branch;

(iv) Discussing with landlords and relevant authorities the importance of ramps and requesting their installation;

(v) Assessing the feasibility of installing lifting mechanisms where ramps are not possible.

(c) The branch currently does not have the infrastructure to construct a ramp. The Complainant was advised to:

(i) Use 'Doorstep Banking' services for persons with disabilities and elderly customers;

(ii) Transfer his account to the Nizampura Branch, Vadodara, which is closer to his residence (1.0 km versus 1.5 km) and is on the ground floor or is equipped with a lift/ramp; the bank will facilitate this transfer.

(iii) The Bank will transfer his savings account No. 66011617771 to the Nizampura Branch.

(d) The Branch Manager personally visited the Complainant's residence on 12.09.2023 and 14.09.2023 to apologise for the inconvenience and request that he switch to the Nizampura Branch or use personalised banking services.

(e) The possibility of installing a lift is being explored, subject to technical feasibility or relocation to more suitable premises.

(f) The Complainant has filed a similar complaint before the State Commissioner for Persons with Disabilities, Government of Gujarat. The Respondent offered the same services as above.

4.2 The Respondents affirmed their commitment to ensuring the convenience of all customers, and assured that, where immediate remedies such as relocation or installation of lifting mechanisms are not possible, steps will be taken to avoid inconvenience to persons with disabilities and elderly customers.

## **5. Rejoinder Filed by the Complainant:**

5.1 The Complainant, in his rejoinder dated 21.10.2023, submitted:

(a) The Branch Manager, Chief Manager, and branch staff, namely, Ms. Pramila, Clerk, and Mr. Mehu, Peon, visited his home on 12.09.2023. He alleged that he was pressured to transfer to the Nizampura Branch, which is not accessible.

(b) The Respondents should specify a time frame for shifting or merging with another branch.

(c) The Complainant confirmed that he had filed a complaint before SCPD, Gujarat, and noted that the Respondents have committed to installing a lift at the branch, but have yet to do so.

(d) The Complainant asserted that, rather than offering excuses, the Respondents should make the branch accessible to persons with disabilities.

5.2 The Complainant requested that the Respondents be directed to make the branch premises accessible to persons with disabilities and senior citizens.

## 6. Hearing (I):

6.1 A hearing was conducted on **08.04.2025 in hybrid mode** (offline/online through Video Conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name & Designation of the parties/representatives	Mode of appearance
<b>From Complainant:</b>		
1.	Mr Vinod Bhai Mistry, Complainant	Online
<b>From Respondent No.1:</b>		
1.	Advocate Muskan Mangla, Counsel, SBI HQ	Physical
<b>From Respondent No.2:</b>		
1.	Mr Ajay Nath Pathak, Chief Manager, SBI, Abhilasha Xroad Branch, Vadodara	Online
2.	Ms Laxmi Sharma, an SBI official	Online

## 7. Record of proceedings

7.1 During the hearing, the Complainant, a person with 85% locomotor disability and a wheelchair user, reiterated his complaint that the SBI Abhilasha Xroad Branch, Vadodara, lacks a ramp, lift, and parking, and is located on the first floor with only a temporary fabricated staircase. Despite several requests, the branch

has not yet been made accessible.

7 . 2 The Complainant further submitted that a lift has been installed at the branch, but it is too small to accommodate a wheelchair. He requested this court to arrange a complete access audit of the branch and to have the report submitted to this court.

7.3 As instructed by this court, the representative arranged a demonstration of the newly installed lift at the branch. The lift was shown via video, during which a person holding a wheelchair exited the lift. Simultaneously, another person, namely, Ms. Laxmi Sharma, was recording the demonstration on a mobile phone.

7.4 The Complainant then entered the lift with his own wheelchair. It was observed that his wheelchair could not fit properly, as the lift door could not close; his wheelchair was larger than the one used in the earlier demonstration. The branch personnel subsequently demonstrated with a person sitting in a smaller wheelchair, assisted by another person. It was evident that the lift could accommodate a wheelchair with the user, if assisted, but not a larger or more sophisticated wheelchair.

## **8. Observation and Recommendations:**

8.1 After hearing the parties and observing the demonstration, this court acknowledged the Complainant's well-intentioned efforts to highlight the inaccessibility of a public utility building, which is commendable. The demonstration established that the lift can carry a wheelchair and a caregiver, but not a larger or more advanced wheelchair.

8.2 This Court acknowledges the actions taken by the Respondents to make the branch accessible for senior citizens and other persons with mobility challenges, and to provide doorstep services to some customers. However, it is evident that the bank is still not accessible for wheelchair users, and thus, the Respondents have failed to comply with the relevant provisions of the RPwD Act, 2016. Sections 41, 44, 45, & 46 of the Act provide as under:

*"41. (1) The appropriate Government shall take suitable measures to provide,—*

*(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;*

*(b) access to all modes of transport that conform the design*

*standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;*

*© accessible roads to address mobility necessary for persons with disabilities.*

*(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,*

*(a) incentives and concessions;*

*(b) retrofitting of vehicles; and*

*© personal mobility assistance.*

*44. (1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.*

*(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.*

*45. (1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:*

*Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.*

*(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritization, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.*

*46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:*

*Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules."*

8.3 Based on the respondent bank's written submissions, this Court clearly noted that the branch operates from leased premises. This Court suggested that, upon completion of the current lease period, the bank shall not extend the lease and opt for a more accessible location, as required under Chapter VIII of the Act. If the current lease is already valid for more than a year, the process for premature termination of the lease agreement shall be taken up without further delay. Based on the provisions quoted above, the Respondents are directed to submit an action taken report within 3 months of receiving these recommendations.

8.4 The case is disposed of accordingly.

**(S. Govindaraj)**  
Commissioner for Persons with Disabilities