



सत्यमेव जयते

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. 14385/1102/2023

In the matter of —

Mx Anushka Priyadarshini

... **Complainant**

Versus

- (1) The Director/Chief Executive Officer,
IDFC First Bank Ltd. ... **Respondent No.1**
- (2) The Regional Nodal Officer,
IDFC First Bank Ltd. ... **Respondent No.2**
- (3) The Chief General Manager,
Corporate Strategy and Budget Department,
Reserve Bank of India ... **Respondent No.3**

1. Gist of the Case:

1.1 Mx Anushka Priyadarshni, a person with 48% Intellectual Disability filed complaints dated 24.07.2023 and 02.08.2023 regarding the denial of opening a Joint Saving Account on the grounds of lack of father's name; and inaccessible bank's establishment/building of IDFC First Bank Ltd., Raiapur Road, Dehradun (Uttarakhand).

1.2 The Complainant submitted that at the time filling out the form for opening the savings bank account, she put XXXX mark in place of father's name. The 'XXXX' mark has been used in place of father's name in both her disability certificate as well as in her 10th Standard Secondary School mark sheet. The bank needed to act on the basis of documents as presented before it. There is no rule of

furnishing proof of relationship when providing the name of the father in opening a bank account without a PAN card. Even in the application for a PAN card, the Income Tax Department does not require submission of proof of relationship documents as it accepts the name of the father or the mother as mentioned in the PAN application on the face of it without any submission of any proof by the applicant. Here the bank refused to open the bank account of the complainant on the basis of lack of father's name, which is factually not true as the bank is free to enter 'XXXX' in place of father's name as other authorities in the past have done. Hence, this complaint.

1.3 The Complainant prayed to remove the mandate of mentioning the father's name from the opening of a bank account.

1.4 The Complainant further submitted that Section 18 of the Transgender Persons (Protection of Rights) Act, 2019 provides as under

“18. Whoever, — (b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use; shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.”

Section 92 of the Rights of Persons with Disabilities Act, 2016 provides as under:

“92. Punishment for offences of atrocities. —Whoever, — (a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view; shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.”

1.5 Regarding inaccessibility, the Complainant submitted as under:

(a) The branch Haldwani of IDFC First Bank has a very high staircase leading up to the entrance gate and the entrance gate made of glass which is heavy to pull and push, with no facilities of ramp for persons with disability including persons with reduced mobility;

(b) There is no ramp in the bank branch;

- (c) No Tactile Guide paths;
- (d) The Entrance of the bank branch is inaccessible for person with a wheelchair and persons with reduced mobility.
- (e) The steps leading up to the entrance of the bank are without adequate visual contrast.
- (f) Improper management for divyang parking.
- (g) The ramp which the bank is going to construct is not according to the standard measurement as mentioned in the latest guideline that the surface of the ramp should not be made slippery and the slope of ramp should not steep, the ramps should be in right configuration.

2. The matter was taken up with the aforementioned respondents and a Notice dated 21.08.2023 was issued for forwarding their comments within 30 days.

3. Reply filed by the Respondents:

3.1 The Senior Manager, Legal of IDFC First Bank filed a reply on affidavit dated 21.09.2023 on behalf of respondents No.1 and No.2 and inter-alia submitted that the Complainant, a minor, had approached the bank for opening of a Joint Account with her mother. It was alleged by the Complainant that the Bank had rejected her application on the ground that she had not provided her father's name in the application. However, it was not the averment of the Complainant that the Bank had refused to open the account on the basis of any physical or mental disability of the Complainant. The bank had never refused to open a bank account of the Complainant owing to her disability. The bank, however, had opened a Joint Account No. 10147463402 on 10.08.2023.

3.2 The Respondent Bank had complied with Harmonized Guidelines & Standards for Universal Accessibility in India 2021 as well as the previous Harmonized Guidelines and Space Standards for Barrier-Free Built Environment for Persons with Disability and Elderly Persons for Standard of Accessibility, 2016. Further, as per the location of the bank, it is not feasible to provide a ramp. However, a lift is available at the branch that can be used by all customers of the branch, and adequate arrangements have been made for the accessibility of the

branch by all persons. Also, it has been categorically mentioned on the notice board of the branch that a ramp is not available at the branch and the respondent bank in no way is trying to misrepresent or hide any such information.

3.3 The Assistant General Manager, RBI filed their reply on affidavit dated 27.12.2023 and inter-alia submitted that a Master Direction on Know Your Customer (KYC) has been issued by RBI on 25.02.2016, as amended from time to time, for the purpose of customer due diligence at the time of establishment of an account-based relationship. There is no provision in the Master Direction on KYC that mandates that the Officially Valid Document (OVD) should contain the father's name of the customer. The RBI has not mandated its regulated entities to obtain the father's name for the purpose of Customer Due Diligence at the time of establishment of the account-based relationship.

3.4 Further, the RBI has already issued guidelines to all banks for providing accessibility to persons with disability —

(i) Para 1.1 of the Master Circular on Customer Service dated 01.07.2015, banks have been advised to have a Board approved policy for general management of the branches which may inter-alia include *“providing infrastructure facilities by branches by bestowing particular attention to providing adequate space, proper furniture, drinking water facilities, with specific emphasis on pensioners, senior citizens, disabled persons, etc.”*

(ii) Vide circular dated 13.04.2009 on ‘Need for Bank Branches/ATMs to be made accessible to persons with disabilities’, the banks have been advised to *“take appropriate steps including providing ramps at the entrance of the bank branches so that the persons with disabilities/wheelchair-users can enter the bank branches and conduct business without much difficulty.”*

(iii) In terms of instructions issued under circular dated 21.05.2014 on ‘Need for Bank Branches/ATMs to be made accessible’, banks have been advised the following:

Para 3 – *“Banks are also to take appropriate steps, including providing of ramps at the entrance of the bank branches, wherever feasible, so that the persons with disabilities/wheelchair users can enter bank branches and conduct business without difficulty. Banks*

are advised to report the progress made in this regard periodically to their respective Customer Service Committee of the Board and ensure compliance.”

Para 4 – *“...However, in cases where it is impracticable to provide such ramp facilities, whether permanently fixed to earth or otherwise, this requirement may be dispensed with, for reasons recorded and displayed in branches.”*

(iv) In terms of circular dated 09.11.2017 on ‘Statement on Developmental and Regulatory Policies – October 4, 2017 – Banking Facility for Senior Citizens and Differently abled Persons’, RBI has advised banks that *in view of the difficulties faced by senior citizens of more than 70 years of age and differently abled or infirm persons (having medically certified chronic illness or disability) including those who are visually impaired, banks are advised to make concerted effort to provide basic banking facilities, such as pick up of cash and instruments against receipt delivery of cash against withdrawal from account, delivery of demand drafts, submission of Know Your Customer (KYC) documents and Life certificate at the premises/residence of such customers.”*

4. Rejoinder filed by the Complainant:

No rejoinder was received from the Complainant to the replies filed by the respondents.

5. Observations & Recommendations:

5.1 From the facts mentioned above and the documents available on file it appears that the respondent bank had denied opening a bank account of the Complainant being a minor and not on the grounds of her disability. It is also a fact that the RBI has not mandated its regulated entities to obtain the father’s name for the purpose of Customer Due Diligence at the time of establishment of an account-based relationship. Hence, the allegation of the Complainant that she was denied opening of a bank account on the grounds of not mentioning her father’s name, has no merit.

5.2 As regards, the inaccessibility of the ibid bank branch, the Respondent is advised to take action and ensure that the bank branch is accessible in terms of sections 40, 44(2), 45, and 46 of the Rights of Persons with Disabilities Act, 2016

and submit the action taken report within three months in terms of Section 76 of the Act.

5.3 The case is accordingly disposed of.

(Rajesh Aggarwal)
Chief Commissioner